regulation. Comments thus far received have tended to be of a general or rhetorical nature, and have failed to focus on the precise economic impact of the regulation. The Department invites specific comment as follows:

1. Economic data (statistical, not anecdotal) on the probable economic impact of raising the salary tests to the revised levels, with respect to employees who specifically meet the duties and responsibilities tests of the regulation;

2. Extent to which employers have already increased salary levels in anticipation of the regulation;

3. Specific effects of the revised salary tests on various industries, or segments of industries.

Accordingly, the following action is proposed:

29 CFR Part 541, as amended at 46 FR 3010, January 13, 1981, is suspended indefinitely, pending further review by the Department; the applicable sections of Part 541 relating to interim salary tests which became effective April 1, 1975, will remain in effect.

(Sec. 13, 52 Stat. 1067, as amended; 29 U.S.C. 213; Reorganization Plan No. 6 of 1950 (3 CFR 1945–53 comp. p. 1004); Secretary's Order No. 16–75, 40 FR 55913, December 2, 1975; and Employment Standards Order No. 78–1, 43 FR 51469, November 3, 1978)

Signed at Washington, D.C., this 23rd day of March 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-9387 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

29 CFR Part 1903

[Docket No. W-005 A]

Walkaround Compensation; Effective Date Delay and Proposed Revocation

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Delay of effective date of final rule and proposed revocation of the regulation.

SUMMARY: OSHA is delaying the effective date of the regulation requiring compensation for employee representatives participating in the walkaround and related portions of an OSHA enforcement inspection from March 30, 1981, to May 30, 1981. The agency is also proposing to revoke the regulation in its entirety. This action is taken as a result of a reevaluation of the record and the conclusion that it does not sufficiently establish the need for the regulation.

DATES: The effective date of the regulation is delayed until May 30, 1981. All data and comments regarding the proposed revocation must be postmarked on or before April 30, 1981.

ADDRESS: All comments should be submitted to the Docket Officer, Docket No. W–005 A, Occupational Safety and Health Administration, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523–7894.

FOR FURTHER INFORMATION CONTACT: Mr. H. Berrien Zettler, Office of Field Coordination, Occupational Safety and Health Administration, Room N–3603, U.S. Department of Labor, Washington, D.C. 20210; Telephone (202) 523–7725.

SUPPLEMENTARY INFORMATION:

I. History of Walkaround Compensation

On September 20, 1977, a legal interpretation was published in the **Federal Register** (42 FR 47344) which amended section 29 CFR 1977.21 so as clearly to require the payment of walkaround compensation. Subsequently, on October 31, 1980, that regulation was deleted in response to a District Court Order vacating it. (45 FR 72118). On November 14, 1980, OSHA proposed new regulations requiring walkaround compensation and established a 45 day comment period ending December 29, 1980 (45 FR 75232). On January 16, 1981, OSHA published in the **Federal Register** a final rule on walkaround compensation. The essential requirement of that rule is that employers must pay their employee representatives for time spent during OSHA compliance inspections (46 FR 3852). The original effective date of February 17, 1981, was delayed to March 30, 1981 (46 FR 11253), pursuant to the President's memorandum.

II. Basis and Purpose of the Proposal

By memorandum dated January 29, 1981, President Ronald Reagan requested that all executive agencies postpone for sixty days the effective dates of final regulations promulgated but not yet effective. As a result, the Acting Secretary of Labor issued a notice of deferral in effective dates of regulations in the **Federal Register** (46 FR 11253). As a result the effective date of the walkaround compensation regulation was delayed from February 17, 1981, to March 30, 1981.

The purpose of this delay was to allow the agencies to reexamine these regulations in the light of the priorities of the new Administration. A thorough review of the record relating to the walkaround pay issue has been accomplished. The record developed during the comment period for the regulation tended to show overwhelmingly the usefulness of employee representation during an OSHA inspection. The record does not support adequately the need for a walkaround pay regulation. On the contrary, it rather suggests that the vast majority of employers already do pay their employees who serve as walkaround representatives during OSHA inspections. Consequently, the record fails to show that more than a few employees (mostly limited to one industry) have suffered any economic loss by exercising their statutory right. The record is unclear, even in the cases where the employer refused to pay, that the employee actually lost pay. In most cases the union appears to have paid the representative when the employer did not. There are a few instances where employee representation was cut short or eliminated when the employer refused to pay and the union was unable to do so. These few instances, however, do not establish a clear need for a regulation to remedy the problem. Indeed the issue appears to be one which can best be left to the traditional collective bargaining process in those few cases where the employer refuses to pay.

The proposed revocation of the walkaround pay rule is not a major rule under the criteria established by Executive Order No. 12291 on federal regulations. Since the proposed rulemaking is a withdrawal of a regulation and not the promulgation of one, there will be no economic effect.

III. Public Participation

Interested persons or groups are invited to submit written data, views and arguments with respect to this proposal and all issues involved therein These comments must be postmarked on or before April 30, 1981, and submitted in quadruplicate to: Docket Officer, Docket No. W–005 A, Room S–6212, 200 Constitution Avenue, NW., Washington D.C. 20210. Comments previously submitted on this regulation need not be resubmitted. The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received will be made a part of the record of this proceeding and will be considered in formulating the final rule.

IV. Further Delay of the Effective Date of the Rule

In view of the issuance of this proposed revocation of the rule, the effective date of the rule is further suspended until the Department takes final action on the proposed withdrawal. Since this regulation has never gone into effect, and since the Agency is herewith proposing to revoke this regulation for the reasons stated, we believe it would be inappropriate to require compliance with this regulation during the brief period until a final determination is made. Under the circumstances, OSHA finds that separate notice and public comment on this further brief deferral of the effective date is impractical and unnecessary within the meaning of section 553 (b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, pursuant to sections 8(e) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 (e) and (g)(2)), 5 U.S.C. 553, and Secretary of Labor's Order 8-76, (41 FR 25059) OSHA is proposing to amend 29 CFR 1903.8 by removing paragraph (e).

Signed at Washington, D.C., on this 24th day of March, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

§ 1903.8 Representatives of employers and employees.

* * * * *

(e) *Walkaround compensation.*— Removed.

[FR Doc. 81-9412 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Parts 1952 and 1955

Withdrawal of Complaint To Withdraw Indiana State Plan

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of Withdrawal of Complaint.

SUMMARY: This notice publishes the Assistant Secretary's decision to withdraw the complaint initiating the withdrawal of approval of the Indiana State plan, which was published in the **Federal Register** on January 16, 1981 (46 FR 3919-3920).

EFFECTIVE DATE: March 26, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Bryant, Chief, Eastern Divison, Office of State Programs, Occupational Safety and Health Administration, Room N-3613, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-8045.

SUPPLEMENTARY INFORMATION:

Pursuant to Section 18(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(f)) and Part 1955 of this Chapter, on April 2, 1980, the Assistant Secretary initiated an administrative action for withdrawal of approval of the Indiana plan for occupational safety and health. This action was based upon OSHA monitoring activity through June 30, 1979. The formal Notice of Initiation of Withdrawal Action was published in the **Federal Register** on January 16, 1981 (46 FR 3919-3920). The period for response by the State was extended on February 6, 1981 by **Federal Register** notice delaying the effective dates of certain administrative actions (46 FR 11253).

Based upon a reevaluation of the evidence, and upon consideration of the substantial passage of time since that evidence was obtained together with a review of the information collected subsequently, the Assistant Secretary has determined that continuation of the withdrawal action is not warranted. Accordingly, notice is hereby given that a Notice of Withdrawal of Complaint is being filed with the Chief Administrative Law Judge and served on the Commissioner of the Indiana Division of Labor.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 24th day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-9389 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1990

Identification, Classification and Regulation of Potential Occupational Carcinogens; Withdrawal of Proposed Amendments

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Withdrawal of proposed amendments.

