Corporation ("Corporation" or "FSLIC") to insure the accounts of federally and state-chartered institutions described therein. Pursuant to 12 U.S.C. 1728(a), the Federal Home Loan Bank Board has issued regulations at 12 CFR Parts 561 *et seq.* defining the insurance coverage provided by the FSLIC.

The insurance regulations at 12 CFR 561.3 define an "insured account" as "a savings account, tax and loan account, or checking account held by an insured member in an institution insured by the Corporation." An "insured member" is defined in general terms by 12 CFR 561.2 as the holder of an insured account at an insured institution. These regulations do not specifically resolve the question of who is to be treated as the insured member with regard to insured account funds evidenced by a negotiable instrument.

When the holder of a certificate account negotiates the certificate of deposit evidencing the account to a third party, the holder of the certificate becomes the owner of the account and should be treated as the insured member for purposes of settlement of insurance in the event of default of the institution. Similarly, when the holder of an insured NOW account or checking account gives a check to a third party, the drawer of the check considers the transaction as a transfer of funds from his account to the third party. Funds represented by a cashier's check, money order, or similar instrument issued by an insured institution are considered an insured "checking account" under 12 CFR 571.11a, and the institution is obligated to pay those funds to the holder of such instrument who presents it for payment.

Policy considerations dictate that the owner of such a negotiable instrument be treated as an insured member entitled to FSLIC insurance coverage for the account funds represented by the instrument. The owner of the instrument is entitled to payment of the funds, and is the party most interested in filing a claim for insurance coverage in the event of default of the institution. To rule otherwise would damage public confidence in insured institutions and would detrimentally affect the collectibility of such payment instruments. For reasons such as these the regulations of the Federal Deposit Insurance Corporation ("FDIC") at 12 CFR 330.11 and 330.12 specifically provide that the owner of a negotiable instrument evidencing an insured deposit obligation of an insured bank is entitled to FDIC insurance coverage as if the owner were shown as a depositor of the evidenced funds on the records of the insured bank. The insurance regulations of the National Credit Union Administration contain a substantially identical rule at 12 CFR 745.11 and 745.12.

The Board's regulations at 12 CFR 564.1 permit the FSLIC to determine "from the account contracts and books and records of the institution, *or otherwise*, the insured members thereof and the amount of the insured account or accounts of each such member" (emphasis added). Pursuant to this authority, the FSLIC has treated owners of negotiable instruments evidencing insured account funds as insured members (*see* Op.G.C. April 24, 1981); however, this rule of practice has never been codified.

The Board is issuing an interpretation of 12 CFR 564.1 in order to clarify who is the insured member with regard to funds represented by a negotiable instrument. This interpretive rule specifically designates the owners of such instruments as insured members for purposes of insurance settlement. In addition, this rule clarifies that a collecting institution acting solely as agent of the owner shall be treated as agent of the owner for purposes of receiving a disbursement from the FSLIC.

Because this is an interpretive rule, it is exempt from the notice, comment, and advance publication requirements of 5 U.S.C. 553. In accordance with Recommendation No. 76-2 of the Administrative Conference of the United States, this interpretive rule will be preserved in the *Code of Federal Regulations.*

Accordingly, the Board hereby amends Part 570, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 570—BOARD RULINGS

Add a new § 570.12, to read as follows:

§ 570.12 Insurance of accounts evidenced by negotiable instruments.

(a) *General.* Section 564.1 of this chapter authorizes the Corporation to determine the insured members of an institution in default "from the account contracts and the books and records of the institution, or otherwise." If any insured account is evidenced by a negotiable account certificate, negotiable draft, negotiable cashier's or officer's check, negotiable certified check, negotiable money order, negotiable traveler's check, negotiable letter of credit, or any other negotiable instrument, the owner of such instrument will be recognized for all purposes of claim for insured accounts to the same extent as if such person's name and interest were disclosed in the account contracts, books and records of the institution as an insured member, provided the instrument was in fact negotiated to such person prior to the date of the closing of the institution. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim. For purposes of this section, the term "insured account" includes monies received by the insured institution in payment for a cashier's check, money order, traveler's check, or similar instrument payable by the institution or payable out of funds of the institution on deposit with another financial institution.

(b) *Collecting institution acting as agent.* Where an institution in default has become obligated for the payment of an item forwarded for collection by an institution acting solely as agent, the owner of the item shall be entitled to insurance coverage if the conditions of the preceding paragraph are met. Such collecting institution shall be recognized as the agent of such owner for the purpose of making an assignment of the rights of such owner against the insured institution to the Corporation and for the purpose of receiving payment on behalf of such owner.

(12 U.S.C. 1431(e)(2)(c), 1724, 1725, 1726, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-16740 Filed 6-4-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 79F-0051]

Polydextrose; Food Additives Permitted for Direct Addition to Food for Human Consumption

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of polydextrose as a bulking agent, formulation aid, humectant, and

texturizer in certain specified foods. Pfizer Central Research, Pfizer, Inc., filed a petition requesting such use.

