

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective August 31, 1982.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraphs (d) (100) through (104) to read as follows:

§ 271.703 Tight formations.

(d) Designated tight formations. * * *
(100) "Princeton" Zone of the Mauch Chunk Group in West Virginia. RM79-76-092 (West Virginia—1)

(i) Delineation of formation. The "Princeton" zone of the Mauch Chunk Group underlies portions of Mercer, McDowell and Wyoming Counties, West Virginia. The "Princeton" zone is also called "Salt Sands" or "Maxton" by drillers.

(ii) Depth. The "Princeton" zone ranges in thickness from 0 to 100 feet, and is found at a depth of approximately 1,400 to 1,500 feet in north-central Wyoming County. It is bounded above by the Pottsville Group of Pennsylvanian age (referred to as "Salt Sands" or "Rosedale Gas Sands" by drillers) or by the Bluestone Formation of Mississippian age (also called "Salt Sands" by drillers).

(101) "Ravencliff" zone of the Mauch Chunk Group in West Virginia. Docket No. Rm79-76-092 (West Virginia—1 Addition).

(i) Delineation of formation. The "Ravencliff" zone of the Mauch Chunk Group, also called "Salt Sands" or "Maxton" by drillers, is found in portions of Mercer, McDowell and Wyoming Counties, West Virginia.

(ii) Depth. The "Ravencliff" zone ranges in thickness from stringers in the western portion of the designated area, to 150 feet in the central and southwestern portion of the area. It is found at depths varying from 1,100 to 2,100 feet.

(102) "Injun" Zone of the Pocono Group in West Virginia. Docket No. RM79-76-092 (West Virginia—1 Addition).

(i) Delineation of formation. The "Injun" zone of the Pocono Group, also called "Big Injun", underlies portions of Mercer, McDowell and Wyoming Counties, West Virginia.

(ii) Depth. The "Injun" zone varies in thickness from 50 feet in Wyoming County to stringers in the southern and

eastern portions of the designated area. The depth to the top of the "Injun" zone ranges from approximately 3,100 feet to 4,300 feet.

(103) "Weir" Zone of the Pocono Group in West Virginia. RM79-76-092 (West Virginia—1 Addition).

(i) Delineation of formation. The "Weir" zone of the Pocono Group underlies portions of Mercer, McDowell and Wyoming Counties, West Virginia.
(ii) Depth. The "Weir" zone ranges in thickness from stringers in the eastern and western portion of the designated area, to 70 feet in the central part of the area. The "Weir" zone is found at depths varying from 3,250 feet to 4,550 feet.

(104) "Berea" zone of the Pocono Group in West Virginia. RM79-76-092 (West Virginia—1 Addition).

(i) Delineation of formation. The "Berea" zone of the Pocono Group underlies portions of Mercer, McDowell and Wyoming Counties, West Virginia.

(ii) Depth. The "Berea" zone has a maximum thickness of 45 feet in the central portion of McDowell and Wyoming Counties, and varies to shaley sandstone stringers in the eastern portion of the designated area. The "Berea" zone is found at depths ranging from 3,600 feet to 4,950 feet.

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18 CFR Part 274

[Docket No. RM82-41-000; Order No. 256]

Identification of Jurisdictional Agencies

Issued: August 31, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) amends § 274.501(a)(2) of its regulations to add the Missouri Department of Natural Resources to the list of jurisdictional agencies that have notified the Commission of their authority to make well category determinations required by sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

EFFECTIVE DATE: August 31, 1982.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Issued: August 31, 1982.

Under section 503(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432, a federal or state agency that has regulatory jurisdiction over the production of natural gas (jurisdictional agency) is authorized to make well category determinations required under sections 102, 103, 107 and 108 of the NGPA. Section 274.501(a)(2) of the Commission's regulations lists the federal and state agencies that have notified the Commission of their jurisdiction.

On January 26, 1982, the Missouri Department of Natural Resources (Missouri) notified the Commission of its authority to process applications for well category determinations under the NGPA on lands other than federal lands in the State. Missouri also filed a report pursuant to § 274.105 describing the method by which it will process such determinations. The Commission issued notice of receipt of Missouri's report on March 3, 1982, in Docket No. RM79-3 (47 FR 9516, March 5, 1982).

This final rule amends § 274.501(a)(2) to add the Missouri Department of Natural Resources to the list of jurisdictional agencies that have notified the Commission of their authority.

The Commission finds that prior notice and public procedure under section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553) are unnecessary because the amendment simply notifies the public of the identity and location of a jurisdictional agency which has already been established. For the same reason, the Commission finds good cause to make the rule effective immediately, pursuant to section 553(d) of the APA.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

List of Subjects in 18 CFR Part 274

Natural gas, Pricing.