SUMMARY: On January 19, 1981 (46 FR 4889) OSHA issued a notice listing deletions from its standard, for Identification, Classification and Regulation of Potential Occupational Carcinogens (29 CFR Part 1990) to conform the standard to the Supreme Court's decision regarding OSHA's benzene standard, *Industrial Union Department, AFL-CIO* v. *American Petroleum Institute, et al.* 65 L. Ed. 2d 1010, 100 S. Ct. 2844 (July 2, 1980). The notice deleted the requirement that worker exposure to Category I potential carcinogens automatically be reduced to the lowest feasible level. With this deletion, exposure levels to Category I carcinogens would be set on a case-by-case basis in conformance with law. The deletions will become effective on March 30, 1981, pursuant to 46 FR 11253 (February 6, 1981). As a result, 29 CFR Part 1990 will, at that time, be consistent with the Supreme Court's decision.

On January 19, 1981, the Assistant Secretary for OSHA signed a notice proposing various amendments to 29 CFR Part 1990. This notice was published on January 23, 1981 (46 FR 7402). The proposed amendments included requirements for making an assessment of the risk based on a consideration of all relevant data and for reducing exposure levels sufficiently to eliminate significant risk.

The proposed amendments and the request for public comment published at 46 FR 7402 are hereby withdrawn.

This withdrawal action will permit the Department to address alternatives that had not been fully considered and then later, if appropriate, to repropose the amendments.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: (202) 523-8151.

Signed at Washington, D.C., this 24th Day of March 1981.

Thorne G. Auchter,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81-9388 Filed 3-26-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Parts 75, 76, 78, 104, 200, 201, 211, 215, 223, 230, 231, 300, 305, 307, 309, 315, 318, 322, 324, 332, 338, 361, 362, 365, 366, 369, 370, 371, 372, 373, 374, 375, 378, 379, 385, 386, 387, 388, 389, 390, 395, 408, 525, 526, 527, 624, 643, 644, 645, 646, 649, 655, 656, 658, 660, 667, 668, 674, 675, 676, 682, 690, 726, 735, 740, 753, 757, 776, and 778

Review of Certain Regulations and Interpretations

AGENCY: Department of Education.

ACTION: Notice of intent to review and amend certain regulations and interpretations.

SUMMARY: The Secretary of Education provides notice of his intent to review and, as appropriate, amend certain regulations and interpretations that take effect March 30, 1981. The Secretary takes this action to analyze regulatory burdens and to identify opportunities for de-regulation and possible alternative approaches to achieving program objectives, in accordance with Executive Order 12291. Based on this review for each regulation or interpretation, the Secretary intends, by particular target dates, to publish a notice indicating that the regulation or interpretation will remain in effect, issue a revised regulation or interpretation, or provide other guidance needed by organizations and persons affected by the regulation or interpretation.

DATE: All comments received on or before May 31, 1981 will be considered.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: Pursuant to a January 29, 1981 memorandum from the President, the Secretary published two notices in the **Federal Register** postponing until 60 days from the date of the memorandum the effective date of all Education Department final regulations scheduled to become effective during the 60-day period (February 4, 1981 at 46 FR 10721; February 17, 1981 at 46 FR 12496). During this period the Secretary initiated a review of the regulations to analyze regulatory burdens and identify opportunities for de-regulation. Additional time is now required to complete this review.

This notice indicates the Secretary's intent to implement this review thoroughly under Executive Order 12291 and with an opportunity for public comment.

The purpose of this notice is not to repeal the regulations and leave the affected programs without any regulations. On the contrary, the purpose is to provide for an orderly review of regulations in a manner that avoids disruption of programs and confusion for participants under the programs.

To permit the orderly implementation of the subject programs in Fiscal Year (FY) 1981 (which ends September 30, 1981), the regulations and interpretations will take effect March 30, 1981, even though a review of them has not been completed.

The Secretary intends to communicate to program participants decisions with respect to future regulations governing these programs well in advance of the target dates indicated below. For example, if, upon review (and in the light of any public comments), the Secretary decides that no changes are appropriate in a particular regulation, a notice will be published to this effect. On the other hand, if the Secretary decides to change the regulation in order to eliminate regulatory burdens on program participants or to take an alternative approach to achieving program objectives, modified regulations will be issued. The Secretary also will provide other guidance needed by program participants.

Regulations and interpretations subject to this notice will govern pertinent program activities for the duration of FY 1981, and they will remain in effect until further notice.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding each of these regulations. Respondents are particularly encouraged to address their comments to burdens imposed by the regulations, opportunities for de-regulation and alternative approaches to addressing these concerns. These comments will assist the Secretary in reviewing the regulations in accordance with Executive Order 12291. Oral and written comments should be directed to the contact person listed in the preamble of the regulation on which the comment is made. A **Federal Register** citation is provided for each regulation included in this notice. Any general comments should be directed to the contact person listed in this notice. All comments received on or before May 31, 1981 will be considered in deciding whether to revise these regulations and, if so, how to revise them.

Regulations To Be Reviewed by Target Date of September 30, 1981

The Secretary establishes a target date of September 30, 1981 to review the following regulations:

Title of Regulations or Interpretation; Published in the "Federal Register"

Rehabilitation Training; 34 CFR Parts 385, 386, 387, 388, 389, 390; Dec. 30, 1980, at 45 FR 86378
Nondiscrimination on the Basis of Handicap in Progams and Activities Receiving or Benefitting from Federal Financial Assistance; and Assistance to States for Education of Handicapped Children; 34 CFR Parts 104, 300; Dec. 30, 1980, at 45 FR 86390
International Education Programs; 34 CFR Parts 655, 656, 658, 660, 667; Dec. 31, 1980, at 45 FR 86872
Education Appeal Board; 34 CFR Part 78; Jan. 5, 1981, at 46 FR 881
Education Department General Administrative Regulations (EDGAR); Annual Funding Priorities; 34 CFR Part 75; Jan. 14, 1981, at 46 FR 3205
Instructional Media for the Handicapped; 34 CFR Part 332; Jan. 14, 1981, at 46 FR 3206
Graduate and Professional Study Fellowships; 34 CFR Part 649; Jan. 14, 1981, at 46 FR 3400
Assistance to States for Education of Handicapped Children; 34 CFR Part 300; Jan. 16, 1981, at 46 FR 3865
Minority Institutions Science Improvement Program (MISIP); 34 CFR Part 735; Jan. 16, 1981, at 46 FR 3873
Law-Related Education Program; 34 CFR Part 757; Jan. 16, 1981, at 46 FR 3877
Asbestos Detection and Control: Local Educational Agencies; Asbestos Detection and State Plan: State Educational Agencies; 34 CFR Parts 230, 231; Jan. 16, 1981, at 46 FR 4536
Arts in Education Program; 34 CFR Parts 753; Jan. 16, 1981, at 46 FR 4606
Training Programs for Teachers of Handicapped Children in Areas with a Shortage; 34 CFR Part 322; Jan. 19, 1981, at 46 FR 4913
Selection Criteria for Fiscal Year 1981; 34 CFR Parts 211, 215, 305, 307, 309, 315, 318, 324, 338, 408, 525, 526, 527, 624, 643, 644, 645, 646, 726, 740; Jan. 19, 1981, at 46 FR 5372
Centers for Independent Living; 34 CFR Part 366; Jan. 19, 1981, at 46 FR 5410
Vocational Rehabilitation Service Projects; 34 CFR Parts 362, 369, 370, 371, 372, 373, 374, 375, 378, 379, 395; Jan. 19, 1981, at 46 FR 5416
Assistance to States for Education of Handicapped Children; Interpretation; 34 CFR Part 300; Jan. 19, 1981, at 46 FR 5460
State Vocational Rehabilitation and Independent Living Rehabilitation Programs; 34 CFR Parts 361, 365; Jan. 19, 1981, at 46 FR 5522
Special Impact Aid Provisions for Local Educational Agencies that Claim Entitlements Based on the Number of Children Residing on Indian Lands; 34 CFR Part 223; Jan. 22, 1981, at 46 FR 7196
Education Department General Administrative Regulations (EDGAR)—Grant Programs Without Specific Regulations; 34 CFR Parts 75, 76; Dec. 22, 1980, at 45 FR 84058
Library Career Training Program; 34 CFR Part 776; Dec. 24, 1980, at 45 FR 85422
Strengthening Research Library Resources Program; 34 CFR Part 778; Dec. 24, 1980, at 45 FR 85430