DATES: Effective June 5, 1981; objections by July 6, 1981.

ADDRESS: Written objections 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: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: FDA announced in a notice published in the **Federal Register** of April 17, 1979 (44 FR 22816) that a food additive petition (FAP 9A3441) had been filed by Pfizer Central Research, Pfizer, Inc., 235 E. 42d St., New York, NY 10017, proposing that the food additive regulations be amended to provide for the safe use of polydextrose as a low-calorie bulking agent in certain foods, with secondary effects as a formulation aid, humectant, and texturizer.

FDA has evaluated data in the petition and other relevant material and concludes that polydextrose is safe under its prescribed conditions of use and that the food additive regulations should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 172 is amended in Subpart I by adding new § 172.841, to read as follows:

§ 172.841 Polydextrose

Polydextrose as identified in this section may be safely used in food in accordance with the following prescribed conditions:

(a)(1) Polydextrose (CAS Reg. No. 68424-04-4) is a partially metabolizable water-soluble polymer prepared by the condensation of a melt which consists of approximately 89 percent D-glucose, 10 percent sorbitol and 1 percent citric acid, on a weight basis.

(2) Polydextrose may be partially neutralized with potassium hydroxide.

(b) It is used in accordance with good manufacturing practices as a bulking agent, formulation aid, humectant, and texturizer in the following foods when standards of identity established under section 401 of the act do not preclude such use: baked goods and baking mixes (restricted to fruit, custard, and pudding-filled pies; cakes; cookies; and similar baked products); chewing gum; confections and frostings; dressings for salads; frozen dairy desserts and mixes; gelatins, puddings, and fillings; and hard and soft candy.

(c) If the food containing the additive purports to be or is represented for special dietary uses, it shall be labeled in compliance with Part 105 of this chapter.

(d) The label and labeling of food a single serving of which would be expected to exceed 15 grams of the additive shall bear the statement: "Sensitive individuals may experience a laxative effect from excessive consumption of this product".

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 6, 1981 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 5, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 1, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16838 Filed 6-4-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 573

[Docket No. 79F-0323]

Food Additives Permitted in Feed and Drinking Water of Animals; Crambe Meal, Heat Toasted

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to reflect the safe use of heat toasted crambe meal in feedlot cattle feeds. A food additive petition providing for this use was filed by the U.S. Department of Agriculture, Northern Regional Research Center, Peoria, IL.

DATES: Effective June 5, 1981; objections by July 6, 1981.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 9, 1979 (44 FR 65190), a notice was published to reflect the filing of a food additive petition (FAP-2176) by the U.S. Department of Agriculture, Northern Regional Research Center, 1815 N. University St., Peoria, IL 61604, proposing that Part 573 (21 CFR Part 573) be amended to provide for the safe use of crambe meal in the feed of feedlot cattle. Crambe meal is used as a source of protein in an amount not to exceed 4.2 percent of the total ration. FDA has evaluated the data in the petition and other relevant material and concluded that Part 573 should be amended to provide for the safe use of crambe meal as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment. Therefore, an environmental impact statement will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding as required by 21 CFR 25.1(f)(1)(iv) may be seen in 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, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 573 is amended by adding a new § 573.310 to read as follows:

§ 573.310 Crambe meal, heat toasted.

(a) The additive is the seed meal of *Crambe abyssinica* obtained after the removal of oil from the seed and hull. The oil may be removed by pre-press solvent extraction or by solvent extraction alone. The resulting seed meal is heat toasted.

(b) The additive conforms to the following percent-by-weight specifications: moisture, not more than 11 percent; oil, not more than 4 percent; crude protein, not less than 24 percent; crude fiber, not more than 26 percent; glucosinolate calculated as epi-progoitrin, not more than 4 percent; goitrin, not more than 0.1 percent; nitrile calculated as 1-cyano-2-hydroxy-3-butene, not more than 1.4 percent. At least 50 percent of the nitrogen shall be soluble in 0.5 *M* sodium chloride. Myrosinase enzyme activity shall be absent.

(c) The additive is used or intended for use in the feed of feedlot cattle as a source of protein in an amount not to exceed 4.2 percent of the total ration.

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 6, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 5, 1981.

(Sec. 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 348))

Dated: May 28, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16456 Filed 6-4-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 41

[Departmental Reg. 108.808]

Nonimmigrant Visas; Crew-list Visas

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Bureau is amending its regulations covering crew-list visas as they relate to payment of fees for the issuance of such visas. Also, the Bureau is changing reference to Immigration and Naturalization Service Form I-151—Alien Registration Receipt Card to IMS Form I-551.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, Chief, Legislation and Regulations Division, Visa Services, Bureau of Consular Affairs, (202) 632-1900.

