reasonableness of the Commission staff risk assessment for benzene. (See "Cc-1-81-3 Air Products and Chemicals", CPSC staff memorandum from Warren Porter and Paul White, April, 1981 on file at the Office of the Secretary.)

The Commission also received a letter from the Small Business Administration indicating that the Commission's certification under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that its proposed withdrawal of the proposed ban would not, if promulgated, have a significant economic impact on a substantial number of small entities was acceptable.

Conclusion

Having reviewed the economic and risk data on current benzene use in consumer product discussed in the proposed withdrawal notice as well as the public comments on the proposed withdrawal, the Commission determines that a rule banning benzene-containing consumer products is not reasonably necessary at this time to eliminate or reduce an unreasonable risk of injury associated with such products. The Commission notes that no new information has been submitted since the proposed withdrawal indicating that the current usage of benzene in consumer products presents a significant risk to consumers. Therefore, in accordance with section 9(a)(1)(B) of the CPSA, the Commission withdraws its proposal of May 19, 1978 (43 FR 21838) to declare that consumer products containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume are banned hazardous products. The Commission also withdraws its proposed rule, issued at the same time as the banning regulation, to regulate consumer products containing benzene under the CPSA (16 CFR Part 1145.8; see 43 FR 21838) as well as its proposed amendments to rules under the Federal Hazardous Substances Act (FHSA) and the Poison Prevention Packaging Act of 1970 (PPPA) concerning benzene. The amendments would have exempted from the FHSA and the PPPA rules products covered by the benzene ban. (16 CFR 1500.14(b)(3)(iv) and 16 CFR 1700.14(a)(15); see 43 FR 21852 and 21853 respectively.)

Effective date: Section 4 of the Administrative Procedure Act (APA), 5 U.S.C. 553, provides that the delayed effective date provisions for substantive rules are inapplicable to rules which relieve a restriction. Since this rule relieves a restriction, it is effective immediately.

Accordingly, pursuant to 5 U.S.C. 553(d)(1), the effective date of the Commission's withdrawal of its proposed consumer product safety rule concerning benzene-containing products is May 22, 1981.

(Secs. 8, 9; 86 Stat. 1215–1217, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058)

Dated: May 13, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-15428 Filed 5-21-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 281

[Docket No. RM79-15; Order No. 145]

Revision of Schedule of Filing Annual Revisions To Index of Entitlements for Priority 2 (Essential Agricultural) Uses of Natural Gas; Implementation of Section 401 of the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Commission by this final rule amends its Regulations in Part 281, Subpart B that establish a filing schedule by which interstate pipelines collect customer data regarding essential agricultural uses, prepare revisions to their curtailment plans to reflect the data collected, and file these revisions with the Commission. This rule adds approximately 45 days to the filing schedule in order to provide additional time for the interstate pipelines to prepare the revisions to their curtailment plans.

EFFECTIVE DATE: Date of issuance, May 14, 1981.

FOR FURTHER INFORMATION CONTACT:

Colette Bobatch, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8140

Robert Schroeder, Office of Pipeline & Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8828.

May 14, 1981.

The Federal Energy Regulatory Commission adopts final regulations that revise the schedule for filing annual revisions to the index of entitlements for priority 2 (essential agricultural) uses of natural gas.

I. Background

Title IV of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3391–3394) creates new priority classifications for certain uses of natural gas. Section 401 of NGPA established the category of essential agricultural uses of natural gas that are not to be curtailed unless necessary to protect users of a higher priority.

The Commission implemented section 401 through a series of orders issued in Docket No. RM79-15 that essentially reorder curtailment priorities. Under the newly reordered priorities, uses of natural gas in residences, certain commercial establishments, schools, hospitals, and for certain other purposes constitute Priority 1, and essential agricultural uses of natural gas constitute Priority 2.[1] When the program was implemented two years ago, the designated pipelines [2] were required to reorder their individual curtailment plans by incorporating the curtailment priorities described in section 401. Thereafter on an annual basis, these pipelines are required to update their curtailment plans by filing with the Commission revised tariff sheets that contain an index of entitlements for Priority 2, essential agricultural uses.

In order to revise the index of entitlements, it is necessary for the interstate pipelines to collect data from end-users, distributors, and other interstate pipelines regarding the current requirements for essential agricultural uses of natural gas (§ 281.211). These data are then used by the interstate pipeline to determine if and to what extent it must revise its index of entitlements in order to allocate sufficient volumes of natural gas to meet the essential agricultural requirements of its customers.