Regulations To Be Reviewed By Target Date of January 31, 1982

The Secretary establishes a target date of January 31, 1982 to review the following regulation:

Title of Regulations or Interpretation; Published in the "Federal Register"

Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with

Special Educational Needs; 34 CFR Parts 200, 201; Jan. 19, 1981, at 46 FR 5136

Regulations To Be Reviewed By Target Date of June 30, 1982

The Secretary establishes a target date of June 30, 1982 to review the following regulations:

Title of Regulations or Interpretation: Published in the "Federal Register"

Pell Grants Program; 34 CFR Part 690; Dec. 30, 1980, at 45 FR 86394
Student Assistance General Provisions; 34 CFR Part 668; Dec. 31, 1980, at 45 FR 86854
Guaranteed Student Loan Program; 34 CFR Part 682; Jan. 16, 1981, at 46 FR 3866
Guaranteed Student Loan Program; Refund of Tuition Charges and Other Fees; 34 CFR Part 682; Jan. 16, 1981, at 46 FR 3871
National Direct Student-Loan Program, College Work-Study Program, and Supplementary Educational Opportunity Grant Program; 34 CFR Parts 674, 675, 676; Jan. 19, 1981, at 46 FR 5238

(20 U.S.C. 1221e-3)

(Catalog of Federal Domestic Assistance Numbers 84.002; 84.007; 84.008; 84.012; 84.014; 84.015; 84.016; 84.017; 84.113; 84.118; 84.023; 84.024; 84.025; 84.026; 84.027; 84.028; 84.029; 84.032; 84.033; 84.038; 84.041; 84.051; 84.063; 84.069; 84.077; 84.078; 84.080; 84.081; 84.084; 84.092; 84.093; 84.094; 84.095; 84.097; 84.099; 84.100; 84.101; 84.114; 84.120; 84.123; 84.126; 84.128; 84.129)

Dated: March 24, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-9401 Filed 3-26-81; 8:45 am]

BILLING CODE 4000-01-M

34 CFR Parts 104 and 300

Assistance to States for Education of Handicapped Children, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; Notice of Interpretation

AGENCY: Department of Education.

ACTION: Notice of proposed suspension of interpretation.

SUMMARY: The Secretary proposes to suspend indefinitely the effective date of the notice of interpretation published in the **Federal Register** on January 19, 1981. The effective date of this interpretation is postponed until May 10, 1981 in a separate notice published in this issue. the Secretary takes this action in order to provide an opportunity for public comment on this interpretation and the proposed suspension. Based on the comments received the Secretary will decide whether or not to suspend this interpretation indefinitely.

DATES: Comments must be received on or before April 27, 1981.

ADDRESSES: Comments should be addressed to A. Neal Shedd, Director, Division of Regulations Management, U.S. Department of Education, (Room 2129 FOB-6) 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: On January 19, 1981 at 46 FR 4912 the Secretary of Education published a notice of interpretation of Part B of the Education of the Handicapped Act and Section 504 of the Rehabilitation Act of 1973 to require a public educational agency to provide clean intermittent catheterization as a "related service" when it is required to provide a free appropriate public education, including services in the least restrictive environment, to handicapped children who are entitled to receive services under these statutes.

Pursuant to a memorandum from the President dated January 29, 1981, the effective date of this interpretation was postponed until March 30, 1981 (46 FR 12495; February 17, 1981). In a separate notice in this issue the Secretary further postpones the effective date of this interpretation until May 10, 1981. This notice proposes an indefinite suspension of the interpretation.

No public comment has previously been requested on this interpretation. the Secretary believes that the potential economic and administrative burdens which may be imposed upon public educational agencies by this interpretation justify the postponement of the effective date of the interpretation for a period of further review. The Secretary also requests public comments on whether the effective date of this interpretation should be suspended indefinitely.

After review of this interpretation and in light of the public comments received, the Secretary will decide whether to let this interpretation take effect on May 10, 1981 or to suspend it indefinitely.

(20 U.S.C. 1221e-3, 1401, 1411-1420; 29 U.S.C. 794)

Dated: March 25, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-9504 Filed 3-26-81; 8:45 am]

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans' Benefits; Reduction of Aid and Attendance Allowance

AGENCY: Veterans Administration.

ACTION: Proposed Regulation Change.

SUMMARY: The Veterans Administration is proposing to amend its regulation governing reduction of the aid and attendance allowance to a veteran hospitalized by the Veterans Administration. The need for this action results from the lack of specificity in the current regulation concerning the effective date of reduction of the aid and attendance allowance when this benefit is first granted during hospitalization. The current regulation only provides aid and attendance reduction rules for a veteran already in receipt of the aid and attendance allowance at the time of hospital admission.

DATES: Comments must be received on or before April 27, 1981. The Veterans Administration proposes to make this change effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until May 6, 1981.

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

SUPPLEMENTARY INFORMATION: Under 38 CFR 3.552(b) the aid and attendance allowance is discontinued when a veteran in receipt of this benefit is hospitalized at Veterans Administration expense, effective the last day of the month following the month of hospital admission. This regulation is applicable to a veteran in receipt of the aid and attendance allowance at the time of admission to hospitalization at Veterans Administration expense. Section 3.552, Title 38, Code of Federal Regulations, does not cover the situation that arises when a veteran establishes entitlement to the aid and attendance allowance during a period of hospitalization at Veterans Administration expense.

The Veterans Administration has determined that when initial entitlement to the aid and attendance allowance is established on or after the date of admission to hospitalization at Veterans Administration expense, the additional pension or compensation payable by reason of need for aid and attendance should not be paid until discharge or release from hospitalization. Consequently, we are proposing to amend 38 CFR 3.552 to implement this determination.

There are two reasons why the aid and attendance allowance payable to a hospitalized veteran at time of admission is not reduced until the end of the month following the month of admission. First, the veteran is in reliance upon this benefit and it would be inequitable to discontinue it for short periods of hospitalization. Second, immediate reduction of the aid and attendance allowance might deter a veteran from seeking needed hospital treatment.

Neither of these reasons is applicable to a veteran whose eligibility for the aid and attendance allowance is established during hospitalization. The veteran would not be in reliance upon the additional amount payable by reason of need for aid and attendance and consequently could not be deterred from seeking hospitalization by fear of loss of aid and attendance benefits. Since a hospitalized veteran is already receiving aid and attendance from the hospital staff, there is no justification for payment of aid and attendance benefits during hospitalization to a veteran who establishes entitlement to the aid and attendance allowance during hospitalization.

The Agency has determined that this proposed regulation is non-major in accordance with the requirements of E.O. 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 6, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 13, 1981.

Rufus H. Wilson,

Acting Administrator.

