

canned pineapple as an optional ingredient. Any person who would be adversely affected by the further amendment could have, at any time on or before July 28, 1980, filed written objections and requested a hearing. No objections or requests for a hearing were filed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that 21 CFR 145.180(a)(1), as amended in the Federal Register of June 27, 1980 (45 FR 43389), will become effective July 1, 1983. Voluntary compliance may have begun July 29, 1980.

Dated: May 20, 1981.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 81-15932 Filed 5-26-81; 8:45 am]

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Pyrantel Tartrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Cadco, Inc., providing for safe and effective use of 9.6- and 19.2-gram-per-pound pyrantel tartrate premixes for making complete swine feeds.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Cadco Inc., P.O. Box 3599, Des Moines, IA 50322 is the sponsor of NADA 119-062 submitted on its behalf by Pfizer, Inc. The NADA provides for use of premixes containing 9.6 and 19.2 grams of pyrantel tartrate per pound for making complete swine feeds used (1) as an aid in prevention of migration and establishment of large roundworm (*Ascaris suum*) infections, (2) as an aid in prevention of establishment of

nodular worm (*Oesophagostomum*) infections, and (3) for removal and control of large roundworm (*Ascaris suum*) and nodular worm (*Oesophagostomum*) infections.

Approval of this application relies on safety and effectiveness data contained in Pfizer's approved NADA 43-290. Use of the data in NADA 43-290 to support this application has been authorized by Pfizer. 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, published in the Federal Register of December 23, 1977 (42 FR 64367), the approval of this 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 43-290.

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.

In accordance with the freedom of information provisions of 21 CFR Part 20 and 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.

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 21 CFR 5.1, see 46 FR 26052; May 11, 1981), and redelegated to the Bureau of Veterinary Medicine (21 CFR

5.83), Part 558 is amended in § 558.485 by adding paragraph (a)(8) to read as follows:

§ 558.485 Pyrantel tartrate.

(a) * * *

(8) To 011490: 9.6 and 19.2 grams per pound, paragraph (e)(1) through (3) of this section.

* * * * *

Effective date. May 29, 1981.

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

Dated: May 20, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary
Medicine.

[FR Doc. 81-15725 Filed 5-26-81; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1301, 1303, 1304, 1308,
1311 and 1312

Change of Address and Nomenclature Changes

AGENCY: Drug Enforcement
Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule changes office designations and addresses which are currently listed in 21 CFR Part 1300 to End to accurately reflect changes in the Drug Enforcement Administration's organizational structure. No substantive changes in any of the regulations are included in this action. Therefore no comments are solicited and this action is issued as a final rule.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537; Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: Sections of 21 CFR Part 1300 to End make reference to the Distribution Audit Branch of DEA as the designated office to which various documents should be sent. Reorganizations within DEA have transferred the function of the Distribution Audit Branch to other elements of the agency. In order to

ensure that the applications, reports and other correspondence required by the regulations in 21 CFR Part 1300 to End reach their proper destination as expeditiously as possible, certain of the DEA office designations must be changed. Additionally, the Department of Health, Education and Welfare has been renamed the Department of Health and Human Services, thus requiring a nomenclature change to any reference to this Department in 21 CFR Part 1300 to End.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR 0.100), the Administrator hereby orders that Title 21 of the Code of Federal Regulations, Part 1300 to End be amended as follows:

§ 1301.26 [Amended]

21 CFR 1301.26(e) is amended by removing the words "Distribution Audit Branch" and inserting, in their place, the words "Compliance Division."

§ 1301.71 [Amended]

21 CFR 1301.71(d) is amended by removing the words "Compliance Investigations Division" and inserting, in their place, the words "Compliance Division."

§§ 1303.12, 1303.22, 1303.27, 1304.35 and 1308.24 [Amended]

21 CFR 1303.12 (b) and (d), 1303.22, 1303.27, 1304.35(a) and 1308.24(d) are amended by removing the words "Distribution Audit Branch" and inserting, in their place, the words "Regulatory Control Division."