SUPPLEMENTARY INFORMATION: The Immigration and Naturalization Service's Form I-151 referred to in § 41.127(b)(1) has been redesignated as Form I-551 to reflect that Service's regulations. In addition, the listing of crew-list visa issuance fees in paragraph (C) of § 41.127 has been eliminated and the wording of this paragraph has been changed to refer to the Schedule of Fees in section 22.1 of this Title. The current Schedule of Fees prescribes crew-list visa issuance fees on a range of $35.00 to $152.00 depending on the number of crew members included on the manifest. Compliance with section 553 of Title 5 of the United States Code as to Notice of Proposed Rulemaking and delayed effective date is unnecessary in this instance because the amendments are technical and administrative in nature. In addition, the amendments are exempt from sections 2 and 3 of Executive Order 12291 of February 17, 1981 under section 1(a)(3) of that Order.

1. In line twenty-six of § 41.127(b)(1) the reference to form "I-151" is changed to "I-551".

2. Paragraph (c) of § 41.127 is revised to read:

§ 41.127 Crew-list visas.

* * * * *

(c) *Fee.* A fee shall be charged in accordance with the Schedule of Fees for Consular Services set forth in § 22.1 of this chapter for the visaing of any crew list, except that no fee shall be charged for a crew-list visa issued in the case of an American vessel.

* * * * *

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

Dated: April 3, 1981.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 81-16727 Filed 6-4-81; 8:45 am]

BILLING CODE 4710-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1790-4]

Michigan State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On August 13, 1979 (44 FR 47350), the United States Environmental Protection Agency (EPA) proposed rulemaking and solicited public comment on revisions to the Michigan State Implementation Plan (SIP). These revisions included several requirements of the 1977 Amendments to the Clean Air Act which are not Part D requirements. On October 12, 1979, the State responded to EPA's notice of proposed rulemaking (44 FR 38587). No other public comments were received. The purpose of this notice is to announce EPA's final rulemaking action on these revisions to the Michigan SIP.

EFFECTIVE DATE: This rulemaking action becomes effective on July 6, 1981.

ADDRESSES: Copies of the SIP revision are available for inspection during normal business hours at the following addresses:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6038.

SUPPLEMENTARY INFORMATION: On April 25, 1979, the State of Michigan submitted revisions to its State Implementation Plan (SIP) to EPA. The submittal addressed several requirements of the 1977 Clean Air Act (Act) Amendments which are not Part D requirements. Although incorporation of these provisions is required by law, failure to achieve final approval by July 1, 1979 did not trigger the economic and growth sanctions associated with Part D.

On August 13, 1979 (44 FR 47350, 47357), EPA proposed rulemaking on these general requirements and invited public comment. On October 12, 1979, the State responded to EPA's notice of proposed rulemaking. No other public comments on these revisions were received. This notice announces EPA's final rulemaking action on these revisions to the Michigan SIP.

Section 110(a)(2)(K)—Permit Fees

This section requires the owner or operator of each major stationary source to pay the permitting authority as a condition of any permit required by the Act a fee to cover reasonable costs of processing an application for a permit and of implementing and enforcing the terms and conditions of the permit. Michigan has in effect Rule 366.82 which details a comprehensive air pollution surveillance fee system. EPA proposed to approve this system as meeting the requirements of section 110(a)(2)(K) on August 13, 1979 (45 FR 47350, 47358). No comments on this revision were received. Therefore, EPA approves the Michigan permit fee system as meeting the requirements of section 110(a)(2)(K).

Section 126—Interstate Pollution

Section 126(a)(1) of the Act requires that the SIP provide for written notice to nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality standards in that state. Except for an agreement with Canada, Michigan's SIP submittal of April 25, 1979, did not include procedures for the required written notice to other nearby states.

In the proposed rulemaking of August 13, 1979 (44 FR 47350, 47357), EPA proposed to disapprove this portion of the SIP unless Michigan submitted a schedule to develop these procedures and to submit them to EPA as a revision to the Michigan SIP.

State Response: In its October 12, 1979 response to the notice of proposed rulemaking, Michigan stated that it had an ongoing program of notification in cases of potential interstate pollution. The State committed itself to continuation of this program.

USEPA Final Determination: The procedures on which the state is relying have not been submitted to EPA as part of the Michigan SIP. Therefore, EPA disapproves this revision to the Michigan SIP as not satisfying the requirements of section 126(a)(1).

Section 126(a)(2) requires the State to identify existing major sources which may significantly contribute to levels of air pollution in neighboring states.

On October 31, 1977, the Chief of the Air Quality Division of the Michigan Department of Natural Resurces (MDNR) sent letters with this information to each bordering state. EPA proposed to approve this action on August 13, 1979 (44 FR 47350, 47358). No comments on this revision were received. Therefore, EPA approves this revision to the Michigan SIP as meeting the requirement of Section 126(a)(2).

Section 127—Public Notification

Section 127 requires the SIP to contain measures for effective notification of the public on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded, to advise the public of hazards associated with such pollution and to enhance public awareness of measures which can be taken to prevent such standards from being exceeded. The Air Quality Division of the MDNR proposes to publish annually an Air Quality Report summarizing all validated air monitoring data collected in the previous calendar year. This Report will outline standards, generalized health and welfare effects and other monitoring concerns and will be mailed upon request.

