she is not subject to the foreign residence requirement of section 212(e) of the Act or has been granted a waiver thereof, a change to classification under section 101(a)(15)(H) or (L) of the Act, if otherwise qualified.

(Secs. 103 and 248; 8 U.S.C. 1103 and 1258)

Dated: May 5, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-14146 Filed 5-7-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Areas Quarantined; Arizona

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Maricopa County in Arizona because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Maricopa County on April 18, 1981. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to quarantine the affected area.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8093.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the country of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy Administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only two premises, neither of which are owned by a small entity.

This amendment quarantines a portion of Maricopa County in Arizona, because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The authority citation for Part 82 reads as follows:

Authority: Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141).

2. In § 82.3, new paragraph (c)(3) is added to read:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(3) *Arizona.* (i) The premises of Ken Shreve, 2041 N. 28th Place, Mesa, Maricopa County.

(ii) The premises of Ken Shreve, 2050 N. 28th Place, Mesa, Maricopa County.

Done at Washington, D.C., this 4th day of May 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-13904 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM80-75]

Incremental Pricing; Agricultural Uses; Interim Rule Under the Natural Gas Policy Act of 1978; Order Amending Stay

Issued: April 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order amending stay.

SUMMARY: On October 6, 1980, the Commission issued an interim rule in Docket No. RM80-75 (45 FR 67276, October 9, 1980) providing that "essential agricultural uses" certified by the Secretary of Agriculture (Secretary) for purposes of curtailment are not automatically adopted as "agricultural uses" by the Commission for purposes of incremental pricing, unless such uses were certified prior to October 16, 1979.

On October 23, 1980, the Commission issued a partial stay of the interim rule (45 FR 76681, November 20, 1980). The stay applied to those users of natural gas who, prior to October 6, 1980, has filed affidavits seeking exemptions from incremental pricing as "agricultural users" in reliance on the Secretary's certifications.

The Commission hereby amends the stay to extend it prospectively to all users of natural gas whose use has been certified by the Secretary, regardless of whether the users filed an affidavit prior to October 6, 1980.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Carol Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8511.

SUPPLEMENTARY INFORMATION: Affidavits for claiming an exemption from incremental pricing are available through the Commission's Division of Public Information, Room 1000, 825

North Capitol Street NE., Washington, D.C. 20426.

As part of its action amending the stay, the Commission has waived its regulations in § 282.204(d)(7) [18 CFR Part 282] to provide that if the owner or operator of a facility affected by the stay amendment files, by May 20, 1981, an affidavit with the Commission claiming an "agricultural use" exemption, and sends a copy of the facility's natural gas supplier, the facility shall be exempt from incremental pricing as of May 1, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall, and J. David Hughes.

Interim Rule Amending § 282.202(a) of the Commission's Regulations Under the Natural Gas Policy Act of 1978.

I. Introduction

On October 6, 1980, the Commission issued an interim rule in this docket [1] providing that "essential agricultural uses" certified by the Secretary of Agriculture (Secretary) after October 15, 1979, are not automatically adopted as "agricultural uses" by the Commission for purposes of incremental pricing exemptions. On October 23, 1980, the Commission issued an order [2] granting a partial stay of this interim rule. This order amends that action to provide, on a prospective basis, a full stay of the interim rule until such time as the Commission acts otherwise.

II. Background

Title II of the Natural Gas Policy Act of 1978 (NGPA) [15 U.S.C. 3301–3432] requires the Commission, within certain guidelines, to establish and administer an incremental pricing program. The program is designed to pass through, by surcharge, a portion of the increases in the wellhead prices of natural gas allowed under Title I of the NGPA to certain industrial facilities that use natural gas as a boiler fuel. Certain of those facilities, however, are exempt from incremental pricing either under the statute or by Commission rule or order. Among those groups currently exempt are facilities which use natural gas for an "agricultural use."

Prior to October 6, 1980, the Commission's definition of the term "agricultural use" was set forth in § 282.202(a) of its regulations as follows:

(a) "Agricultural use" means any use of natural gas:

(1) which is certified by the Secretary of Agriculture under 7 CFR 2900.3 as an "essential agricultural use" pursuant to section 402(c) of the NGPA; ***

In the interim rule issued on October 6, 1980, the Commission made clear that paragraph (a)(1), quoted above, referred only to certifications made by the Secretary before the effective date of that paragraph. The paragraph was amended to provide that:

(1) Any use of natural gas certified by the Secretary of Agriculture (Secretary) as an "essential agricultural use" for curtailment purposes on or before October 15, 1979, shall be considered an "agricultural use" of natural gas for incremental pricing purposes; and

(2) any use of natural gas certified by the Secretary as an "essential agricultural use" after October 15, 1979, shall be reviewed by the Commission for a determination of whether such use is an "agricultural use" for incremental pricing purposes, in rulemaking proceedings.