Each interstate pipeline is required to prepare and transmit a draft index of entitlements (§ 281.212) to each of its customers and to its Data Verification Committee (§ 281.213). Under the regulations, the customers have an opportunity to protest the interstate pipeline's proposed allocation of natural

[1] Order No. 29, Docket No. RM79-15, issued May 2, 1979, 44 FR 26855, May 8, 1979. Order No. 29 was amended in Order Nos. 29-A, issued June 15, 1979 (44 FR 37499, June 27, 1979), 29-B, issued July 20, 1979 (44 FR 45922, August 6, 1979) and 29-C, issued October 22, 1979 (44 FR 61338, October 25, 1979).

[2] Interstate pipelines obligated by the regulations implementing section 401 are designated in § 281.202. Certain of the interstate pipelines have complied with section 401 without filing an index, pursuant to adjustments under Section 502(c) of the NGPA.

as volumes to the categories of users. The Data Verification Committee is required to analyze and prepare a report to assist the pipeline in finalizing the index of entitlements that will be filed with the Commission.

Taking into consideration customer protests and the report of the Data Verification Committee, the interstate pipeline then makes final adjustments to the draft index. The index is filed with the Commission as an amendment to the pipeline's currently effective tariff under section 4 of the Natural Gas Act.

These regulations include a schedule of filing and notification dates so that the approved indices can be effective on November 1 for the winter season. Since this program was adopted, the Commission has revised these dates when it determined revisions were necessary to provide all persons obligated under the program sufficient time to prepare the required documents. With this experience, the Commission has now determined that additional revisions are necessary.

II. Summary of Revised Schedule

By this final rule, the Commission adopts the following revised schedule:

June 15—Essential agricultural users are required to file with direct suppliers data regarding current natural gas requirements.
June 30—Local distribution companies are required to file with their interstate suppliers data regarding their customers' essential agricultural use requirements.
July 15—Interstate pipelines are required to file with their direct interstate suppliers their natural gas requirements for essential agricultural uses.
August 1—Interstate pipelines are required to provide their customers and Data Verification Committee with a draft index of entitlements.
August 15—Protests to the draft index of entitlements are required to be filed with the Data Verification Committee.
September 1—The Data Verification Committee is required to submit its report to the interstate pipeline.
September 15—Interstate pipelines are required to file revisions to the index of entitlements and the Data Verification Committee report with the Commission.
November 1—Revisions to the index of entitlements for each interstate pipeline become effective if approved by the Commission.

The effect of this new schedule is to add approximately 45 days to the schedule in order to provide additional time to the interstate pipelines to prepare the index of entitlements and to provide the Commission with additional time to consider these indices before becoming effective on November 1. This schedule moves forward from July 31 to June 15 the date the essential agricultural users are required to file data with their direct suppliers. Thirty days of this additional time were allocated to expand the period of time within which the interstate pipelines must analyze all the pertinent customer data and must file the revisions to the index of entitlements with the Commission. An additional 15 days were allocated to expand the period of time within which the Commission must review the index of entitlements filed by each pipeline.

III. Section-by-Section Analysis

A. Section 281.211

Filing by Essential Agricultural Users. Subparagraph (b)(1) is amended by changing the date of "July 31, 1979" to "June 15 of each year". Under the amended regulation the essential agricultural users are required to file with their suppliers the data regarding current essential agricultural uses by June 15 of each year. This provides the additional 45 days to the schedule that is allocated as described above. Although this moves forward the filing date for the essential agricultural uses, the Commission does not believe any hardship will result because the filing requirement is minimal and many, if not all, of these users have previously participated in this program.

Filing by local distribution companies. Subparagraph (b)(2) is amended by substituting "June 30 of each year" for "August 15, 1979". This amendment preserves the 15 day interval under the current schedule between the date the essential agricultural users file with their direct suppliers and the date the local distribution companies must file with the interstate pipelines.

Filing by Interstate pipelines. Subparagraph (b)(3) is amended by substituting "July 15 of each year" for "August 31, 1979". This amendment preserves the 15 day interval under the current schedule between the date the local distribution companies must file with their direct suppliers and the date the interstate pipelines must file data with their direct interstate pipeline suppliers.

B. Section 281.213

Data Verification Committee. Paragraph (c) is amended by substituting "August 15 of each year" for "September 21, 1979" and by deleting the last sentence of the paragraph. This expands by seven days the time for customers to file protests to the draft index of entitlements.

Paragraph (e) is amended by substituting "September 1 of each year" for "September 23, 1979" and by deleting the last sentence of the paragraph. This expands from nine to 30 days the period for the Data Verification Committee to prepare its report on the draft index of entitlements.

