SUPPLEMENTARY INFORMATION: FDA established the current closing date of March 31, 1983, for the provisional listing of D&C Red No. 33 by a rule published in the **Federal Register** of March 27, 1981 (46 FR 18954). The agency extended the closing date for D&C Red No. 33 to provide time for the completion of toxicity studies, submission of the data to FDA, review and evaluation of the data concerning the drug and cosmetic uses of D&C Red No. 33 by FDA, and publication of a regulation in the **Federal Register** regarding the agency's final decision on the petition for the permanent listing of this color additive. The regulation set forth below will postpone the March 31, 1983, closing date for the provisional listing of the color additive until May 31, 1983.

As noted in the **Federal Register** of November 20, 1968 (33 FR 17205) and of August 6, 1973 (38 FR 21200), D&C Red No. 33 is the subject of a petition (CAP 8C0086) submitted by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc.), the Pharmaceutical Manufacturers Association, and the Certified Color Industry Committee (now the Certified Color Manufacturers Association, Inc.) and of a petition (CAP 7C0059) submitted by the Procter & Gamble Co. The petitions requested that D&C Red No. 33 be permanently listed for use in ingested drugs, all types of cosmetics subject to ingestion, including lipsticks, externally applied drugs and cosmetics, and for use in the area of the eye.

The review and evaluation of the data relevant to the use of D&C Red No. 33 have required more time than anticipated. FDA concludes that the brief postponement will provide time for the agency to complete its review and prepare the appropriate **Federal Register** document(s). Therefore, FDA concludes that the brief extension of the closing date to May 31, 1983, is necessary. The agency has also concluded that no harm to the public health will result from this extension.

Because of the short time until the March 31, 1983 closing date, FDA concludes that notice and public procedures on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule. This regulation will permit the uninterrupted use of this color additive until May 31, 1983. To prevent any interruption in the provisional listing of D&C Red No. 33, and in accordance with 5 U.S.C. 553(d) (1) and (3), this postponement is issued as a final regulation, effective on March 31, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))), and under the transitional provisions of the Color Additive Amendments of 1960 (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), Part 81 is amended as follows:

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

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives* by revising the closing date for the "D&C Red No. 33" in paragraph (b) to read "May 31, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing* by revising the closing date for the "D&C Red No. 33" in paragraphs (d) and (e) to read "May 31, 1983."

Effective date. This final rule shall be effective March 31, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated March 21, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–3289 Filed 3-28-83; 12:00 pm]

BILLING CODE 4160-01-M

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21 CFR Parts 81 and 82

[Docket No. 76C–0366]

Expiration of Provisional Listing of D&C Orange No. 17 for Use in Ingested Drugs and Cosmetics

AGENCY: Food and Drug Administration.

ACTION: Expiration of provisional list; final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the provisional listing of D&C Orange No. 17 for coloring ingested drugs and cosmetics has expired. FDA is not extending the provisional listing of this color additive because the agency has concluded, on the basis of animal experiments that were performed as a condition of the provisional listing of this color additive, that the color additive is carcinogenic when administered in the diet. D&C Orange No. 17 may not be added to ingested drugs and cosmetics after March 31, 1983. Published elsewhere in this issue is a notice denying those portions of the D&C Orange No. 17 color additive petition that relate to its use in drugs and cosmetics intended for ingestion and withdrawing that portion of the petition relating to its use in cosmetics for use in the area of the eye. In addition, published elsewhere in this issue is a regulation extending the provisional listing of D&C Orange No. 17 for use in externally applied drugs and cosmetics until May 31, 1983.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: The Color Additive Amendments of 1960 (the amendments) require premarket clearance of any color additive that is represented for use in or on food, drugs, cosmetics, some medical devices, or the human body. Under the amendments, a color additive may be approved only if data established that it is safe under its intended conditions of use. Recognizing that many color additives were already in use at the time it enacted the amendments, Congress provided for the "provisional listing" of these color additives while they were being tested for safety under section 203(b) of the transitional provisions of the amendments (Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note)).

The color additive D&C Orange No. 17, principally 1-(2,4-dinitrophenylazo)-2-naphthol, has been in use for many years. Because D&C Orange No. 17 was in use at the time the amendments were enacted, it was provisionally listed for drug and cosmetic use in the **Federal Register** of October 12, 1960 (25 FR 9759). This color additive is currently provisionally listed under § 81.1(b) (21 CFR 81.1(b)) for use in drugs and cosmetics, with a closing date of March 31, 1983. Specifications for the certification of D&C Orange No. 17 are listed under § 82.1267 (21 CFR 82.1267).

