Although the Commission believes that information in the Form ICC–QPS respecting revenue amounts and volume of traffic continues to serve a useful regulatory purpose, virtually identical information is received through Form P, "Annual Report of Carriers by Pipeline".[4] Indeed, Form P requires pipeline revenue and traffic information which is more comprehensive than that required under Form ICC–QPS. To illustrate, although the QPS form requires disclosure of only total quarterly transportation revenues, Form P requires the separation of such revenues by function (gathering, trunk, and delivery) and by source (crude oil and products). Disclosure of volumes of traffic under Form P is similarly more detailed. Among other things, it requires identification of both the volume of crude oil and volume of products transported, and the type of product transported. By contrast, Form ICC–QPS requires only the volume of total traffic carried for the quarter. Therefore, the Commission believes that administrative economy, coupled with the aim of reducing the current reporting burden on jurisdictional oil pipelines, favors discontinuing the Form ICC–QPS reporting requirement.

### B. Public Procedures and Effective Date

The Commission finds that prior notice and public procedure under 5 U.S.C. 553(b) are unnecessary in this rulemaking because the information now disclosed under Form ICC–QPS will continue to be reported under Form P or its successor filing, Form No. 6.

This final rule to eliminate Form ICC–QPS will be effective May 6, 1982.

(Natural Gas Act, 15 U.S.C. 717–717w; Interstate Commerce Act, 49 U.S.C. 1–67; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR Part 142)

### List of Subjects in 18 CFR Part 357

Pipelines, Reporting requirements.

In consideration of the foregoing, the Commission amends Part 357 of Title 18, Chapter I, Code of Federal Regulations effective May 6, 1982, as set forth below.

**Kenneth F. Plumb,**

*Secretary.*

[4] A notice of proposed rulemaking was issued on December 4, 1981, to amend the Form P filing and to redesignate that filing as Form No. 6 (46 FR 60617, December 11, 1981). The proposed amendments, however, would leave unaffected the Form P information which duplicates that found in Form ICC–QPS.

## PART 357—ANNUAL SPECIAL OR PERIODIC REPORTS: CARRIERS SUBJECT TO PART 1 OF THE INTERSTATE COMMERCE ACT

**§ 357.3 [Removed]**

Part 357 of 18 CFR is amended by removing § 357.3 in its entirety.

[FR Doc. 82–10480 Filed 4–15–82; 8:45 am]
BILLING CODE 6717–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### 21 CFR Part 5

## Reservation of Rulemaking Authority of the Food and Drug Administration in Matters Involving Significant Public Policy; Revision

Note.—This document originally appeared in the Federal Register for Wednesday, April 14, 1982. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Food and Drug Administration.

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Rule.

**SUMMARY:** The Secretary is amending the reservation of authority concerning the rulemaking authority of the Food and Drug Administration (FDA) to provide that the Secretary may approve or be notified of regulations that are subject to formal rulemaking procedures and that either are general procedural rules or present highly significant public issues.

**EFFECTIVE DATE:** April 7, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert Brady, Executive Assistant to the Commissioner, Office of the Commissioner (HF–9), Food and Drug Administration, 5600 Fishers Lane, Room 14–82, Rockville, MD 20857, 301–443–4124.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of May 11, 1981 (46 FR 26052), the Secretary published a rule amending previous delegations of authority to issue FDA regulations by providing that the Secretary reserves the authority vested in him by applicable statutes to approve regulations which establish general procedural rules or which present highly significant public issues concerning particular FDA-regulated products. The reservation of authority did not extend to those regulations to which the formal rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 556 and 557) apply.