The Veterans Administration proposes to amend Part 3 as follows:

In § 3.552, paragraphs (a)(1) and (b)(3) are revised and paragraph (k) is added so that the added and revised material reads as follows:

§ 3.552 Adjustment of allowance for aid and attendance.

(a)(1) When a veteran who is already entitled to the aid and attendance allowance is hospitalized, the additional compensation or increased pension for aid and attendance shall be discontinued as provided in paragraph (b) of this section except as to disabilities specified in paragraph (a)(2) of this section. (See paragraph (k) of this section for rules applicable to a veteran who establishes entitlement to the aid and attendance allowance on or after date of admission to hospitalization).

* * * * *

(b) * * *

(3) Where a veteran affected by the provisions of paragraph (b)(1) and (2) or paragraph (k) of this section is discharged or released from the hospital against medical advice or as the result of disciplinary action, and is readmitted to such hospitalization within 6 months after that date, the allowance, additional compensation, or increased pension will be discontinued effective the day preceding the date of readmission. A readmission 6 months or more after such discharge or release will be considered as a new admission. (38 U.S.C. 3203(e)).

* * * * *

(k)(1) This paragraph is applicable to hospitalized veterans who were not entitled to the aid and attendance allowance prior to hospital admission but who establish entitlement to it on or after the date of hospital admission.

(2) If the effective date of entitlement to the aid and attendance allowance is on or after the date of admission to hospitalization, the aid and attendance allowance shall not be paid until the date of discharge or release from hospitalization, unless the aid and attendance allowance is based on a disability specified in paragraph (a)(2) of this section. If the aid an attendance allowance is based on a disability specified in paragraph (a)(2) of this section, the aid and attendance allowance shall be paid during hospitalization.

(3) If the aid and attendance allowance is not payable to a veteran under paragraph (k)(2) of this section, the veteran shall receive the appropriate reduced rate under paragraphs (d) through (j) of this section while hospitalized.

[FR Doc. 81-9330 Filed 3-26-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1784-6]

Air Quality; Commonwealth of Virginia State Implementation Plan; Withdrawal

AGENCY: Environmental Protection Agency.

ACTION: Notice of withdrawal of previously proposed revision.

SUMMARY: On August 18, 1977, the Commonwealth of Virginia submitted a proposed revision to the State Implementation Plan (SIP) consisting of a variance request (in the form of a Consent Agreement) for boilers Nos. 4 and 5 at Avtex Fibers, Inc. in Front Royal, Virginia. The variance would permit boilers Nos. 4 and 5 to continue burning coal in excess of the emissions permitted under Rules 2 and 3 of the Regulations for the Control and abatement of Pollution in the Commonwealth of Virginia which limit visible emissions and particulate matter. The Consent Agreement required that Avtex Fibers, Inc. achieve compliance with the above requlations on or before July 1, 1980. This document withdraws the proposed changes to the Virginia State Implementation Plan from further consideration by the EPA.

DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen, Project Officer (3AH11), U.S. Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, (215) 597-8187, REF: AH014VA.

SUPPLEMENTARY INFORMATION: On August 18, 1977, the Secretary of Commerce and Resources, on behalf of the Commonwealth of Virginia, submitted a variance request, in the form of a Consent Agreement, to the Administrator of the Environmental Protection Agency and requested that it be reviewed and processed as a revision of the Virginia State Implementation Plan (SIP). The variance would permit Boilers Nos. 4 and 5 at the Front Royal Plant of Avtex Fibers, Inc. to continue burning coal in excess of federally-approved Regulations for the Control and Abatement of Air Pollution in the Commonwealth of Virginia as specified in Section IV, Rule 2 (Emission Standards for Visible Emissions) and Rule 3 (Emission Standards for Particulate Emissions from Fuel Burning Equipment).

On August 22, 1977, the Executive Director of the State Air Pollution Control Board transmitted to the EPA six (6) copies of the revision and supporting documentation. Following a review of the information, the EPA advised the Commonwealth in April, 1978, that the variance could not be approved as a revision of the Virginia SIP due to deficiencies in the control strategy demonstration. In a letter dated April 21, 1978, the Commonwealth requested EPA to withhold any formal action until a revised demonstration could be completed to remedy the modeling deficiencies. This revised demonstration was submitted as additional support documentation by the Commonwealth on July 12, 1978. Further technical difficulties associated with the modeling demonstration were raised, and EPA and Avtex Fibers subsequently entered into a Consent Agreement which is now being reviewed by the Department of Justice.

The original variance was proposed for approval as a SIP revision on May 11, 1979 (44 FR 27699) and no public comments were received. The baghouses have been installed, the boilers are now in compliance with the SIP, and the variance expired on July 1, 1980.

For the above stated reasons, the EPA does not plan to continue to process the variance and is withdrawing it from consideration as a SIP revision.

Note.—This is not a rule under Executive Order 12291 and therefore has not been submitted to OMB for review.

(42 U.S.C. 7401–7642)

Dated: February 25, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-8875 Filed 3-26-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Part 60–1

Payment of Membership Fees and Other Expenses to Private Organizations; Proposed Rule Withdrawal

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Proposed withdrawal of rule.

SUMMARY: On January 16, 1981, the Department of Labor published a new rule (46 FR 3892), to be codified at 41 CFR 60–1.11, affecting contractor payments for employee memberships in private clubs and organizations which discriminate in membership policies. The rule originally was to go into effect on February 17, 1981, but pursuant to notice published in the **Federal Register** on February 6, 1981 (46 FR 11253), the effective date was deferred until March 30, 1981. The proposal published today seeks public comments on withdrawing the rule published on January 16, 1981.

DATES: Comments will be received until April 27, 1981.

ADDRESS: Comments should be sent to James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210, telephone (202) 523–9426.

SUPPLEMENTARY INFORMATION: On January 16, 1981, the Department of Labor published a final rule codifying a new section 41 CFR 60–1.11 affecting payments by Federal contractors of membership fees to private organizations which discriminate in membership on the basis of race, color, religion, sex, or national origin. That regulation was to take effect on February 17, 1981.

On January 29, 1981, President Reagan requested that the executive agencies postpone for 60 days the effective date of new regulations to allow full review of the new regulations by the incoming administration. On February 6, 1981, at 46 FR 11253, the Department of Labor published a notice in the **Federal Register** deferring the effective date of section 60–1.11 until March 30, 1981.

The proposed rule published today seeks public comments on withdrawing the rule published on January 16, 1981.

I. Reasons for the Proposed Withdrawal

Executive Order 11246, as amended, prohibits employment discrimination by Government contractors on the basis of race, color, religion, sex, or national origin. The Executive Order also requires that Government contractors take affirmative action to ensure that employees and applicants for employment are treated without regard to their race, color, religion, sex or national origin. The Department of Labor's position, after a full review of the deferred regulation, is that the payment of dues for individual employees to an outside membership organization by an employer is not itself a violation of the Executive Order. Indeed, the regulation of such payments may raise serious legal problems. The prohibition against discrimination and the affirmative action requirement under the Executive Order are, however, adequate to prevent an employer from using such memberships to structure the conduct of its business in a manner which creates employment discrimination.

Accordingly, withdrawal of the rule will not affect the interests of minorities, women and other employees of Government contractors.

In order to publish the proposal in the **Federal Register** prior to March 30, 1981, and to avoid an additional postponement prior to publishing the proposed withdrawal notice, the Department of Labor requested EEOC to grant a waiver of the consultation process under Executive Order 12067. EEOC responded to the request, in part, as follows:

> The Equal Employment Opportunity Commission has granted a waiver from the normal coordination requirements of Executive Order 12067 and its regulations because the Department of Labor has demonstrated an urgent need to publish a notice on this subject which will have the effect of delaying implementation beyond the scheduled March 30, 1981 effective date of the regulation.
>
> The Department of Labor and EEOC will continue to consult on the subject matter of the proposed withdrawal during the public comment period. Both agencies also will review the public comments received.
>
> EEOC has previously expressed its concurrence with the regulation published on January 16, 1981. The granting of this waiver does not constitute a change in EEOC's views or original concurrence on the underlying regulation. The EEOC also has not reviewed the reformulation of Department of Labor policy as stated in this proposed withdrawal.