On October 9, 1980, a joint application for immediate stay of the interim rule was filed by the Fertilizer Institute, the American Feed Manufacturers Association, and the National Council of Farmer Cooperatives. In response to this application, the Commission granted a partial stay of the interim rule. The stay was limited to those users of natural gas who had filed, prior to October 6, 1980, affidavits for exemptions as "agricultural users" in reliance on the Secretary's certifications.

III. Discussion and Findings

At the time the Commission granted the stay, it believed that it would be able to act quickly on the final rule, and at the same time lift the stay order. However, the Commission has now determined that it will require additional time to study the issues raised by the above-listed applicants and by other commenters on the interim rule. The Commission believes that equity requires it to amend the stay for the reasons described below.

During the past few months, the Commission's staff has received telephone inquiries concerning the scope of the stay order. In addition, several adjustment applications dealing with this matter have been filed under section 502(c) of the NGPA. These callers and applicants are concerned that the facilities affected by the rule fall into two categories, each receiving different treatment under the terms of the stay order.

The first category consists of those facilities whose use of natural gas was certified by the Secretary after October 15, 1979, but for which an exemption affidavit was not filed before October 6, 1980. These facilities do not fall within the stay and are currently subject to incremental pricing surcharges. In addition, any new facilities which have come into existence since October 6, 1980, do not fall within the stay, since affidavits could not have been filed for them prior to that date. They are also incrementally priced at present.

The second category consists of facilities whose owner or operator, acting in reliance on the Secretary's actions, did file an exemption affidavit prior to October 6, 1980. These facilities fall within the stay and are not currently subject to incremental pricing.

The length of the stay is therefore creating an inequity among facilities that make the same use of incrementally-priced natural gas as boiler fuel, manufacture the same products, and compete with each other in the market. Some are exempt from incremental pricing; some are not. The Commission agrees that, inasmuch as further time is required to study the rule, it would be equitable to amend the stay order so that all facilities affected by the rule are put on the same footing. Accordingly, the interim rule in Docket No. RM80–75 will be fully stayed until such time as the Commission acts otherwise. Facilities using natural gas in a manner certified by the Secretary after October 15, 1979, may file affidavits for agricultural use exemption in reliance on those certifications. This order is prospective only, and will take effect as of the billing period for the month of May 1981.

In order to take advantage of the exemptions temporarily permitted by this order, the Commission is waiving § 282.207(d)(7) of its regulations, which requires an affidavit to be on file at the first of the month in order for a facility to be exempt for that month. Instead, the affidavit may be filed by May 20, 1981. This revised deadline will give owners and operators of facilities affected by this order sufficient time to file affidavits before the close of the May billing period. Affidavits filed after May 20, 1981, will fall under the normal procedural rules set forth in § 282.204(d)(7) of the Commission's regulations.

IV. The Commission Orders

1. The partial stay of the interim rule in this docket granted on October 23, 1980, is amended by placing in effect a full stay effective beginning with the billing period of May 1, 1981, and continuing until such time as the Commission acts otherwise.

[1] 45 FR 67276, October 9, 1980.

[2] 45 FR 76681, November 20, 1980.

§ 282.204 [Amended]

2. Section 282.204(d)(7) of the Commission's regulations is hereby waived to the following extent:

If the owner or operator of a facility affected by this order files an affidavit with the Commission by May 20, 1981, in order to gain an exemption from incremental pricing as an "agricultural user," and sends a copy to the facility's natural gas supplier by that date, the facility shall be exempt from incremental pricing surcharges as of May 1, 1981, until such time as the Commission acts otherwise.

By the Commission. Commissioner Holden voted present.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13990 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Deductions; Reductions; and Nonpayments of Benefits—Limit on Family Disability Insurance Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: In this regulation, we introduce a new method of computing the maximum total benefits for the family of a worker who is first entitled to disability insurance benefits after June 1980 and who was first eligible for these benefits after 1978. The new method reduces the maximum total benefits that would otherwise be payable under section 203(a) of the Social Security Act. These regulations reflect the provisions of section 101 of the Social Security Disability Amendments of 1980 (Pub. L. 96-265).