In addition, MDNR proposes to distribute to major news outlets an annual article which not only lists the pollutants for which primary standards have been violated, but also contains: (1) Information regarding certain violations of ambient air quality standards for individual pollutants; (2) explanations of the primary health related standards and associated health effects for that pollutant and (3) methods by which members of the public may participate in enforcing the standards for the pollutant. Michigan has submitted Rules 1301 through 1308 to provide for notifying the public of air pollution episodes, the adoption of episode emission abatement programs, and the issuance of episode orders.

EPA proposed approval of this revision to the Michigan SIP on August 13, 1979 (44 FR 47350, 47358). No comments on this revision or USEPA's proposed approval were received. Therefore, EPA approves this revision to the Michigan SIP as meeting the requirements for public notification.

Section 128—State Boards

Section 128 of the Act requires that any board which approves permits or enforcement orders under the Act contain a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Act and that members of any such board adequately disclose any potential conflicts of interest. The Governor of Michigan submitted a questionnaire to the members of the Air Pollution Control Commission to determine which members could be certified as representing the public interest and as not deriving a significant portion of their income from persons subject to permits or orders. The response to the questionnaire indicated that the majority of the board membership met the requirements of section 128. The Governor has committed himself to having all prospective commissioners complete the questionnaire and to make appointments so that the commission will continue to represent the public interest as required by section 128 of the Act.

EPA proposed to approve the use of the questionnaire and the commitment of the Governor as meeting the requirements of section 128 of the Act on August 13, 1979 (44 FR 47350, 47357), on the condition that the Governor make a further commitment to submit the questionnaire annually to members of the Air Pollution Control Commission and to submit annually the results to EPA. Alternatively, the Governor or his designee must make a commitment to develop and adopt regulations assuring that the members of the Air Pollution Control Commission meet the requirements of this section.

State Response: The Governor in a letter dated April 10, 1981 committed to annually administer and submit this questionnaire.

EPA Final Determination: EPA believes that this commitment is adequate and therefore will approve Michigan's provisions for State Boards.

as meeting the requirements of Section 128 of the Act.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The SIP approvals announced today are not major because they only approve State actions. They do not impose any new regulatory requirements. The disapprovals announced today are also not major because they impose no new regulatory requirements. The approved Michigan SIP currently contains no requirement for notifying neighboring State of pending SIP revisions and no requirement for State board disclosures of conflicts of interest. EPA's disapprovals do not change this status quo; they merely notify the state that its SIP continues to be deficient in these areas. Moreover, these requirements are largely procedural in nature. Any actions approving or disapproving submitted neighbor state notifications or state board disclosures would not be anticipated to have an annual effect on the economy of $100 million or more or a major economic impact on industry or the public.

This regulation was submitted for review to the Office of Management and Budget as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, IL 60604.

Under section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of this publication. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1980.

(Sec. 110(a), 126 and 128 of the Clean Air Act as amended (42 U.S.C. 7410(a), 7426 and 7428))

Dated: April 9, 1981.

Walter C. Barber,

Acting Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.1170(c) is amended by revising paragraph (c)(16) and by adding paragraph (c)(38) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(16) On April 25, 1979, the State submitted its nonattainment area plan for areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained Michigan's Part D attainment plans for particulate matter, carbon monoxide, sulfur dioxide, transportation and new source review, plus a copy of Michigan's existing and proposed regulations. USEPA is not taking action at this time to include in the federally approved SIP certain portions of the submittal: provisions in R 336.1310 concerning open burning; 336.1331, insofar as it may pertain to process sources in the iron and steel category and site specific revisions; 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356 and 1357 as they pertain to specific iron and steel source operations; Part 5, Extension of Sulfur Dioxide Compliance Date for Power Plants Past January 1, 1980; Part 7, Emission Limitations and Prohibitions—New Sources of Volatile Organic Compound Emissions; R336.1701–1710 controlling minor sources of volatile organic compounds; Part 11, Continuous Emission Monitoring; Part 13, Air Pollution Episodes; Part 16, Organization and Procedures; and Part 17, Hearings.

* * * * *

(38) On April 10, 1981 the Governor of Michigan committed to annually administer and submit the questionnaire developed for the purposes of Section 128.

2. Section 52.1181 is added as follows:

§ 52.1181 Interstate pollution.

(a) The requirements of Section 126(a)(1) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the procedures on which the state is relying to notify nearby states of any proposed major stationary source which may contribute significantly to levels of air pollution in excess of the National Ambient Air Quality Standards in that state.

3. Section 52.1182 is added as follows:

§ 52.1182 State boards.

(a) The requirements of Section 128 of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the measures on which the state is relying to insure that the Air Pollution Control Commission contains a majority of members who represent the public interest and do not derive a significant portion of their income from persons subject to permits or enforcement orders under the Act and that the board members adequately disclose any potential conflicts of interest.