§ 1304.37 [Amended]

21 CFR 1304.37(a) is amended by removing the words "Distribution Audit Branch, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537" and inserting, in their place, the words "ARCOS Unit, P.O. Box 28293, Central Station, Washington, D.C. 20005."

§§ 1304.37, 1308.39 and 1304.41 [Amended]

21 CFR 1304.37(b), 1304.39(d) and 1304.41(d) are amended by removing the words "Distribution Audit Branch" and inserting, in their place, the words "ARCOS Unit."

§ 1304.42 [Amended]

21 CFR 1304.42(a) is amended by removing the words "Regulatory Investigations Section" and inserting, in their place, the words "Regulatory Control Division."

§ 1308.04 [Amended]

21 CFR 1308.04(a) is amended by removing the words "Assistant Director for Scientific Support, Attention: Label Project, Drug Enforcement Administration, Department of Justice, Washington, D.C. 28083" and inserting, in their place, the words "Regulatory Support Division, Attention: Project Label, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537."

§ 1308.23 [Amended]

21 CFR 1308.23(b) is amended by removing the ZIP code number "28083" and inserting, in its place, the number "20537."

§ 1301.74 [Amended]

21 CFR 1301.74(k) is amended by removing the words "Secretary of Health, Education, and Welfare" and inserting, in their place, the words "Secretary of Health and Human Services."

§§ 1311.53 and 1312.15 [Amended]

21 CFR 1311.53(c) and 1312.15(b) are amended by removing the word "Bureau" and inserting, in its place, the word "Administration."

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

May 20, 1981.

[FR Doc. 81-13924 Filed 5-28-81; 8:45 am]

BILLING CODE 4410-09-M

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of Assistant Secretary for
Housing—Federal Housing
Commissioner**

24 CFR Part 885

[Docket No. R-81-897]

**Loans for Housing for the Elderly or
Handicapped (Interest Rate
Determination)**

AGENCY: Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule changes the formula by which the interest rates for direct loans for housing for the elderly or handicapped will be calculated. The effect of this change will be lower interest rates.

Experience indicates that the level of default and resulting administrative costs for these loans are quite low. Accordingly, the Secretary has

determined to reduce the charge for administrative costs and probable losses for purposes of establishing the interest rates for Section 202 loans. Instead of the present charge of 1 percent per annum during the construction period and ½ of 1 percent per annum during the permanent loan period; the charge will be ¼ of 1 percent per annum for both periods.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT:

George O. Hipps, Jr., Director, Office of Multifamily Housing Development, 451 7th Street SW., Room 6128, Washington, D.C. 20410, telephone (202) 755-5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 202 of the National Housing Act authorizes loans to encourage construction of housing for the elderly and handicapped. The interest rate for these loans is based on two factors: (1) a rate determined by the Secretary of the Treasury, taking into account the average interest rate on all interest-bearing obligations of the United States forming a part of the public debt and computed as of the end of the preceding fiscal year, and (2) a charge for administrative costs and probable losses determined by the Secretary of HUD.

Because of the remedial nature of the section 202 interest rate change and in order to avoid further delay in processing projects presently in development, the Department has determined that there is good cause for making this Rule effective as soon as possible.

The Catalog of Federal Domestic Assistance Program title and number is Housing for the Elderly or Handicapped, 14.157.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. In addition, the Chairmen and Ranking Minority Members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives have waived the delay of effective date required by

section 7(o)(3) of the Department of Housing and Urban Development Act.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

Accordingly, 24 CFR 885.410(g) (1) and (2) is revised to read as follows:

§ 885.410 Amount and terms of financing.

(g) The loan shall bear interest at a rate established by the Secretary by adding:

(1) A rate determined by the Secretary of the Treasury to be the average interest rate on all interest-bearing obligations of the United States then forming a part of the public debt computed at the end of the fiscal year immediately prior to the date on which the loan is made; plus

(2) An allowance to cover administrative costs and probable losses under the program, which allowance has been determined by the Secretary of HUD to be one-fourth of one percent (.25%) per annum for both the construction and permanent loan periods.

(Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., April 27, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-10094 Filed 5-28-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1903

[Docket No. W-005A]

Revocation of Walkaround Compensation Regulation

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

ACTION: Revocation of a regulation.

SUMMARY: This document revokes 29 CFR 1903.8(e), a regulation scheduled to become effective on May 30, 1981, which requires employers to compensate employee representatives who accompany OSHA inspectors during inspections ("walkarounds") and employees who engage in other inspection-related activities. The agency

has concluded that the record does not establish that the regulation is necessary in order for the Secretary to conduct effective compliance inspections.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. H. Berrien Zettler, Office of Field Coordination, Occupational Safety and Health Administration, Room N-3603, U.S. Department of Labor, Washington, D.C. 20210 (Tel. 202-523-7725).

SUPPLEMENTARY INFORMATION:

I. Background

A. Introduction

On January 18, 1981, the Occupational Safety and Health Administration ("OSHA") promulgated a walkaround compensation regulation requiring employers to compensate employee representatives who participate in OSHA walkaround inspections and employees who engage in related activities, such as speaking with OSHA compliance officers during inspections. 46 FR 3852. The regulation was scheduled to go into effect on February 17, 1981, but on February 6, 1981, the effective date was delayed until March 30, 1981. Subsequently, the President issued Executive Order 12291, 46 FR 13193 (February 19, 1981), which, in part, required agencies to review regulations promulgated but not in effect as of the date of the order. Pursuant to that order, on March 27, 1981, OSHA published in the *Federal Register* a notice which further delayed the effective date of the walkaround compensation regulation until May 30, 1981, and proposed to revoke the regulation. 46 FR 18999.

The agency invited the public to submit written data, views, and arguments with respect to the proposed revocation and all issues involved therein. Comments were to be postmarked on or before April 30, 1981. The agency has received a number of comments from businesses, unions, trade associations, public interest groups and others. All timely submissions were made part of the record and were duly considered. In addition all comments and exhibits previously submitted on the regulation were re-evaluated and reconsidered.

B. Statutory Framework

Section 8(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 *et seq.* (the "Act" and the "OSH Act") authorizes the Secretary of Labor ("Secretary") to conduct inspections and investigations of workplaces in order to determine whether or not violations of the Act are present. With respect to

inspections section 8(e) of the Act provides:

Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

In addition section 8(g)(2) of the Act provides:

The Secretary and the Secretary of Health, Education and Welfare shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

C. History of Walkaround Compensation Regulation

In 1973, the Assistant Secretary of Labor for Occupational Safety and Health, relying in part upon the Solicitor of Labor's opinion that walkaround time was not "hours worked" under the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. 203(o) (1976), concluded that an employer's failure to pay employees for the time spent with the OSHA inspector was not a *per se* violation of section 11(c) of the Act. See 28 FR 2684 (January 29, 1973) (codified at 29 CFR 1977.21(a)) (1975). Generally, that section provides that no person may discharge or discriminate against any employee because of the employee's exercise of his rights under the Act.

In 1974, a federal district court upheld the Department of Labor's interpretation in a civil action brought by employees to recover wages lost because of participation in an OSHA inspection. *Leone v. Mobil Oil Corp.*, 377 F. Supp. 1302 (D.D.C. 1974), *aff'd* 523 F.2d 1153 (D.C. Cir. 1975). In 1975, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the district court's decision and held that because walkaround time primarily benefits employees and because the walkaround is conducted beyond the employer's control, walkaround time does not constitute "hours worked" under the FLSA. *Leone, supra*, 523 F.2d 1153, 1163-64. Furthermore, the court held that a walkaround payment requirement could not be inferred from the provisions of the Occupational Safety and Health Act. *Id.* at 1159-61.