EFFECTIVE DATE: This regulation is effective May 8, 1981. The statutory changes (Pub. L. 96-265, Section 101) which this regulation reflects is effective for the family of a worker who first becomes eligible for old-age or disability insurance benefits after 1978 and first entitled to disability insurance benefits after June 1980.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Room 4-H-10, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6785.

SUPPLEMENTARY INFORMATION: Before the Social Security Disability Amendments of 1980, many disabled workers were able to qualify for benefits for themselves and their families that exceeded their predisability earnings. Because of its concern for the relatively high level of benefits as replacement for wages, the resulting incentive to receive benefits, and the disincentive to return to work, Congress passed several provisions for restraining benefits (and costs) in the disability program. In this regulation, we provide rules for one of the provisions.

There is now a new ceiling on the total amount of disability benefits payable to a disability beneficiary and his or her family. This ceiling is considerably lower than that which had been in effect in disability cases, and which still applies to the families of old-age insurance beneficiaries and to the families of deceased workers. Under this ceiling, the total benefits are the lesser of 85 percent of the worker's average indexed monthly earnings (but not less than the primary insurance amount) or 150 percent of the primary insurance amount.

The formula for computing disability benefits is basically the same as for old-age benefits and survivor benefits. In June 1980, the average disability benefit was $370 and the average family benefit was $728. At that time the maximum benefit amount payable to a disabled worker and his or her family ranged from 150 to 188 percent of the worker's benefit (i.e., the primary insurance amount). Additionally, the average disability insurance benefit increased from $139 to $370 over the 10-year period June 1970 to June 1980. This is a 166 percent increase, whereas the cost of living rose by 113 percent.

In deciding the level of the ceiling, Congress considered private insurance plans, which generally limit benefits to no more than two-thirds of predisability gross earnings. Congress, however, decided that the limit on social security benefits for the disabled worker's family should be higher because these benefits are the base of income protection for many workers, and are the only source of income for many families of low-income former workers. Thus the ceilings in the Amendments provide a more equitable relationship to the worker's prior earnings while also providing incentives for workers to continue working, or if possible, to return to work.

Comments on Notice of Proposed Rulemaking

On December 22, 1980, a Notice of Proposed Rulemaking was published at 45 FR 84086. In that Notice, we requested that comments be submitted within 60 days. We received only 2 comments, both from the same person. As a result of 1 comment, we have corrected a misleading reference in § 404.403(d-1)(3) by changing "dependents" to "spouse and children."

The second comment was to change the same paragraph to explain that, under certain circumstances, the family maximum is exactly equal to the primary insurance amount. We have not adopted this change because it is unnecessary and the provision as worded in the Notice is technically correct and sufficiently clear. Accordingly, this regulation with one technical change is adopted as set forth below.

Certification Under E.O. 12291 and the Regulatory Flexibility Act

We have determined that this regulation does not meet the criteria specified in Executive Order 12291 for a major regulation. In addition, we certify that this regulation does not have an adverse impact on small entities because the rule affects individuals only.

(Secs. 203, 205 and 1102 of the Social Security Act; 49 Stat. 623, 53 Stat. 1368, and 49 Stat. 647; 42 U.S.C. 403, 405 and 1302)

(Catalog of Federal Domestic Assistance Program No. 13.802 Social Security—Disability Insurance.)

Dated: March 25, 1981.

Herbert R. Doggette, Jr.,

Acting Commissioner of Social Security.

Approved: April 24, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

Part 404 of Chapter II of Title 20 of the Code of Federal Regulations is amended as follows:

Section 404.403 is amended by revising the introductory statements of (c) and (d)(1) and by adding paragraph (d-1), to read as follows:

§ 404.403 Reduction where total monthly benefits exceed maximum family benefits payable.

* * * * *

(c) *Eligible for old-age insurance benefits or dies in 1979.* If an insured individual becomes eligible for old-age insurance benefits or dies in 1979, the monthly maximum is as follows—

* * * * *

(d) *Eligible for old-age insurance benefits or dies after 1979.* (1) If an insured individual becomes eligible for old-age insurance benefits or dies after

1979, the monthly maximum is computed as in paragraph (c) of this section.