[FR Doc. 81-16733 Filed 6-4-81; 8:45 am]

BILLING CODE 6560-38-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Parts 51–4 and 51–5

Workshop Responsibilities and Specification Changes

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Final rule.

SUMMARY: The Committee amends its regulations on the files which workshops must maintain on blind persons and on the procedures relating to changes in specifications or other descriptions of commodities or services on the Procurement List. The change regarding blind persons limits the requirements to those required by law. The methods used by the Government in describing commodities have changed substantially since the current provisions of § 51–5.11 were established in 1973. The changes provide guidance regarding the actions to be taken when there is a change in the specification, description or designation of a commodity on the Procurement List or the scope of work or other conditions in the provision of a service on the Procurement List.

EFFECTIVE DATE: June 5, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On November 21, 1980, the Committee published a proposed rule (45 FR 77060) to revise § 51–4.3 of 41 CFR Part 51–4 and to revise § 51–5.11 and add § 51–5.12 of 41 CFR Part 51–5.

The background and reasons for the changes were discussed in the notice announcing the proposed rule. One comment was received on Part 51–4 which proposed that the rule be amended to distinguish between the physically handicapped and the mentally retarded in maintaining the files on the disabling conditions that cause an individual to qualify as other severely handicapped. This comment was based on a misunderstanding of the requirements of the Committee's regulations regarding the need for recertification by a physician, psychiatrist, or psychologist of an other severely handicapped individual's disabling condition. If the disabling condition is of a permanent nature or is expected to degenerate, no follow-up report by a physician, psychiatrist, or psychologist is required.

In view of the above, the comment was not accepted. However, minor changes in wording were adopted in § 51-4.3(a)(6) and in § 51-4.3(b) (1) and (2) requiring the reports in each case to be "signed". These changes make it clear that the reports in the workshops' files must be signed by the person authorized to make the determinations contained in the respective reports. The wording in § 51-4.3(b)(2) has also been changed to clarify the fact that preadmission and reevaluation reports must state that the other severely handicapped individual is not capable of engaging in normal competitive employment.

One agency commented on two aspects of the proposed changes in Part 51-5. It pointed out that the requirement for the 90-day notification period contained no provision for a procuring activity to meet its emergency needs once a new specification or description had been adopted. A new paragraph (d) has been added to cover this contingency.

It also questioned the need for § 51-5.12 and pointed out that the composition or manner of fabrication of the replacement item might well affect its suitability for manufacture by the blind and other severely handicapped. Wording has been added in § 51-5.12 to require that a qualified workshop must be capable of producing the replacement item at a fair market price.

The specifications or descriptions for commodities on the Procurement List are being revised or updated on a continuing basis. From time to time those commodities are assigned new national stock numbers or other item designators generally without any significant change in the commodity itself. When this occurs, the new number or designators must be reflected on the Procurement List since each commodity on the Procurement List carries an identifying number or designator for control purposes.

The new § 51-5.12 will permit the Committee to make these administrative changes in the case of replacement commodities which have not been previously procured and which a qualified workshop can produce. This section would not apply where a commodity on the Procurement List is being replaced by another commodity which has previously been procured from commercial sources.

One additional change was made in the last sentence of § 5.11(b) where the words "To the date for its implementation", were changed to "to placing an order for a commodity covered by the new specification or description." This change removes a possible ambiguity of when a new specification is "implemented."

An administrative change has been made in § 51-5.1-2(b) to correct the address of the National Industries for the Blind.

This rule is not a major rule as defined in section 1(b) of Executive Order 12291 of February 17, 1981 and, therefore, a Regulatory Impact Analysis is not required under Section 3 of that Executive Order.

The recordkeeping requirements contained in § 51-4.3 have been approved through May 31, 1983, OMB No. 3037-0005. This has been reflected in § 51-4.3.

Accordingly 41 CFR Part 51-4 is amended as follows:

PART 51-4—WORKSHOPS

1. In § 51-4.3 add the recordkeeping authority note under the caption, and revise subparagraphs (6) and (7) of paragraph (a) to read:

§ 51-4.3 Responsibilities.

(The recordkeeping requirements of this section have been approved for use through May 31, 1983, Office of Management and Budget Number 3037-0005.)

(a) * * *

* * * * *

(6) Maintain a file on each blind individual which includes a written report reflecting visual acuity and field of vision of each eye, with and without glasses, signed by a person licensed to make such an evaluation.

(7) Maintain an ongoing placement program operated by or for the workshop to include liaison with appropriate community services such as the State employment service, employer groups and others; and list with one or more of these services those individuals capable of normal competitive employment.

2. Remove subparagraph 51-4.3(a)(8).

3. Revise paragraph 51-4.3(b) to read:

§ 51-4.3 Responsibilities.

* * * * *

(b) Each workshop for other severely handicapped participating under the Act shall, in addition to the requirements of paragraph (a) of this section, maintain a file for each other severely handicapped individual which includes:

(1) A written report signed by a licensed physician, psychiatrist, or qualified psychologist reflecting the nature and extent of the disability or disabilities that cause such person to qualify as other severely handicapped.