This document amends the previous reservation of authority to provide that nothing in the reservation of authority precludes the Secretary's approval of a regulation that is subject to formal rulemaking procedures (5 U.S.C. 556 and 557) and that meets one of the two criteria specified in the present reservation of authority for Secretarial approval of regulations subject to informal rulemaking. These criteria are that the regulation (1) establishes procedural rules applicable to a general class of foods, drugs, cosmetics, medical devices, or other subjects of regulation; or (2) presents highly significant public issues involving the quality, availability, marketability, or cost of one or more foods, drugs, cosmetics, medical devices, or other subjects of regulation. The amendment would also clarify that the Secretary may be notified in advance of an action (formal rulemaking or formal adjudication) subject to 5 U.S.C. 556 and 557 that meets one of these criteria. This change is being made to enable the Commissioner of Food and Drugs to obtain the Secretary's approval of regulations that are subject to formal rulemaking requirements. The amendment does not affect present clearance procedures for regulations subject to formal rulemaking procedures in cases where the Commissioner does not obtain the Secretary's approval. Hence, the amendment will not affect the issuance of the vast majority of such regulations that do not warrant Secretarial approval.

### List of Subjects in 21 CFR Part 5

Authority delegations, Organization and functions (Government Agencies).

This amendment to the reservation of authority, set forth below, is effective April 7, 1982.

Dated: April 7, 1982.

**Richard S. Schweiker,**

*Secretary.*

## PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Section 5.11 of Title 21 of the Code of Federal Regulations is revised to read as follows:

**§ 5.11 Reservation of authority.**

(a) Notwithstanding provisions of § 5.10 or any previous delegations of authority to the contrary, the Secretary reserves the authority to approve regulations of the Food and Drug Administration, except regulations to

which sections 556 and 557 of Title 5 of the United States Code apply, which:

(1) Establish procedural rules applicable to a general class of foods, drugs, cosmetics, medical devices, or other subjects of regulation; or

(2) Present highly significant public issues involving the quality, availability, marketability, or cost of one or more foods, drugs, cosmetics, medical devices, or other subjects of regulation.

(b) Nothing in this section precludes the Secretary from approving a regulation, or being notified in advance of an action, to which sections 556 and 557 of Title 5 of the United States Code apply, which meets one of the criteria in paragraph (a) of this section.

(c) This reservation of authority is intended only to improve the internal management of the Department of Health and Human Services, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, the Department of Health and Human Services, the Food and Drug Administration, any agency, officer, or employee of the United States, or any person. Regulations issued by the Food and Drug Administration without the approval of the Secretary are to be conclusively viewed as falling outside the scope of this reservation of authority.

[FR Doc. 82-10253 Filed 4-13-82; 8:45 am]

BILLING CODE 4150-04-M

## Food and Drug Administration

## 21 CFR Part 73

[Docket No. 79C-0400]

## Listing of Color Additives Exempt From Certification; Grape Color Extract; Confirmation of Effective Date

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule; confirmation of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date of October 30, 1981, for a regulation that amends the color additive regulations to provide for the safe use of grape color extract as a color additive for nonbeverage food use.

**DATE:** Effective date confirmed: October 30, 1981.

**FOR FURTHER INFORMATION CONTACT:** Kenneth J. Falci, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

**SUPPLEMENTARY INFORMATION:** FDA published a final rule in the **Federal Register** of September 29, 1981 (46 FR 47532) to amend the color additive regulations to provide for the safe use of grape color extract as a color additive in nonbeverage foods.

FDA received one objection to the listing of grape color extract. That objection was subsequently withdrawn. Thus, the agency concludes that the regulation published on September 29, 1981, for grape color extract should be confirmed.

**List of Subjects in 21 CFR Part 73**

Color additives, Color additives exempt from certification, Color diluents, Cosmetics, Drugs.

Therefore, under the Color Additive Amendment of 1960 of the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376)) 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)), notice is given that no other objections or any requests for a hearing were filed in response to the regulation of September 29, 1981. Accordingly, the amendments promulgated thereby became effective on October 30, 1981.

Dated: April 7, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-10240 Filed 4-15-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 178

[Docket No. 81F-0222]

## Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers: Stearoylbenzoylmethane as a Stabilizer for Polyvinyl Chloride

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of stearoylbenzoylmethane as a stabilizer for polyvinyl chloride polymers in contact with food. This action is being taken in response to a petition filed by Rhone-Poulenc, Inc.