FDA established the current closing date for this color additive in the **Federal Register** of March 27, 1981 (46 FR 18954). The agency conditioned the provisional listing of D&C Orange No. 17 upon submission of final reports of chronic toxicity studies by March 31, 1982 (see 21 CFR 81.27(d)).

D&C Orange No. 17 is the subject of a petition (CAP 9C0090) submitted by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA)), 1110 Vermont Ave. NW., Washington, DC 20005. This petition was filed for the use of D&C Orange No. 17 for coloring drugs and cosmetics, as noted in the **Federal Register** of August 6, 1973 (38 FR 21199).

Section 81.27(d) specifies the conditions under which D&C Orange No. 17 is provisionally listed. The petitioner, CTFA, has met those conditions, including the submission of final reports of chronic toxicity tests on rats and mice by March 31, 1982. FDA has reviewed these final reports of the chronic feeding studies in which D&C Orange No. 17 was administered in the diet to Charles River Albino CD rats and Charles River CD-1 mice. The agency has also reviewed all other available toxicological information on D&C Orange No. 17.

On the basis of the results of the chronic toxicity testing and of mutagenicity testing of this color additive, FDA has concluded that D&C Orange No. 17 is an animal carcinogen when administered in the diet. The long-term feeding studies and mutagenicity studies and their results are described in detail in the notice, published elsewhere in this issue of the **Federal Register**, that denies those portions of the color additive petition for D&C Orange No. 17 that relate to the ingested uses of this color additive and withdraws that portion of the petition that relates to the color additive's use in cosmetics for use in the area of the eye. That discussion is incorporated herein by reference.

Section 203(a) of the transitional provisions of the amendments provides for the provisional listing of a color additive pending completion of scientific investigations. However, section 203(a)(2) states: "The Secretary may terminate postponement of the closing date at any time if he finds * * * that by reason of a change in circumstances the basis for such postponement no longer exists * * *." Section 203(d)(1)(E) provides "for the termination. of a provisional listing (or deemed provisional listing) of a color additive or particular use thereof forthwith whenever in [the Secretary's] judgment such action is necessary to protect the public health." Because of the agency's finding that D&C Orange No. 17 is carcinogenic when ingested by laboratory animals, FDA concludes that continued use of this color in ingested drug and cosmetic products poses a potential hazard to the public health. Therefore, the agency has decided not to extend the provisional listing of this color additive for ingested uses. As a result, the provisional listing of D&C Orange No. 17 for use in ingested drugs and cosmetics terminated upon its expiration on March 31, 1983.

Accordingly, on the basis of the evidence before it, FDA concludes that: (1) The provisional listing of D&C Orange No. 17 for use in ingested drugs and cosmetics has terminated; (2) all certificates heretofore issued for batches of D&C Orange No. 17, its lakes, and all mixtures containing this color additive for ingested use are cancelled as of March 31, 1983; and (3) after that date, the addition of D&C Orange No. 17 to ingested drugs or ingested cosmetics will cause such products to be adulterated within the meaning of sections 501 and 601 of the act (21 U.S.C. 351 and 361) and to be subject to regulatory action. FDA also concludes that the health concern regarding the use of this color additive is limited to chronic ingested use, and that D&C Orange No. 17 does not represent an acute imminent hazard. Therefore, the protection of the public health does not require the recall from the market or destruction of any drug or cosmetic product to which the color additive has already been added. The prohibition on use of D&C Orange No. 17 applies only to the ingested use of the straight color additive, its lakes, and mixtures of the color additive and its lakes.

The agency is now considering recent CTFA submissions in support of listing the external uses of this color additive. The agency believes that the continued use of the color additive in externally applied products for the short time needed to evaluate the data will not pose a hazard to the public health. Published elsewhere in this issue of the **Federal Register** is an order extending the closing date for the provisional listing of D&C Orange No. 17 for externally applied drugs and cosmetics to May 31, 1983. In the near future, FDA will publish in the **Federal Register** its final decision on the color additive petition for the use of D&C Orange No. 17 for externally applied drugs and cosmetics.