(2) Reports which state that the individual is not capable of engaging in normal competitive employment. These reports shall be signed by a person or persons qualified by training and experience to evaluate the work potential, interests, aptitudes, and abilities of handicapped persons and shall normally consist of preadmission evaluations and reevaluations prepared at least annually. The file on individuals who have been in the workshop for less than two years shall contain the preadmission report and, where appropriate, the next annual reevaluation. The file on individuals who have been in the workshop for two or more years shall contain, as a minimum, the reports of the two most recent annual reevaluations.

PART 51-5—PROCUREMENT REQUIREMENTS AND PROCEDURES

4. Change the address for the National Industries for the Blind in paragraph 51-5.1-2(b) to read as follows:

§ 51-5.1-2 Allocations and Orders.

* * * * *

(b) * * *

Agency and Agency Symbol

National Industries for the Blind, 3530 Moncure Avenue, Falls Church, Virginia 22041—IB

* * * * *

5. Revise § 51-5.11 including the caption to read as follows:

§ 51-5.11 Specification changes and similar actions.

(a) Specifications or other descriptions for commodities on the procurement list may undergo a series of changes to keep current with industry changes and agency needs. Since it is not feasible to show the latest revision current on the publication date, only the basic specification or description is referenced in the procurement list. Procurement agencies shall notify the workshop and the central nonprofit agency concerned of the latest applicable specification or description.

(b) When a Government department or agency is changing the specification or description of a commodity on the Procurement List, including a change that involves the assignment of a new national stock number or item designation, the office assigned responsibility for the action shall obtain the comments of the Committee and the central nonprofit agency concerned on the proposed change and shall notify the workshop and the central nonprofit agency concerned at least 90 days prior to placing an order for a commodity covered by the new specification or description.

(c) Similarly for services, the procuring activity shall notify the workshop and central nonprofit agency concerned at least 90 days prior to the date that any changes in the scope of work or other conditions will be required.

(d) When, in order to meet its emergency needs, a procuring activity is unable to give the 90-day notification required in paragraphs (b) and (c) above, the procuring activity shall, at the time it places the order or change notice, inform the workshop and the central nonprofit agency in writing of the reasons it cannot meet the 90-day notification requirement.

6. Add a new § 51-5.12 to read as follows:

§ 51-5.12 Replacement commodities.

When a commodity on the Procurement List is replaced by another commodity which has not been previously procured, and a qualified workshop can produce the replacement commodity in accordance with the Government's quality standards and delivery schedules and at a fair market price, the replacement commodity is automatically on the Procurement List and shall be procured from the workshop designated by the Committee. The commodity being replaced shall continue to be included on the Procurement List until there is no longer a requirement for that commodity.

(Pub. L. 92-28, 41 U.S.C. 46-48c, 85 Stat. 77)

C. W. Fletcher,

Executive Director.

[FR Doc. 81-16792 Filed 6-4-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5952

[M-51236]

Montana; Emergency Withdrawal of Bob Marshall, Scapegoat, and Great Bear Wilderness Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 1.5 million acres of national forest lands in the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas from mineral leasing in response to an emergency withdrawal resolution adopted by the House Interior and Insular Affairs Committee on May 21, 1981.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, 202-343-6486.

By notice and an appropriate Committee resolution of May 21, 1981, the Secretary of the Interior was informed by the House Interior and Insular Affairs Committee that an emergency situation exists in the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas and that extraordinary measures should be taken to preserve values that would otherwise be lost. The resolution directs the Secretary to immediately withdraw all of the Federal lands in the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas, within the Flathead, Helena, Lewis and Clark and Lolo National Forests, from all forms of disposition under all laws pertaining to mineral leasing and all amendments thereto, subject to valid existing rights. Therefore, pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, and in accordance with subsection (e) of Section 204 of the Act, it is ordered as follows:

1. Subject to valid existing rights and existing withdrawals and reservations, all of the Federal lands in the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas, as designated by Public Laws 88-577, 92-395, and 95-546, are hereby withdrawn from all forms of disposition under all laws pertaining to mineral leasing and all amendments thereto, subject to valid existing rights. The lands aggregate approximately 1,537,000 acres in Flathead, Lewis and Clark, Missoula, Pondera, Powell, and Teton Counties, Montana.

2. The lands withdrawn by this order are depicted on U.S. Forest Service exterior boundary maps for the Bob Marshall, Scapegoat, and Great Bear Wilderness Areas. The maps are on file in the Bureau of Land Mangement, Division of Lands, Realty, and Withdrawals, Room 3070, Main Interior Building, 18th and C Streets N.W., Washington, D.C. 20240, and in the Bureau of Land Management's Montana State Office, Granite Tower, 222 North 32nd Street, Billings, Montana 59107.

3. Except to the extent that this order may withhold the aforementioned Federal lands from all forms of disposition under all laws pertaining to mineral leasing and all amendments thereto, subject to valid existing rights, all other provisions of law applicable to the aforementioned wilderness areas shall remain in full force and effect.