II. Further Suspension of the Effective Date of the Rule

In view of the issuance of this proposed withdrawal of the rule, the effectiveness of this rule is further suspended until the Department takes final action on the proposed withdrawal. Since this regulation has never gone into effect and since the agency is herewith proposing to revoke this regulation for the reasons stated, we believe it would be inappropriate to require compliance with this regulation during the brief period until a final determination is made. Under the circumstances, the agency also finds that separate notice and public comment on this further brief deferral of the effective date is impractical and unnecessary within the meaning of 53(b)(3)(B) of the Administrative Procedure Act.

III. Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, certify, pursuant to 5 U.S.C. 605(b), that the proposed rule published herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule would eliminate for all Government contractors subject to Executive Order 11246, including small entities, an existing rule which imposes recordkeeping and reporting requirements. Removal of these requirements is expected to reduce burdens on all covered Government contractors, including small entities.

IV. Preparation of This Document

This document was prepared under the direction and control of Craig Berrington, Acting Assistant Secretary for Employment Standards.

V. Proposed Rule

Accordingly, it is proposed that 41 CFR Part 60-1 be amended by removing § 60-1.11.

§ 60-1.11 [Removed]

Signed at Washington, D.C., this 24th day of March 1981.

Raymond J. Donovan,
Secretary of Labor.

Craig A. Berrington,
Deputy Assistant Secretary, Employment Standards Administration.

[FR Doc. 81-9410 Filed 3-26-81; 8:45 am]
BILLING CODE 4510-27-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 80-756]

Digital Communications Protocols; Order Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing comments to Notice of Inquiry.

SUMMARY: The Commission extends the date for the filing of comments to the Notice of Inquiry in General Docket No. 80-756, Digital Communications Protocols, released on December 8, 1980. The deadline for filing reply comments remains unchanged. This action is taken in response to a Motion for extension of time.

DATES: The filing date for comments is extended two additional weeks. Comments must now be filed on or before March 30, 1981. Reply comments must still be filed on or before May 15, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael D. Kennedy, Technical Planning Staff, Office of Science and Technology, 2025 M Street, NW., Washington, D.C. 20554 (202) 632-7073—Room 7334.

SUPPLEMENTARY INFORMATION: In the Matter of Digital Communications Protocols, Order Extending Time for Filing Comments (See 45 FR 84140).

Adopted: March 13, 1981.
Released: March 18, 1981.

1. On march 11, 1981 GTE Telenet Communication Corporation (Telenet), by its attorneys, pursuant to Section 1.46 of the Commission's Rules and Regulations, 47 CFR 1.46, filed a request to extend the time for filing comments to March 30, 1981 in the above-captioned matter. Comments on the Notice of Inquiry in this matter, released by the Commission on December 8, 1980 are currently due on or before march 16, 1981.

2. Because the Inquiry raises substantial and complex questions relating to the implementation of the Commission's decision in the Second Computer Inquiry, Telenet feels that they will not be in a position to file comments which will do justice to the issues by March 16. Telenet's personnel are presently developing a technical discussion of the protocol issues which Telenet believes will make a significant contribution to the Commission's consideration of the matters raised in the Notice of Inquiry.

3. On March 12, 1981 Tymnet, Inc. (Tymnet), by its attorneys, filed comments supporting Telenet's motion for an extension of time.

4. The Commission is aware that the questions presented in this proceeding involve highly complex technical and policy issues. By developing the fullest record practicable, the Commission can insure that the issues will be examined and evaluated thoroughly. Therefore, for the above reasons and because we do not anticipate harm to any party, the request for extension of the comment period to March 30, 1981 is Granted.

5. Therefore, it is ordered, pursuant to § 0.241(d) of the Commission's Rules and Regulations, that the date for filing comments in this proceeding is extended. Comments must now be filed on or before March 30, 1981. The deadline for filing reply comments remains May 15, 1981.

Federal Communications Commission.

S. J. Lukasik,
Chief Scientist.

[FR Doc. 81-9431 Filed 3-26-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-170; RM-3712]

TV Broadcast Station in Lander, Wyo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of VHF television Channel *5 to Lander, Wyoming, as its first noncommercial educational station, in response to a petition filed by Central Wyoming College.

DATES: Comments must be filed on or before May 12, 1981, and reply comments on or before June 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Lander, Wyoming), BC Docket No. 81-170 RM-3712.

Notice of Proposed Rule Making

Adopted: March 13, 1981.
Released: March 19, 1981.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rulemaking [1] filed by Central Wyoming College ("petitioner"), which seeks the amendment of Section 73.606(b) by reserving VHF television Channel 4 at Lander, Wyoming, for noncommercial educational use. Petitioner stated it would apply for Channel 4, if it were reserved. Supporting comments were filed by Harriscope Broadcasting Corporation (licensee of AM Station KTWO and VHF Station KTWO-TV, Casper, Wyoming). Opposing comments were filed by the Chrysostom Corporation (permittee of UHF Station KCWY-TV), Casper, Wyoming.

2. Lander (pop. 7,125),[2] in Fremont County (pop. 28,352), is located in the western portion of Wyoming, approximately 32 kilometers (20 miles) southwest of Riverton, Wyoming. It is presently assigned VHF Channel 4 (unoccupied and unapplied for).

3. Petitioner claims that the public interest would be served by reserving

[1] Public Notice of the petition was given on August 6, 1980, Report No. 1242.

[2] Population figures are taken from the 1970 U.S. Census.

Channel 4 for noncommercial educational use. It would allow an expansion of the hands-on experience program for students enrolled in Radio/Television Broadcasting at the College, in addition to providing educational and cultural programming to Lander and the Wind River Basin area. It contends that no interest has been shown in operating a commercial station on Channel 4 since it was assigned.

4. Chrysostom, in opposition, argues that of all the reserved channels assigned in Wyoming, none has ever been applied for. It further claims that Lander would lose its only commercial channel, if this proposal is adopted. Chrysostom states that it intends to apply for authority to operate Channel 4 as a satellite of KCWY-TV, within the next sixty days, noting that its concrete expression for use of the channel, warrants denial of the proposal.[3]

5. It appears that Chrysostom's opposition stems from a desire to have a commercial channel available should it desire to apply for .ts use. However, there appears to be a need for a first noncommercial television service in western Wyoming. A staff study shows that Channel 5 is available for assignment to that community, thus leaving Channel 4 for commercial use. Since another channel can be assigned to Lander, we believe the public interest would be served by assigning and reserving Channel 5 for noncommercial educational use.

6. Comments are invited on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the city of Lander, Wyoming, as follows:

City	Channel No.	
	Present	Proposed
Lander, Wyoming	4	4, *5

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before May 12, 1981, and reply comments on or before June 1, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the Television Table Assignments, Section 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

[3] No application for such use has been received.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-9353 Filed 3-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 83

[Gen. Docket No. 78-185; FCC 81-96]

Compulsory Telegraph Vessels; Requirement To Be Capable of Generating a Field Strength of 30 mV/m at a Distance of One Nautical Mile

AGENCY: Federal Communications Commission.

ACTION: Order Terminating the Proceeding.