**DATES:** Effective April 16, 1982; objections by May 17, 1982.

**ADDRESS:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Patricia J. McLaughlin, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of August 18, 1981 (46 FR 41863), FDA announced that a petition (FAP 1B3545) had been filed by Rhone-Poulenc, Inc., 52 Vanderbilt Ave., New York, NY 10017, proposing that the food additive regulations be amended to provide for the safe use of stearoylbenzoylmethane as a stabilizer for polyvinyl chloride polymers in contact with food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the food additive regulations should be amended as set forth below. In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

**List of Subjects in 21 CFR Part 178**

Food additives; Food packaging; Sanitizing solutions.

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 178 is amended in § 178.2010(b) by alphabetically inserting a new item in the list of substances to read as follows:

## PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

**§ 178.2010 Antioxidants and/or stabilizers for polymers.**

* * * * *

(b) * * *

| Substances | Limitations |
|---|---|
| * * * * * | |
| Stearoylbenzoylmethane (CAS Reg. No. 58446-52-9) consisting of a mixture of β-diketones produced by the condensation of acetophenone and technical methyl stearate. | For use only at levels not to exceed 0.5 percent by weight of vinyl chloride homopolymers modified in accordance with § 178.3790(b)(1). The finished polymers are to be used only in contact with food containing no more than 8 percent alcohol and under conditions of use B through H described in table 2 of § 176.170(c) of this chapter. |
| * * * * * | |

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 17, 1982 submit to the Dockets Management Branch (address above), 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. Three 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 April 16, 1982.

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

Dated: April 7, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-10239 Filed 4-15-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 444

**[Docket No. 81N-0406]**

### Oligosaccharide Antibiotic Drugs; Tobramycin Ophthalmic Ointment

*Correction*

In FR Doc. 82-4742 appearing on page 7827 in the issue of Tuesday, February 23, 1982; on page 7828, § 444.380b(b)(1), fifth line, "* * * weighted * * *" should read "* * * weighed * * *".

BILLING CODE 1505-01-M

## 21 CFR Part 524

### Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Nitrofurazone Ointment

*Correction*

In FR Doc. 82-2996, appearing on page 5410 in the issue of Friday, February 5, 1982, the following corrections should be made:

1. The third line of the paragraph immediately following the part heading in column two should have read, "Stat. 347 (21 U.S.C. 360b(i)) and under".

2. The authority citation near the end of column two should have read, "(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))".

BILLING CODE 1505-01-M

## 21 CFR Part 540

### Penicillin Antibiotic Drugs for Animal Use; Potassium Phenoxymethyl Penicillin Tablets

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations concerning potassium phenoxymethyl penicillin tablets to provide for the correct name of the product and correct certification and labeling requirements.

**EFFECTIVE DATE:** April 16, 1982.

**FOR FURTHER INFORMATION CONTACT:** David L. Gordon, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of December 17, 1974 (39 FR 43628), the animal drug regulations were amended to provide for the use of potassium phenoxymethyl penicillin tablets. The use of the product was described in § 135c.133 (21 CFR 135c.133). The provisions for certification were described in § 146a.27 (21 CFR 146a.27). These amendments represent approval of NADA's filed by Elanco Products Co. and Abbott Laboratories. In the **Federal Register** of March 27, 1975 (40 FR 13802), the animal drug regulations were reorganized and republished. The document provided for the redesignation of potassium phenoxymethyl penicillin tablets to § 540.173b (21 CFR 540.173b). The redesignated section was inadvertently titled penicillin tablets and carried the certification cross-reference for procaine penicillin G tablets. This document amends the regulations to provide the correct title and certification cross-reference, and to use the correct labeling references in the certification paragraph.

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.

**List of Subjects in 21 CFR Part 540**

Animal drugs, Antibiotics, Penicillin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b(i) and (n))) 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), Part 540 is amended in § 540.173b by revising the section heading and paragraphs (a) and (b) to read as follows:

**PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE**

**§ 540.173b Potassium phenoxymethyl penicillin tablets.**

(a) *Requirements for certification.* The requirements for certification are described under § 440.173c of this chapter, except the labeling shall comply with the requirements of paragraph (c) of this section and § 510.55 of this chapter.

(b) *Tests and methods of assay.* The tests and methods of assay are described under § 440.173c of this chapter.

* * * * *

*Effective date.* This amendment is effective April 16, 1982.

(Sec. 512(i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b(i) and (n)))

Dated: April 8, 1982.