The final toxicity study reports, the agency's toxicology evaluations of these studies, and other information relied upon by the agency in reaching its decision are on file at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. They may be reviewed between 9 a.m. and 4 p.m., Monday through Friday.

Manufacturers of new drugs and new animal drugs (including certifiable antibiotics for animal use) that may be ingested and that contain D&C Orange No. 17 may either discontinue use of the color additive or substitute a different color additive in accordance with the provisions of 21 CFR 314.8 (d)(3) and (e) or 514.8 (d)(3) and (e), as appropriate. If a substitute color additive is used, the manufacturer shall file with FDA a supplemental new drug application or supplemental new animal drug application containing data describing the new composition and showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug, or that the assay and control procedures have been revised to make them adequate. The applicant shall also submit data available to establish the stability of the revised formulation. If the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, the applicant shall submit a commitment to test the stability of marketed batches at reasonable intervals, to submit the data as they become available, and to recall from the market any batch found to fall outside the approved specifications for the drug.

Each sponsor of a notice of claimed investigational exemption for a new drug (IND) or a notice of claimed investigational exemption for a new animal drug (INAD) containing D&C Orange No. 17 should promptly amend the IND or INAD to indicate that the color additive has been deleted or a different color additive has been substituted.

FDA is aware that supplies of alternative color additives may be difficult to obtain immediately. Consequently, drug and cosmetic labeling that states that the product contains "artificial color" or that specifically identifies D&C Orange No. 17 may continue to be used with the uncolored product or products containing alternative color additives during the time necessary to obtain supplies of revised labeling or until March 31, 1984, whichever occurs first.

FDA is also making corrections in its regulations to conform them to the actions announced in this document.

The agency believes that Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-354) do not apply to actions of this type. Nevertheless, the agency has assessed the economic impacts that would result from this final rule terminating the provisional listing of D&C Orange No. 17 for coloring ingested drugs and cosmetics. A copy of the agency's economic assessment is on file with the Dockets Management Branch (address above).

The agency has considered the environmental effects of this action, and because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not necessary. A copy of the FDA environmental assessment is on file with the Dockets Management Branch (address above).

List of Subjects

21 CFR Part 81

Color additives; Color additives provisional list; Cosmetics; Drugs.

21 CFR Part 82

Color additives; Color additives lakes; Color additives provisional list; Cosmetics; Drugs.

Therefore, under the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (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), Parts 81 and 82 are amended as follows:

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

1. Part 81 is amended:

a. In § 81.1 by revising the entry for "D&C Orange No. 17" in paragraph (b), to read as follows:

§ 81.1 Provisional lists of color additives.

* * * * *

(b) * * *

	Closing date	Restrictions
D&C Orange No. 17 (sec. 82.1267 of this chapter)	May 31, 1983	External use only.
* * *	*	* *

* * * * *

b. In § 81.10 by adding new paragraph (s), to read as follows:

§ 81.10 Termination of provisional listings of color additives.

* * * * *

(s) *D&C Orange No. 17.* Having concluded that, when ingested, D&C Orange No. 17 causes cancer in rats and mice, the agency has terminated the provisional listing of D&C Orange No. 17 for use in ingested drugs and ingested cosmetics, effective March 31, 1983.

c. In § 81.25 by removing the entries for "D&C Orange No. 17" in paragraphs (a)(1) and (c)(1) and by revising paragraph (b)(1)(ii), to read as follows:

§ 81.25 Temporary tolerances.

* * * * *

(b) * * *

(1) * * *

(ii) D&C Red No. 8 and D&C Red No. 9 individually may be used in a dentifrice at not more than 0.002 percent of the pure dye by weight of the dentifrice or, in a mouthwash, at not more than 0.005 percent of the pure dye by weight of the mouthwash.

* * * * *

d. In § 81.30 by adding new paragraph (t), to read as follows:

§ 81.30 Cancellation of certificates.

* * * * *

(t)(1) Certificates issued for D&C Orange No. 17, its lakes, and all mixtures containing this color additive are cancelled and have no effect as pertains to its use in ingested drugs and ingested cosmetics after March 31, 1983, and use of this color additive in the manufacture of ingested drugs or ingested cosmetics after this date will result in adulteration.

(2) The agency finds, on the scientific evidence before it, that no action has to be taken to remove from the market drugs and cosmetics to which the color additive was added on or before March 31, 1983.