SUMMARY: The Report and Order vacates without prejudice the proposal in this docket to establish a minimum field strength for compulsory telegraph installations, and looks toward gathering information on the efficiency of modern vertical antennas as compared with that of long-wire antennas used on vessels equipped with these compulsory installations. The question of whether to establish a minimum emitted field strength for these vessels will be reexamined after sufficient data has been amassed with respect to present day antenna efficiencies.

EFFECTIVE DATE: April 27, 1981.

ADDRESS: Federal Comunications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Irvin Hurwitz, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER

(Proceeding Terminated)

Adopted: March 11, 1981.

Released: March 24, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of amendment of Part 83 of the Rules to require all compulsory telegraph vessels to be capable of generating a field strength of 30 mV/m at a distance of one nautical mile.

1. On June 27, 1978, the Commission released a Notice of Proposed Rule Making in Docket 78-185 (43 FR 28840) on the above-captioned subject. This rulemaking was initiated in an attempt to update regulations that had been adopted by the Commission soon after the Ship Power Hearing (Docket) 5212 was completed late in 1938.

Background

2. The Ship Power Hearing was held in order to determine the minimum power that the FCC should require of radio transmitters compulsorily installed on vessels subject to the Communications Act of 1934, as amended (Act). The Act did not directly specify transmitter power on these vessels; instead it called for (Section 355, paragraph (e)):

> The main and reserve installations shall when connected to the main antenna, have a minimum normal range of two hundred nautical miles and one hundred nautical miles, respectively; that is, they must be capable of transmitting and receiving clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the specified ranges.

3. The purpose of the Ship Power Hearing was to translate these range requirements into transmitter power requirements. The conclusion that was agreed upon (200 watts output for the main transmitter; 25 watts for the reserve transmitter) was arrived at by construing the phrases from the Act quoted above in the following manner:

a. "Normal conditions and circumstances" was interpreted to mean calm seas, clear weather and average values of noise—atmospheric, galactic and man-made—for the frequencies involved.

b. "By day" restricted consideration to groundwave propagation—sky-wave did not have to be allowed for.

c. "Clearly perceptible signal" was taken to be 82.5 microvolts per meter (uV/m). This figure was reached in two stage: first, by agreeing on a signal-noise ratio of 5 to 1 and, second, by taking the value of noise at the antenna to be 16.5 uV/m. A determination of these values was essential for the following reasons:

(i) The signal-noise ratio tells us how strong an incoming radio signal must be—if it is to achieve a specified level of intelligibility—compared to the radio noise in the vicinity. Obviously, if the noise level is high, it will tend to interfere with the desired incoming signal unless the signal level is high enough to overcome the effect of the noise.

The factor by which the desired incoming signal must exceed the surrounding radio noise level, if it is to achieve a specified measure of intelligibility, is the signal-noise ratio referred to in the last paragraph. Experimental tests have shown that for some purposes and under some conditions it might be advisable to take it as high as 10 to 1; for other purposes and under other conditions, a ratio as low as 2 to 1 is adequate. These figures were in general derived by subjecting groups of radio operators to tests made up of incoming signals mixed with varying levels of artificially introduced noise; the scores they made on the tests were used to specify the intelligibility of the transmission. For a specified intelligibility, the different signal-noise ratios required by the individual operators were then averaged to arrive at a single figure. Of the various signal-noise ratios suggested at the Ship Power Hearing, a compromise figure of 5 to 1 was finally adopted by the Commission in order to take into account a possible lowering of operator competence as a result of the stresses engendered by a distress situation.

(ii) It was also essential to arrive at a reasonable figure for the external noise level. Noise varies with geographical location, time of day, season of the year, solar phenomena, and the amount and nature of the electrical equipment on board the vessel. To arrive at a reasonable average value of noise, FCC engineers recorded continuously the noise levels encountered on commercial vessels during eight separate voyages plying routes over different parts of the earth's surface. When these noise values were averaged and the seasonal variations of atmospheric noise taken into account, the figure arrived at was 16.5 uV/m.

These two average values, the noise and the signal-noise ratio were then multiplied together to yield a value for "clearly perceptible signal" of 82.5 uV/m. This meant that if a vessel were in an average noisy location (noise = 16.5 uV/m) and that if a signal came in that was five times as great (82.5 uV/m), this would be considered for purposes of the Act (and, in practice, actually was) a "clearly perceptible signal."

d. Knowing that a signal of 82.5 uV/m was required at 200 nautical miles for the main transmitter (and at 100 miles for the reserve transmitter) it became a simple matter to calculate, within the statistical limits of accuracy of published propagation curves, that for the main installation the field strength at one nautical mile should be 30 mV/m (approximately 10 mV/m for the reserve installation).

e. The efficiencies of the antennas on board some 80 vessels were then measured.

f. Taking the median of these values, the investigator found that a main transmitter with a power output of 200 watts could be expected to generate a field strength of 30 mV/m at a mile and, similarly, a reserve installation with an output of 25 watts could be expected to generate a field strength of about 10 mV/m.

4. It was in this way that the statutory requirements of 200 miles (main installation) and 100 miles (reserve installation) were translated into transmitter powers of 200 watts and 25 watts respectively.

5. There was no attempt made at the time or subsequently to ensure that all vessels would under all conditions be able to communicate with other vessels at a distance of 200 miles. This, as the report of the hearing pointed out, could not be guaranteed by the state of the art at that time given the constraints of the problem (frequency, power, etc.). It still cannot be. All that was attempted was to achieve a likelihood that transmissions from a vessel with an average antenna in a location with average noise could be heard 200 miles away by an operator with average skill and equipment when conditions were "normal." The nature of radio and of radio propagation, taken in conjunction with the power levels involved, dictated a statistical approach and a resorting to averages.

6. Over the past forty years, most of the considerations leading to the established transmitter power values

remained constant. Geographical noise levels, signal-noise ratios, propagation characteristics showed little change. The one exception was antenna efficiencies. Because many of the newer vessels were built without kingposts or other structures to which long wire antennas might be attached, a shift was made by about a third of the U.S. fleet to vertical antennas. Vertical antennas are, in general, self-supporting metal masts approximately 50 feet in height (roughly 10% of a quarter wave-length); they are inherently less efficient than the long-wire antennas of thirty and forty years ago. And so the question arose whether the efficiency of the "average antenna" had been substantially reduced. Tests on about 10 vertical antennas installations carried out during the period 1970–73, showed none of them to be emitting a field strength as large as 30 mV/m at a mile. These tests were held under the auspices of the International Radio Consultative Committee (CCIR), a technical arm of the International Telecommunication Union.

7. As a result of these concerns, we proposed to make the criterion of 30 mV/m at a mile obligatory on all vessels instead of only on a mythical "average" vessel. A recently developed and tested vertical antenna which was expected to meet the 30 mV/m field strength served as an impetus for the proposal.

Comments

8. Comments in this Docket were received from the following organizations:

American Institute of Merchant Shipping (AIMS)
American Petroleum Institute (API)
Council of American-Flag Ship Operators (CASO)
ITT Mackay Marine (Mackay)
Rockwell International Corporation (Rockwell)

There were no reply comments. With the exception of Rockwell, all commenters were opposed to the proposal.

9. Rockwell, who strongly supports the Commission's proposed rule change, produces the "Collins 938G–1" MF/HF maritime vertical antenna which is was instrumental in developing. This is a new vertical mast antenna which, for some azimuth angles, can meet the FCC criterion of 30 mV/m at a nautical mile when fed with a telegraph signal of 200 watts. Tests have shown, however, that under some conditions radiation from the new antennas fall short of this goal by better than 15%.[1] In fact, all that is claimed in the Rockwell Symposium Paper (page 5) is ". . . that the antenna, *at some azimuth angles*, can meet the 30 mV/m field strength requirement with 200 watts of input power." (emphasis added).