4. This emergency withdrawal shall remain in effect until January 1, 1984.

James G. Watt,

Secretary of the Interior.

June 1, 1981.

[FR Doc. 81-16716 Filed 6-4-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-250; RM-3404 and RM-3479]

FM Broadcast Station in Chubbuck, & Pocatello, Idaho; Changes Made in Table of Assignments; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action substitutes FM Channel 252A for FM Channel 280A at Chubbuck, Idaho. Channel 280A at Chubbuck is short-spaced to Channel 277 at Idaho Falls, Idaho. This action eliminates the short-spacing.

DATES: Effective July 20, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

ERRATUM

Adopted: May 19, 1981.

Released: May 27, 1981.

By the Chief, Policy and Rules Division.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Chubbuck, and Pocatello, Idaho). BC Docket No. 80-250, RM-3404, RM-3479.

1. By *Report and Order* adopted April 10, 1981, and released April 23, 1981, (46 FR 23455; April 27, 1981) the Commission assigned Channel 280A to Chubbuck, Idaho, as that community's first FM assignment. In so doing, the Commission inadvertently overlooked a mileage separation conflict with the then pending assignment of Channel 277 to Idaho Falls, Idaho. The distance between the two communities is approximately 45 miles, while the required separation between third adjacent Class A and Class C channels is 65 miles. Channel 277 was recently assigned in Docket 80-249, adopted April 10, 1981. To correct this short-spaced assignment, we are now substituting Channel 252A for Channel 280A at Chubbuck. Channel 252A meets all the mileage separation requirements.

2. Accordingly, it is ordered, That effective July 20, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, IS AMENDED as follows:

City	Channel No.
Chubbuck, Idaho	252A

3. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

4. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16817 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-1; RM-366 and RM-3351]

Radio Broadcast Services; FM Broadcast Station in Clinton and Bald Knob, Arkansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 221A to Clinton, Arkansas, in response to a request filed by Weber-King Radio. The assignment could provide Clinton with a first FM and first local nighttime aural service. In addition, the license for Station KUCA, Conway, Arkansas, has been modified to specify Channel 217C.

DATE: Effective July 20, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 21, 1981.

Released: May 27, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Clinton and Bald Knob, Arkansas); BC Docket No. 79-1, RM-3166; RM-3351; second report and order; (proceeding terminated).

1. The Commission has before it the *Further Notice of Proposed Rule Making and Order to Show Cause*, 46 FR 9975, published January 30, 1981, proposing to assign Channel 221A, to Clinton, Arkansas, with a site restriction of approximately 10 kilometers (6 miles) and to modify the license for Station KUCA, Conway, Arkansas, from Channel 218C to Channel 217C.[1] Comments in support were filed by Weber-King Radio, the proponent of the Clinton assignment. A response to the Order to Show Cause was submitted by the University of Central Arkansas, licensee of Station KUCA.

2. Weber-King supports the proposal, states it will apply for Channel 221A, if assigned, and that it would provide reimbursement to Station KUCA for its frequency change. The University of Central Arkansas ("UCA") opposed the move to Channel 217C citing a reception problem with its present signal (on Channel 218C) in the Little Rock area and with the reception of Station KLRE-FM, Little Rock (Channel 213C) in the Conway area allegedly due to the closeness in frequency separation (5 channels or 1 MHz). A switch to Channel 217C or 4 channels removed would increase the problem according to UCA. A different frequency substitution, such as 89.0 MHz,[2] however, is recommended by UCA.

3. First, as to Clinton's needs, we have found sufficient justification for the assignment of Channel 221A which could provide a first FM and full-time local aural service to Clinton. We now turn to the issue concerning the modification of Station KUCA's license. We previously considered the availability of other frequencies reserved for noncommercial educational use at Conway,[3] and opted for Channel 217C to avoid reception problems with VHF television Channel 6, which is in operation at Mountain View, Arkansas, by Station KEMV. The distance from Conway to the Mountain View television station is 51.5 miles. As has been our policy in other cases involving possible interference to the reception of television Channel 6, we attempt to allocate frequencies in the upper portion of the noncommercial educational band. In this case, Channel 217C was the highest frequency available as a substitute for Channel 218C. The Commission's protection ratios which are used to allocate noncommercial educational frequency protects channels up to the third adjacency. See § 73.509(d)(3). The alleged problem here involves a fifth adjacent channel which we have proposed to be replaced by a fourth adjacent channel (Channel 213C, Little Rock, to Channel 217C, Conway). Therefore, even assuming a problem exists as it may in other areas of the country, our accepted standards do not ordinarily provide protection to the extent needed here. While we have no specific information as to the nature or extent of the reception problems involving Station KUCA and KLRE-FM, we may assume for argument's sake that a reception problem exists. Nevertheless, we believe that the potential problem to the reception of Channel 6 would be more serious. We have, since 1966, recognized the Channel 6 interference problem,[4] and we have sought to avoid the allocation of noncommercial educational frequencies on the lower end of the band.[5] We have, on occasion, gone so far in the cited cases as to reserve commercial channels for noncommercial educational use to avoid the Channel 6 interference problem. We do not believe such a step is necessary here since Channel 217C is available. As we have stated earlier, our protection standards do not extend to fourth adjacent channels[6] especially where no showing has been made as to the nature and extent of the problem or

[1] The required mileage separation between Channel 221A at Clinton, and Channel 218C at Conway is 65 miles. Taking into account the site restriction on the Clinton assignment, the channels would still be short-spaced by 24 miles.