* * * * *

(d–1) *Entitled to disability insurance benefits after June 1980.* If you first become eligible for old-age or disability insurance benefits after 1978 and first entitled to disability insurance benefits after June 1980, we compute the monthly family maximum under a formula which is different from that in paragraphs (c) and (d) of this section. The computation under the new formula is as follows:

(1) We take 85 percent of your average indexed monthly earnings (as computed in § 404.212a of this part) and compare that figure with your primary insurance amount (as computed in § 404.212). We work with the larger of these two amounts.

(2) We take 150 percent of your primary insurance amount.

(3) We compare the results of paragraphs (d–1) (1) and (2) of this section. The smaller amount is the monthly family maximum. As a result of this rule, the entitled spouse and children of some workers will not be paid any benefits because the family maximum does not exceed the primary insurance amount

* * * * *

[FR Doc. 81–13903 Filed 5–7–81; 8:45 am]
BILLING CODE 4110–07–M

Food and Drug Administration

21 CFR Parts 430, 436, and 440

[Docket No. 81N–0032]

Antibiotic Drugs; Bacampicillin Hydrochloride

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new antibiotic drug, bacampicillin hydrochloride. The manufacturer has supplied sufficent data and information to establish its safety and efficacy.

DATES: Effective May 8, 1981; comments, notice of participation, and request for hearing by June 8, 1981; data, information, and anlayses to justify a hearing by July 7, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new antibiotic drug, bacampicillin hydrochloride. The agency concludes that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 440 (21 CFR Parts 430, 436, and 440) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 430, 436, and 440 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended in § 430.5 by adding new paragraph (b)(1)(xii) to read as follows:

§ 430.5 Definitions of master and working standards.

* * * * *

(b) * * *

(1) * * *

(xii) The term "bacampicillin hydrochloride working standard" means a specific lot of a homogeneous preparation of bacampicillin hydrochloride.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. In § 436.33(b) by alphabetically inserting a new item into the table as follows:

§ 436.33 Safety test.

* * * * *

(b) * * *

Antibiotic drug	Diluent [1]	Test dose: Concentration [2]	Test dose: Volume [3]	Route of administration [4]
*	*	*	*	*
Bacampicillin hydrochloride.	3	40 mg	1.0	Oral.
*	*	*	*	*

[1] Diluent number as listed in § 436.31.
[2] In units or milligrams of activity per milliliter.
[3] In milliliters to be administered to each mouse.
[4] As described in paragraph (c) of this section.

* * * * *

b. In § 436.204(b)(2) by alphabetically inserting a new item into the table as follows:

§ 436.204 Iodometric assay.

* * * * *

(b) * * *

(2) * * *

Antibiotic	Initial solvent	Diluent [1]	Final concentration [2]
*	*	*	*
Bacampicillin hydrochloride.	None	Distilled water.	[3] 1.25 mg.
*	*	*	*

[1] Solution number as listed in § 436.101(a).
[2] In units or milligrams of activity per milliliter of sample.
[3] The final concentration of bacampicillin hydrochloride is calculated in milligrams of ampicillin activity per milliliter of sample. The ampicillin working standard is used for the assay of bacampicillin hydrochloride.

* * * * *

c. In § 436.205(c) by alphabetically inserting a new item into the table as follows:

§ 436.205 Hydroxylamine colorimetric assay.

* * * * *

(c) * * *

Antibiotic	Diluent [1]	Final concentration [2]
*	*	*
Bacampicillin hydrochloride.	Distilled water	[3] 1.25
*	*	*

[1] Solution number as listed in § 436.101(a).
[2] In milligrams per milliliter of sample.
[3] The final concentration of bacampicillin hydrochloride is calculated in milligrams of ampicillin per milliliter of sample. The ampicillin working standard is used for the assay of bacampicillin hydrochloride.

* * * * *

d. By adding new § 436.330 to read as follows:

§ 436.330 Thin layer chromatographic identity test for bacampicillin.

(a) *Equipment*—(1) *Chromatography tank.* Use a rectangular tank approximately 23 × 23 × 9 centimeters, with a glass solvent trough on the bottom and a tight-fitting cover, lined with Whatman's 3MM chromatographic paper (0.3 millimeter) or equivalent.

(2) *Plates.* Use 20 × 20 centimeter thin layer chromatography plates coated