In consideration of the foregoing, § 274.501 of Subchapter H, Subpart E, chapter I of Title 18, Code of Federal Regulations, is amended as set forth below, effective August 31, 1982.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

Section 274.501(a)(2) is amended by adding a jurisdictional agency for wells located in Missouri on Other Lands to read as follows:

§ 274.501 Jurisdictional agency.

- (a) * * *
- (2) * * *

State in which well is located	Jurisdictional agency for wells on	
	Federal lands	Other lands
Missouri.....	DCM-Oil and Gas Conservation Div., USGS Box 25046, DFC, MS 609, Denver, CO 80225.	Missouri Department of Natural Resources, P.O. Box 250, Rolla, Missouri 65401.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Advisory Committees; Establishment and Termination

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and the public advisory committee procedures (21 CFR Part 14), the Food and Drug Administration (FDA) is announcing the establishment of the Obstetrics-Gynecology Devices Panel and the Radiologic Devices Panel and the termination of the Obstetrics-Gynecology and Radiologic Devices Panel. These actions will improve the efficiency of FDA's advisory committees' review of devices in these therapeutic categories, consistent with the objectives of a working relationships agreement between the Bureau of Medical Devices, Radiological Health, and Biologics. This agreement was approved by the Commissioner of Food and Drugs on February 2, 1982, and its availability was announced in the Federal Register of April 9, 1982 (47 FR 15412).

EFFECTIVE DATE: September 3, 1982; authority for these committees will remain in effect until amended or terminated by the Commissioner of Food and Drugs.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), FDA is announcing the establishment of the

Obstetrics-Gynecology Devices Panel and the Radiologic Devices Panel by the Commissioner of Food and Drugs.

The committees will review and evaluate data concerning the safety and effectiveness of devices currently in use and advise the Commissioner regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption of portions of the Federal Food, Drug, and Cosmetic Act; advise on the necessity to ban a device; and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Concurrent with the establishment of these advisory committees, the Commissioner of Food and Drugs approved the termination of the Obstetrics-Gynecology and Radiologic Devices Panel. Under § 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of this committee.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure; Advisory committees; Color additives; Drugs; Radiation protection.

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 14 is amended in § 14.100 by revising paragraph (d)(1)(v) and adding new paragraph (e)(3) to read as follows:

§ 14.100 List of standing advisory committees.

- * * * * *
- (d) * * *
- (1) * * *
- (v) *Obstetrics-Gynecology Devices Panel.* Established August 5, 1982.
- * * * * *
- (e) * * *
- (3) *Radiologic Devices Panel.* (i) Established August 5, 1982.

(ii) **Function:** Reviews and evaluates available data on the safety and effectiveness of radiologic devices currently in use and makes recommendations for their regulation.

Effective date. Because this is a technical conforming amendment to Part 14, the Commissioner of Food and Drugs finds that there is good cause for the rule to be effective immediately upon publication in the Federal Register, September 3, 1982.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))
 Dated: August 30, 1982.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-24408 Filed 9-2-82; 8:45 am]
 BILLING CODE 4160-01-M

21 CFR Part 74, 81 and 82

[Docket No. 76N-0366]

Provisional Listing of D&C Green No. 5; Postponement of Closing Date and Stay of Effectiveness

AGENCY: Food and Drug Administration.
ACTION: Final rule; stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Green No. 5 for use as a color additive in drugs and cosmetics. A new closing date for D&C Green No. 5 is set to give the agency time to complete evaluation of objections received in response to the final regulation approving the petition for the permanent listing of D&C Green No. 5. The regulation that permanently lists D&C Green No. 5 and removes D&C Green No. 5 from the provisional list is stayed until the agency takes final action on the objections.

DATES: Effective September 2, 1982; the new closing date of D&C Green No. 5 will be November 1, 1982.

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

SUPPLEMENTARY INFORMATION: The current closing date of September 2, 1982, for the provisional listing of D&C Green No. 5 was established by a regulation published in the Federal Register of June 4, 1982 (47 FR 24285). The September 2, 1982 closing date for D&C Green No. 5 was established to provide for receipt and evaluation of any objections to the final regulation approving the petition for permanent listing of D&C Green No. 5.

After the review and evaluation of the data relevant to the color additive petition to list D&C Green No. 5 for use in drugs and cosmetics, the agency concluded that D&C Green No. 5 was safe for those uses. Therefore, FDA issued a regulation in the *Federal Register* of June 4, 1982 (47 FR 24278) that would permanently list D&C Green No. 5. FDA stated that the regulation would become effective on July 7, 1982, unless stayed by the filing of proper objections.