[2] The frequency, 89.0 MHz, is not available for the main broadcast operation. Rather 88.9 MHz (Channel 205) or 89.1 MHz (Channel 206) could be utilized for this purpose.

[3] A study by our staff indicates that Channels 206, 207, 210, 211 and 217 are also available for use at Conway.

[4] See *Policy to Govern Change of FM Channels to Avoid Interference to TV Reception*, 6 R.R. 2d 672 (1966) and *FM Interference to TV Reception*, FCC 67-1012, *Public Notice* released September 1, 1967.

[5] See *Muncie, Indiana*, 59 FCC 2d 778 (1976); *Waco, Texas*, 10 FCC 2d 865, 872 (1967).

[6] See *Vandalia, Missouri*, 47 R.R. 2d 238.

the attempts undertaken to correct the reception difficulties. Therefore, we find that Channel 217C should be substituted for use by Station KUAC, Conway.

4. It is our impression that UCA did not oppose a modification of its frequency since it did not request a hearing on the proposal. Rather, we believe that UCA merely preferred an alternate substitute frequency. In paragraph 7 of the *Further Notice of Proposed Rule Making*, we indicated that the failure to request a hearing would be construed as consent to the proposed license modification. Nevertheless, since we normally give 30 days to submit a statement consenting to the license modification, see paragraph 6 *infra*., UCA may use that process to inform us that it objects to the modification ordered herein. Should UCA refuse to consent, it would be necessary for it to apply for renewal of its license on Channel 217C at the license expiration date of June 1, 1982,[7] as is our policy in such cases.[8]

5. Accordingly, it is ordered, That effective July 20, 1981, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, the FM Table of Assignments § 73.202(b) of the Commission's Rules is amended to read as follows for the city listed below:

City	Channel No.
Clinton, Arkansas	221A.
Conway, Arkansas	217C.

6. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license for Station KUCA held by the University of Central Arkansas is modified effective July 20, 1981, to specify operation on Channel 217C instead of Channel 218C with the condition that it will receive reimbursement for the switch in frequencies from the permittee of Channel 221A, Clinton, Arkansas. The licensee shall inform the Commission in writing by no later than July 20, 1981, of its consent to this modification. Station KUCA may continue to operate on Channel 218C until a permit is issued for Channel 221A at Clinton. In addition:

(a) At least 30 days before commencing operation on Channel 217C, the licensee of Station KUCA shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 217C.

(b) At least 10 days prior to commencing operation on Channel 217C, the licensee of Station KUCA shall submit the measurement data required of an applicant for an FM broadcast station; and

(c) The licensee of Station KUCA shall not commence operation on Channel 217C without prior Commission authorization.

7. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to the University of Central Arkansas, P.O. Box A, Conway, Arkansas, 72032.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(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.

[FR Doc. 81-16729 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

[7] See Section 73.1020 of the Commission's Rules.

[8] See *Transcontinent Television Corp. v. FCC*, 308 F. 2d 333 (1961); *Mitchell, South Dakota*, 62 FCC 2d 70 (1976).

47 CFR Part 73

[BC Docket No. 80-317; RM-3542]

Radio Broadcast Services; FM Broadcast Station Piedmont, Missouri; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 285A to Piedmont, Missouri, in response to a petition filed by Wayne County Broadcasting Co., Inc. The assignment could provide Piedmont with a first fulltime local aural broadcast service.

EFFECTIVE DATE: July 20, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 28, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Piedmont, Missouri); BC Docket No. 80-317, RM-3542; report and order, (proceeding terminated).

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 43811, published June 30, 1980, in response to a petition filed by Wayne County Broadcasting Co., Inc. ("petitioner"), proposing the assignment of Channel 285A to Piedmont, Missouri, as that community's first FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel if assigned. No oppositions to the proposal were received.

2. Piedmont (population 1,906), in Wayne County (population 8,546),[1] is located approximately 175 kilometers (108 miles) south of St. Louis. It is presently served by daytime-only AM Station KPWB, licensed to petitioner. Channel 285A could be assigned to Piedmont in compliance with the minimum distance separation requirements.

3. In support of its proposal, petitioner submitted information with respect to Piedmont which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 285A to Piedmont, Missouri. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first fulltime local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective July 20, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Piedmont, Missouri	285A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(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.

[FR Doc. 81-16730 Filed 6-4-81; 8:45 am]

BILLING CODE 6712-01-M

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