C. Sections 281.204 and 281.205

Sections 281.204 and 281.205 are amended in subparagraph (b)(2) and subparagraph (c)(2), respectively, by substituting "September 15" for "October 1". These amendments establish September 15 as the date the interstate pipelines must file the index of entitlements with the Commission. The total period of time for the interstate pipelines to prepare the index from the data collected is expanded by approximately 30 days.

Subparagraph (b)(4) is deleted. The election available to the interstate pipelines to file the index of entitlement on November 1 instead of October 1 under current regulations is no longer necessary. After two years, the interstate pipelines should be sufficiently familiar with the filing schedule that the election of additional time is unnecessary particularly in view of the additional time incorporated by this rule into the schedule.

Subparagraph (a)(2) is deleted also because it establishes dates effective for 1979 that are no longer necessary.

D. Section 281.216

Section 281.216 that revised the schedule for 1980 is no longer necessary and is therefore deleted.

E. Section 281.212

Paragraphs (b) and (c) are revised to substitute "August 1 of each year" in lieu of "September 14, 1979" as the date the interstate pipeline must serve the draft index of entitlements on the customers and on the Data Verification Committee. Paragraph (d) that establishes the filing date for years subsequent to 1979 is unnecessary because of the amendment to paragraphs (b) and (c) and is therefore deleted.

IV. Effective Date of Final Rule

The amendments to 18 CFR Part 281 of the Commission's regulations adopted herein are effective immediately upon issuance. These amendments add approximately 45 days to the filing schedule applicable to agricultural users, local distribution companies and interstate pipelines for the collection of data and the preparation and filing of the revisions to the index of entitlements of natural gas for essential agricultural uses.

Because this rule adopts procedural changes in the Commission's regulations, public comment procedures are not required under section 553(b) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b).

For the reasons stated above regarding the advantages of adding approximately 45 days to the filing schedule, the Commission believes that good cause exists, in accordance with section 553(d) of the APA, 5 U.S.C. 553(d), to waive the 30-day notice and to make this rule effective immediately.

(Natural Gas Policy Act of 1978 (15 U.S.C. 3301–3432); Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); E.O. 12009, 42 CFR 46267 (1978))

In consideration of the foregoing, the Commission amends §§ 281.204, 281.205, 281.211, 281.212, 281.213, and 281.216 of Part 281, Subchapter I of Chapter I, Title 18 of the Code of Federal Regulations as provided below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. The Table of Contents for Part 281, Subpart B is amended by removing "281.216 Filing and service dates for 1980".

§ 281.204 [Amended]

2. Section 281.204 is amended in paragraph (b)(2) by removing the date "October 1" and substituting therefor "September 15" and is amended by removing paragraphs (a)(2) and (b)(4). Paragraph (a)(1) is amended by redesignating it as paragraph (a).

§ 281.205 [Amended]

3. Section 281.205 is amended in paragraph (c)(2) by removing the date "October 1" and substituting therefor "September 15 of each year".

§ 281.211 [Amended]

4. Section 281.211 is amended in paragraph (b)(1) by removing the date "July 31, 1979" and substituting therefor "June 15 of each year", in paragraph (b)(2) by removing the date "August 15, 1979" and by substituting therefor "June 30 of each year", and in paragraph (b)(3) by removing the date "August 31, 1979" and substituting therefor "July 15 of each year".

§ 281.212 [Amended]

5. Section 281.212 is amended in paragraphs (b) and (c) by removing the date "September 14, 1979" and substituting therefor "August 1 of each year". Paragraph (d) is removed.

§ 281.213 [Amended]

6. Section 281.213 is amended in paragraph (c) by removing the date "September 21, 1979" and substituting therefor "August 15 of each year" and by removing the last sentence, and in paragraph (e) by removing the date "September 23, 1979" and substituting therefor "September 1 of each year" and by removing the last sentence.

§ 281.216 [Removed]

7. Section 281.216 is removed in its entirety.

[FR Doc. 81-15322 Filed 5-21-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytetracycline Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc., providing for safe and effective use of a 200-milligram-per-milliliter oxytetracycline injection at 9 milligrams per pound of body weight for treating pneumonia in swine.

EFFECTIVE DATE: May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed a supplemental NADA (113–232) providing for intramuscular use of a 200-milligram-per-milliliter oxytetracycline (OTC) injection as a single dose at 9 milligrams per pound of body weight for treating pneumonia caused by *Pasteurella multocida* in swine. Approval of the parent application (45 FR 16478; March 14, 1980) provided, among other uses, for intramuscular use of the drug at 3 to 5 milligrams per pound of body weight (not to exceed 4 consecutive days) in swine for treating the aforementioned infection. The supplement provides for the single dose as an alternative to the repetitive dosage regimen when re-treatment for pneumonia is impractical because of husbandry conditions.