10. The opposing comments may be summarized as follows (proponents of the several arguments are given in parentheses):

A. The proposed regulation is in conflict with SOLAS—the Safety of Life at Sea Convention (AIMS, API, CASO). It is argued that the proposal ignores the continuously updated advances in SOLAS over the past 40 years (AIMS). Hence, it is discriminatory, since its provisions are more stringent than those of SOLAS (AIMS, CASO) and might contribute to driving U.S. vessels off the market (CASO). There is no rationale why the U.S. should be burdened with excessive requirements (API). Let us adopt the SOLAS provisions,[2] unless the Commission can document its proposed position with substantial evidence (CASO).

B. The present rulemaking does not take into account technical advances in the last 40 years especially with regard to receiver sensitivity (AIMS, API, CASO). We would be better off replacing our present receivers with those of higher sensitivity (API). We should take advantage of the increased selectivity of present day receivers which make the proposed field strength figures needlessly high (Mackay).

C. Only one company manufactures the new antenna; there may be a possibility of the Commission encouraging monopolistic practices through regulatory mandate (AIMS).

D. This would be the first time a definitive figure for field strength was being incorporated into the rules. No evidence has been adduced that the old rule is unsatisfactory (AIMS).

E. Since the new antenna is the only one that purportedly meets the criterion (200 watts input/30 mV/m output at 1 nautical mile), and is just barely meets it with little margin for deterioration due to aging, environmental and other considerations (API). AIMS raises the question of what the FCC would do if the antenna's performance was reduced to the point where its output dipped below 30 mV/m at 1 nm. They want to know if the companies would have to go to the expense of replacing them is spite of their operating satisfactorily (even if marginally) now.

F. Replacing present day vertical antennas with a new vertical antenna capable of meeting the proposed requirements will be expensive. Estimated cost per installation will be $18,000 to $27,000 (API, Mackay, AIMS, CASO). For vessels using two such antennas the cost would be doubled (API). The total cost to the industry may well be over $6,000,000 (Mackay). Anticipated improvements in the distress system make the cost of implementing the instant proposal an unjustified expenditure (API).

G. The FCC has given no indication of how or under what conditions it intends to measure the field strengths which is a necessary adjunct to the legal enforcement of the regulation (AIMS).

Discussion

11. An evaluation of these arguments follows. It is presented in the order in which they are summarized above.

A. *Conflict with SOLAS.* The provisions of the Communications Act of 1934, as amended, where more stringent, are not in conflict with SOLAS, but supplementary to it.[3] The United States did in fact, agree to the minimum provisions on which agreement could be reached by all the SOLAS countries. But agreement to require no more of foreign-flag vessels than that they meet these minimum requirements, did not mean that the U.S. lowered safety standards for its own U.S.-flag vessels to those minimum requirements. As we have noted, this proceeding was instituted to implement the requirements contained in Section 355 of the Act.[4]

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[1] See RTCM Symposium Papers, 1978, Vol III, Page 11 of "MF/HF Vertical Antenna Meets the Tests" by A. I. Osborne, Jr., Rockwell International.

[2] SOLAS provides for a range of 150 nautical miles in lieu of the 200 miles required by the Act. It defines a "clearly perceptible signal" as 50 uV/m instead of the 82.5 uV/m that is the U.S. standard.

[3] That this was the intent of Congress is demonstrated by the Act's legislative history. When in 1937 Congress added Title III Part II to the Act (Public Law 97), the committee reported:

Your committee assert generally that we have written into the bill the standards of the world, that in some respects we have raised such standards * * *. Page 3 Senate Report 196 on S. 595 (Pub. L. 97), March 17, 1937, 75th Congress, 1st Session.

Further, when Title III Part II was amended in 1954 after the 1948 Safety Convention came into effect, the Senate and House Reports on S. 2453 (Pub. L. 584), in identical language, contain the following:

This amendment also went beyond the radio provisions of the Convention of applying higher technical radio standards to United States vessels * * *. Page 2 of Senate Report No. 1853 (June 11, 1954) and page 2 of House Report No. 2285 (July 19, 1954) on S. 2453 (Pub. L. 584) 83rd Congress 2nd Session.

[4] With respect to the argument by AIMS that the proposal ignores the continually updated advances of SOLAS over the past forty years, the only changes made in this connection were as follows. SOLAS of 1929 reads (Article 31, 8):

"The main transmitter shall have a normal range of 100 nautical miles, that is to say, it must be capable of transmitting clearly perceptible signals from ship to ship over a range of at least 100 nautical miles by day under normal conditions and circumstances, the receiver being assumed to be one

Continued

B. No account is taken of recent technical advances. (i) *Sensitivity.* Sensitivity is a measure of the noise generated by a receiver's own low-level circuitry. If it were possible to reduce this low-level noise by 50%, a signal could be amplified twice as much as previously before the noise would be amplified to the same level which previously interfered with intelligibility. Thus the required strength of a usable signal would be halved. The commenters are correct in saying that receiver sensitivity has been improved over the years.

But in the case we are considering, amplification has never been limited by receiver low-level noise. Amplification of weak telegraph signals at these frequencies is normally limited by external, usually atomospheric noise. That noise comes into the receiver antenna along with the signal, and the receiver does not distinguish between the two and amplifies them both. Thus, increasing the receiver sensitivity will not reduce the noise, and the usability of a signal (which depends on the ratio of its amplitude to this noise amplitude—the signal-noise ratio) will not be improved.[5]

Unfortunately, although it has been possible over the years to reduce low-level receiver noise and so improve sensitivity, enternal noise has increased. Thus more sensitive receivers do not alleviate the problem.

(ii) *Selectivity.* The commenter correctly pointed out that the effect of external atmospheric noise can be reduced by narrowing the bandwidth of the receiver. However, there are constraints on the necessary bandwidth of the receiver.

First, it must be broad enough to accept a properly sent signal. This means ". . . effectively receiving A1 and A2 emissions on all frequencies within the bands 100–200 kHz and 405–535 kHz. . . ."[6] The modulating frequency of an A2 signal must be between 450 and 1350 Hz,[7] and a common speed of sending is 25 words a minute which equals 20 bauds. The necessary bandwidth to accommodate a properly sent A2 signal modulated with a tone of 1350 Hz and sent at a speed of 25 words per minute is 2760 Hz.[8]

This figure, however, does not take into account transmitter tolerances which in the present case would be 2500 Hz.[9] The bandwidth of the Assigned Frequency Band would therefore be 7760 Hz[10] and the band would extend under these conditions from 496.120 kHz to 503.880 kHz. Consequently, a minimum bandwidth of close to 8 kHz is required.

Thus, although it is true that a receiver with a 0.4 kHz bandwidth can tolerate many times as much noise as the old receivers, to employ them means paying an unacceptable price: the possibility of remaining unaware of the existence of an SOS issuing from a lifeboat in distress whose transmitter has strayed off 500 kHz by an amount only 1/5 of what this government has committed itself to regard as permissible. Since the U.S. agreed in an international convention to abide by these tolerances, it cannot change its position unilaterally and permit a vessel's call for help to go unheeded. Until international tolerances are reduced on emergency and survival craft transmitters, it is difficult to see how the United States can unilaterally take advantage of receivers with higher selectivities. The ITU World Administrative Radio Conference just held (1979) has provided for a new reduced tolerance but it will not be effective until January 1, 1990.

C. *Monopolistic practices.* We do not agree that adoption of the proposal would lead to monopoly in the manufacture and supply of ship vertical antennas. Although only one supplier makes the antenna which comes close to meeting the proposed requirement, the manufactuer of vertical antennas, like other items of radio equipment, takes place in an open market. There is nothing to preclude anyone from manufacturing vertical antennas. The fact that one company at present is the only manufacturer does not *per se* establish a monopoly. We would neither confer a privilege nor give any vested advantage to this sole manufacturer. If the demand exists, others can enter the market to compete.