**Max L. Crandall,**

*Associate Director for Surveillance and Compliance.*

[FR Doc. 82-10238 Filed 4-15-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 558

### New Animal Drugs for Use in Animal Feeds; Antibiotic Nitrofuran, and Sulfonamide Drugs in the Feed of Animals

*Correction*

In FR Doc. 82-8088 appearing on page 12951 in the issue of Friday, March 26, 1982; on page 12952, second column,

§ 558.15, the paragraph numbered "3.," third line, "* * * 0.02" should read "* * * 0.22".

BILLING CODE 1505-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Community Planning and Development

### 24 CFR Part 571

[Docket No. R-82-983]

### Community Development Block Grants for Indian Tribes and Alaskan Natives, Housing Assistance Plan (HAP)

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Final rule.

**SUMMARY:** HUD is deleting its regulations which require that an application under the Indian Community Development Block Grant (CDBG) Program include a Housing Assistance Plan (HAP) providing data on the housing assistance needs of the applicant. This deletion is appropriate because of the Department's desire to reduce unnecessarily burdensome administrative requirements which are not required by statute.

**EFFECTIVE DATE:** May 19, 1982.

**FOR FURTHER INFORMATION CONTACT:** Marcia A. B. Brown, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6092. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** As part of its continuing deregulation effort, HUD has given further consideration to the need for requiring final applicants under the Indian Community Development Block Grant Program to submit a housing assistance plan on a HUD prescribed form. A review of the HAP form determined that the requirement was unnecessarily burdensome, particularly because there is no statutory requirement that a HAP be submitted by Indian CDBG applicants. Therefore, HUD is revoking all requirements for the preparation of a housing assistance plan by applicants to the Indian CDBG Program. The withdrawal of this administrative requirement, however, does not preclude Indian CDBG applicants from developing, at their own initiative, housing needs analyses and goals for their own use.

This revocation will not adversely affect program participants. In addition, removing the HAP requirement (which is not statutorily prescribed) is consistent with the 1981 Omnibus Budget Reconciliation Act amendments which further limit the HAP requirements to entitlement communities. For these reasons, comment and public participation are unnecessary. Moreover, because it relieves a restriction and eases the burden upon program participants, this change is being made effective as soon after publication as possible, consistent with the requirement of section 7(o) of the Department of HUD Act.

The Department has determined, therefore, that in light of the above mentioned reasons, prior notice and public procedure for this rule would be unnecessary. Accordingly, this change is being adopted by final rule.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to 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, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 5218, 451 Seventh Street, S.W., Washington, D.C. 20410.

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.

This rule was listed as item "c)24 (CPD-35-78)" under the Office of Community Planning and Development in the Department's Semi-annual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance number is 14.223.

**List of Subjects in 24 CFR Part 571**

Community development block grants, Grant programs: housing and community development, Grant programs: Indians, Indians.

### PART 571—COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKA NATIVES

**§ 571.305 and § 571.405 [Amended]**

Accordingly, 24 CFR is amended by: 1. Removing § 571.305 paragraph (d) in its entirety and redesignating paragraph (e) as paragraph (d).

2. By removing § 571.405(e) in its entirety and redesignating paragraphs (f) and (g) as (e) and (f), respectively.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq); Title I, Housing and Community Development Act of 1977 (42 U.S.C. 5301 et seq.); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: March 22, 1982.

**Jack R. Stokvis,**

*General Deputy, Assistant Secretary for Community Planning and Development*

[FR Doc. 82-10421 Filed 4-15-82; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### 32 CFR Part 199

[DOD Reg. 6010.8-R; Amdt. No. 13]

### Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Amendment on Reimbursement Methodology

**AGENCY:** Office of the Secretary, DOD.

**ACTION:** Amendment of final rule.

**SUMMARY:** This amends the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Regulation to implement The Department of Defense Authorization Act, 1982 and the Department of Defense Appropriation Act, 1982 (Pub. L. 97-86 and 97-114, respectively). These public laws require CHAMPUS to calculate prevailing charges at the 80th percentile of billed charges made for similar services in the same locality during the base period. It also allows prevailing charges (profiles) to be updated more frequently than once a