The single-dosage regimen is supported by adequate and well-controlled clinical and field studies. Accordingly, the supplemental NADA is approved, and the regulations are amended to reflect the approval.

Approval of the alternative, single dosage regimen will not increase the total dose or duration of treatment of bacterial pneumonia in swine. This approval poses no increased human risk from exposure to residues of the drug because residues resulting from this use do not exceed the level of residues resulting from the use of the approved, alternate dosage of 3 to 5 milligrams per pound of body weight per day. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application 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, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (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.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1660 by revising paragraph (c)(2)(i) to read as follows:

§ 522.1660 Oxytetracycline injection.

* * * * *

(c) * * *

(2) *Swine*—(i) *Amount.* 3 to 5 milligrams of oxytetracycline per pound of body weight per day; 9 milligrams per

pound of body weight as a single dosage where re-treatment for pneumonia is impractical. Sows: Administer once 3 milligrams of oxytetracycline per pound of body weight, approximately 8 hours before farrowing or immediately after completion of farrowing.

* * * * *

Effective date. May 22, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 15, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-15387 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; N-(Mercaptomethyl) Phthalimide S-(O,O-Dimethyl Phosphorodithioate) Emulsifiable Liquid

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Zoecon Industries, Inc., providing for safe and effective use of an organophosphate insecticide on beef cattle.

EFFECTIVE DATE: May 22, 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: Zoecon Industries, Inc., 12200 Denton Dr., Dallas, TX 75234, filed an NADA (98-895) providing for use of an emulsifiable liquid containing 11.6 percent *N*-(mercaptomethyl) phthalimide *S*-(O,O-dimethyl phosphorodithioate) on beef cattle to control grubs, lice, cattle ticks, Southern cattle ticks, hornflies, and acabies mites. The product may be administered topically as a dip vat emulsion, pour-on, or spray. It is intended for use in accordance with currently approved conditions of use. The NADA is approved and the regulations are amended to reflect this approval.

Approval of this NADA is based on safety and effectiveness data contained in Stauffer Chemical Co.'s approved NADA 44-757. Use of the data in NADA 44-757 to support this application has been authorized by Stauffer. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), approval of the NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of the safety and effectiveness data in NADA 44-757.

Stauffer's application was approved by FDA December 1, 1971, and codified in 21 CFR 135a.14 (since recodified as 21 CFR 524.1742). By letter dated October 7, 1974, Stauffer submitted to the Environmental Protection Agency (EPA) an application to amend its original approval by adding a claim for controlling scabies mites by dip vat application. Under a Memorandum of Understanding between FDA and EPA, with respect to topically active pesticides, EPA is the primary reviewer and has final approval authority. EPA approved the scabies claim, and FDA concurred by letter dated February 21, 1975. Therefore, the regulations are further amended to codify the previously approved scabies claim.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application 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, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (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.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) 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)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 524.1742 is amended by revising paragraph (b) and the introductory text of paragraph (c)(1), redesignating existing paragraph (c)(3) as (c)(4), adding new paragraph (c)(3), and amending paragraph (c)(4) by revising the 10th and 11th sentences therein, to read as follows:

§ 524.1742 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) emulsifiable liquid.

* * * * *

(b) *Sponsor.* See Nos. 011536 and 017032 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Methods of application.* Methods of application to control the following conditions on beef cattle:

To control and Method of use
Grubs—Dip, pour-on, or spray
Lice—Dip, pour-on, or spray
Hornflies—Spray
Cattle ticks—Dip or spray
Southern cattle ticks—Dip or spray
Scabies mites—Dip

* * * * *

(3) *Scabies mites control.* Two treatments, 7 to 10 days apart are required.

(4) *Warnings.* * * * Treatment for lice, ticks, hornflies, and scabies mites may be made any time of the year except when cattle grub larvae are in the gullet or spinal canal. Treatment for lice, ticks, and scabies mites may be made any time 7 to 10 days following treatment for grubs. * * *

* * * * *

Effective date. This amendment is effective May 22, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 15, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-15386 Filed 5-21-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 529

Halothane; Certain Other Dosage Form New Animal Drugs Not Subject to Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Fort Dodge Laboratories, Inc., providing for revised labeling for the safe and effective use of a halogenated inhalation anesthetic for induction and