FDA has received two objections to the listing regulation. Because of the objections, under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e)(2), the regulation (47 FR 24278) that permanently lists D&C Green No. 5 and that removes D&C Green No. 5 from the color additive provisional list is stayed until the agency can rule upon the objections. FDA expects that the agency will need only a brief time to complete the evaluation of the objections and publish in the *Federal Register* a final decision concerning them. Therefore, FDA concludes that a brief postponement is necessary. The regulation set forth below will postpone the September 2, 1982 closing date for the provisional listing of D&C Green No. 5 until November 1, 1982.

Because the current closing date expires on September 2, 1982, FDA has concluded that the use of a notice and public procedure on this regulation are impracticable. Moreover, good cause exists for issuing this postponement as a final rule, and this action is consistent with the protection of the public health because the agency has previously concluded that D&C Green No. 5 is safe for its intended use under the Color Additive Amendments of 1960. This regulation will permit the uninterrupted use of this color additive until November 1, 1982. To prevent any interruption in the provisional listing of D&C Green No. 5, and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective on September 2, 1982.

List of Subjects in 21 CFR Parts 74, 81, and 82

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706 (b), (c), and (d), 70 Stat. 919 as amended, 74 Stat. 399-403 (21 U.S.C. 371(e), 376 (b), (c), and (d))) and the Transitional Provisions of the Color Additives Amendments (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Chapter I of

Title 21 of the Code of Federal Regulations (as amended in the *Federal Register* of June 4, 1982 (44 FR 24278)) is amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

§ 74.1205 [Stayed]

a. By staying § 74.1205 *D&C Green No. 5*.

§ 74.2205 [Stayed]

b. By staying § 74.2205 *D&C Green No. 5*.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended as follows:

§ 81.1 [Amended]

a. In § 81.1 *Provisional lists of color additives*, the amendment in paragraph (b) to remove the entry "D&C Green No. 5" is stayed, and its closing date is revised to read "November 1, 1982."

§ 81.27 [Amended]

b. In § 81.27 *Conditions of provisional listing*, the amendment in paragraph (d) to remove the entry for "D&C Green No. 5" is stayed, and the closing date for the entry is revised to read "November 1, 1982."

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

§ 82.1205 [Stayed]

3. Part 82 is amended by staying § 82.1205 *D&C Green No. 5*.

Effective date. This regulation is effective September 2, 1982.

(Secs. 701(e), 706 (b), (c), and (d), 70 Stat. 919 as amended, 74 Stat. 399-403 (21 U.S.C. 371(e), 376 (b), (c), and (d)); (sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note))

Dated: August 20, 1982.

Joseph P. Hile,

Associate Commissioner, Regulatory Affairs.

[FR Doc. 82-24073 Filed 8-30-82; 11:21 am]

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21 CFR Part 177

[Docket No. 81F-0293]

Indirect Food Additives; Polyethersulfone Resins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations by (1) revising the maximum use temperature limitation for polyethersulfone resins to 120° C (250° F) and (2) by removing the reference to the starting materials for polyethersulfone resins from the existing regulation. These revisions are consistent with the safe use of polyethersulfone resins as articles or components of articles intended for repeated use in contact with food. This action is in response to a petition filed by ICI Americas, Inc.

DATES: Effective September 3, 1982; objections by October 4, 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: Michael E. Kashtock, 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 October 23, 1981 (46 FR 52033), FDA announced that a petition (FAP 1B3582) had been filed by ICI Americas, Inc., Wilmington, DE 19897, proposing to amend § 177.2440 *Polyethersulfone resins* (21 CFR 177.2440) to provide for the safe use of polyethersulfone resins produced by the reaction of dichlorodiphenylsulfone, dihydroxydiphenylsulfone, and potassium carbonate as articles or components of articles intended for repeated use in contact with food.

Having evaluated the data in the petition and other relevant material, FDA finds that the petitioner has shown that the proposed polyethersulfone resins are essentially identical to the polyethersulfone resins currently approved under § 177.2440, even though they are derived from different starting materials. Therefore, FDA concludes that the polyethersulfone resins can be adequately identified by specifying only the chemical name, Chemical Abstracts Service (CAS) Registry number, and the minimum number average molecular weight, and that it is not necessary to list starting materials as cited in the current regulation. Consequently, the reference in the current § 177.2440 to the starting materials used to produce polyethersulfone resins is removed. Additionally, FDA finds that the petitioner has shown that a maximum use temperature of 121° C (250° F) is consistent with the safe use of these resins. FDA further concludes that the