D. *Field Strength criterion placed in rules.* AIMS is correct in declaring that the precise figure for field strength has never before appeared in the rules, but only partially correct in stating that there is no evidence that the present rule is unsatisfactory. Pressure for amending the rule has grown as the result of growing awareness that today's vertical antennas seem to be less efficient than the long-wire antennas. Values of the efficiencies of some vertical antenna installations may be found in Report 502–2 of Volume VII of the CCIR XIV Plenary Assembly, Kyoto, 1978.

E. *Margin for deterioration in the new antennas.* We share API's concern with respect to the small margin for deterioration of the new antennas when used in conjunction with 200-watt output transmitters. Although the proposed rule change was written to enable an increase of the margin by the use of higher power transmitters, this approach is not entirely satisfactory for the following reasons:

First, its effect on the ship's reserve installation may be undesirable. Normally, the emergency transmitter has a power supply of comparatively limited capacity; a decrease in efficiency of the antenna link in the transmission chain cannot be automatically compensated for simply by increasing the power of the transmitter—not when there are severe constraints on the capacity of the power supply energizing it. Where the trade offs in a system are delicately balanced, as is customary in the reserve installations of oceangoing vessels, it could be hazardous to depend on the strengthening of one link, in the hope of

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employing a rectifier of the crystal type without amplification."

The SOLAS increase from 100 to the present requirement of 150 nautical miles was made in 1948 at which time the restriction to crystal rectifiers was dropped and "clearly perceptible signal" was spelled out in terms of the R.M.S. value of the field strength at the receiver being at least 50 microvolts per meter. The United States, which had adopted in 1939 a value for "clearly perceptible signal" of 82.5 microvolts per meter as a result of much testing and experimentation, was unable to get international agreement on this value. (For details of this testing and experimentation by the United States and of the rationale supporting them, see FCC *Ship Power Hearing*, November 14–18, 1938, *Report of Commissioner T.A.M. Craven in Docket 5212*, dated May 9, 1939, and *Order* dated July 27, 1939, in Docket 5212. A portion of this material has been summarized in paragraph 3 above.) Accordingly, the United States agreed to the use of the lower value by foreign-flag vessels. It has retained the higher value for application to U.S.-flag vessels since no comparable subaequent study has come up with a more trustworthy value.

[5] These considerations are well known and often lead to the selection, in some circumstances, of less sensitive (and less expensive) receivers than the maximum than the state of the art affords. For example, CCIR recommends:

"When, however, either the external noise level or the input signal level is high, the internal receiver noise is less important. For this reason, some receivers (e.g., many broadcast receivers) are not designed to have the best possible relative values of reference sensitivity. . . ." Paragraph 5, Annex II of Recommendation 331.4 of Volume I of CCIR XIV Plenary Assembly, Kyoto, 1978.

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[6] Section 83.444(c) of the Rules and Regulations of the Commission. This requirement is based on paragraphs 7931 (old 973) and 7932 (old 974 MAR) of the Radio Regulations of the International Telecommunication Union (ITU), and paragraph (h) of Regulation 10, Chapter 4, of SOLAS.

[7] Paragraph (f) of Regulation 10, Chapter 4, of SOLAS.

[8] By Appendix 5 of the ITU Radio Regulations, the Necessary Bandwidth, Bn, equals BK + 2M where B is bauds, K is a constant (in this case 3) and M is the modulating frequency.

[9] By Appendix 3 of the ITU Radio Regulations, the tolerance specified for ship emergency transmitters and survival craft stations is 5000 parts per million or 2500 Hz at 500 kHz.

[10] Paragraph 3138 (old 89) of the Radio Regulations of the ITU reads: "6.11 Assigned Frequency Band: The frequency band within which the emission of a station is authorized; the width of the band equals the necessary bandwidth plus twice the absolute value of the frequency tolerance. . . ."

compensating for the weakness of another.

Second, even in the main installation, a greater increase in the power input to an inefficient antenna can lead to excessive voltage buildup, corona, arcing and insulation breakdown.[11]

F. *Cost of Equipment.* Replacement costs of new antennas are high enough to warrant a comparision of benefits derived and costs incurred. The distress system will be replaced in the not-too-distant future. However, if there are reasonable assurances of substantial short-term benefits during the period before the international negotiations are concluded, the proposal would be justified. Mackay's conservative estimate of a $6,000,000 price tag to the industry does not even include the cost of new equipment—main and emergency transmitters, batteries, auxiliary devices—that may follow in its wake. Nor does it include the cost to the government of enforcing the proposed regulation.

G. *FCC Implementation.* AIMS asks the Commission's intentions with respect to measurements of field strengths in enforcing the proposed regulation. When a ship fails to develop the required field strength by a substantial amount, the FCC has called for immediate corrective measures. Where a marginal deficiency exists the FCC has given time in which to reach compliance. For example, in the case cited by AIMS where antenna performance deteriorates to the point where the field strength is only 29 mV/m, the case could be handled similarly to that of the long-wire antenna. Under the proposed regulation a Notice of Unsatisfactory Condition could be issued which would in essence give the licensee a reasonable period to repair or replace the antenna or otherwise meet the requirements. If performance by the antenna-transmitter combination—as shown, for example, by the antenna current—appears to be adequate, there may be little point to making field strength measurements once the characteristics of the installation and its normal capacity have been determined. On the other hand, an installation that is known to be marginal might require testing of its field strength at every annual and special inspection. This is a necessary consequence of the draft regulation being based on the performance of the individual ship's antenna instead of, as in the past, basing itself on the average performance of a large population of antennas.

12. There are considerable difficulties either with continuing with the status quo of a gradually eroding level of antenna efficiencies, or with adopting the proposal as it stands, which could be a costly procedure whose benefits are not assured. We are deferring decision between them pending a reevaluation of "average antenna efficiency" (and, perhaps simultaneously, of "normal conditions and circumstances" and "clearly perceptible signal") in as objective a manner as possible. Our Field Operations Bureau is planning to test, over the course of the next few years, the field strengths of the signals radiated by many United States vessels. This will provide a measure of the antenna efficiencies of the vertical antenna installations and a comprision with long wire antennas.

13. If vertical antenna efficiencies are substantially up to those of long wire antennas, we need not amend our rules. If, on the other hand, they are shown to be considerably less, we may have to again propose new rules.

14. The Commission directs the publication of the appended Public Notice.

15. Regarding questions on matters covered in this document contact Charles D. Fisher at the telephone number (202) 632-7175.

16. Accordingly, *It Is Ordered*, That pursuant to the authority contained in Section 4(i), 303(f) and 303(r) of the Communications Act of 1934, as amended, the instant proposal is vacated, the attached appendix is adopted, effective April 27, 1981 and this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

[No. 28950]

The Commission this date approved a Report and Order terminating without prejudice the proceedings in Docket No. 78-185 which would have required all compulsory telegraph vessels to be capable of generating a field strength of 30 mV/m at a distance of one nautical mile for all long-wire and vertical antennas. It has decided to institute a series of tests to determine the antenna efficiencies of U.S. flag vessels. When these tests are completed and the results analyzed, the Commission will return to a consideration of how to implement the two hundred and one hundred nautical mile range requirements of Title III, Part II of the Communications Act of 1934, as amended.

By Direction of the Commission.

[FR Doc. 81-9315 Filed 3-26-81; 8:45 am]

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[11] It was for this reason that the Commission did not pursue a tentative of this nature that had been proposed in 1969 in Docket 18576.