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

2. Part 82 is amended in § 82.1267 by adding a new paragraph at the end of the section, to read as follows:

§ 82.1267 D&C Orange No. 17.

* * * * *

D&C Orange No. 17 is restricted to use in externally applied drugs and cosmetics.

Notice and public procedure are not necessary prerequisites to promulgating these regulations because section 203(a)(2), (d)(1)(E), and (d)(2) of Pub. L. 86–618 so provides.

Effective date. These regulations shall be effective March 31, 1983.

(Sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: March 28, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–8420 Filed 3–29–83; 11:14 am]

BILLING CODE 4160-01-M

21 CFR Part 1003

[Docket No. 78–0400]

Protection of Human Subjects; Informed Consent; Correction

Correction

In FR Doc. 83–7217 beginning on page 11430 in the issue of Friday, March 18, 1983, make the following correction on that page: In the "SUMMARY" to the document, the fourth line, the words "subject; informal" should read "subjects; informed".

BILLING CODE 1505-01

21 CFR Part 1240

Control of Communicable Diseases; Interstate Conveyance Sanitation; Editorial Amendments

Correction

In FR Doc. 83–7245 beginning on page 11431 in the issue of Friday, March 18, 1983, make the following correction on that page: In the third column, under the amendment to § 1240.83, in the paragraph designated "a", the fifth line, the word "threat" should have read "thereat".

BILLING CODE 1505-01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 215, 236, 425, and 426

[Docket No. R-82-1006]

Rent Requirements for Section 101 (Rent Supplement) and Section 236 Programs

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

ACTION: Confirmation of interim rule with corrections.

SUMMARY: The Department of Housing and Urban Development (HUD)

published an interim rule on August 24, 1982 (47 FR 36814) to implement recent statutory changes affecting tenants' rent requirements under the Section 101 (Rent Supplement) and Section 236 Programs. The interim rule changes the income-percentage formula for determining the rent payable by tenants covered by these programs and the amounts of rent supplement and rental assistance payments.

This document incorporates corrections previously published on October 22, 1982 (47 FR 47006) and November 23, 1982 (47 FR 52697), as well as a few additional corrections, and inserts the correct effective date in the body of the rule. The corrected text is reprinted in full below. Date of compliance, May 1, 1983.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: James T. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, (202) 426–8730; or Steven E. Silvert, Director, Office of State Agency and Bond Financed Programs, (202) 426–0283; Department of Housing and Urban Development, Washington, D.C. 20410. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Corrections previously published consisted of inadvertently omitted words and asterisks in §§ 215.45(c)(1), 236.55 and 236.735(a). Additional clarifying changes being made in this document are described below.

Several technical changes are made in the language about the 10 percent per year limit on rent increases. Paragraphs are being renumbered in § 236.55 to move that provision from the paragraph dealing with existing tenants to a separate paragraph. This move is intended to make it clear that the portion of the 10 percent cap dealing with changes in "any other provision of Federal law becoming effective after October 1, 1981, redefining which governmental benefits are required to or may be considered as income," applies to new as well as existing tenants. In § 236.735(d), the reference to a cap on rents as determined under paragraph (b) is being removed to make it clear that the 10 percent cap is applicable to new tenants only with respect to changes in other provisions of Federal law, as described above. The "or" between the first and second elements of the cap, as stated in §§ 236.735(d), 236.55(b)(3) and 215.45(e), is changed to "and" to track the statute and to make it clear that the 10 percent cap applies to the cumulative effect of both elements. In addition, the words "not caused by redefinitions referred to in this paragraph," which had been inadvertently omitted from § 215.45(e), but included in the two other similar provisions, have been added.

In §§ 215.45(e), 215.45(f) and 236.55(b)(3), the word "income" is being changed to "adjusted monthly income" to refer to the specific, defined term that is used in rent calculations. In what is now § 236.55(b)(3)(ii), the words "in monthly income or" are being removed since no rent calculation applicable to this section is based on monthly income, as distinguished from adjusted monthly income. In § 236.735(d), the words "monthly income or adjusted monthly income" are added to the language that states which increases in income are not covered by the 10 percent cap, to make that section consistent with the corresponding section on decreases and to reflect the original intent of the interim rule.

In the provisions concerning the point at which a tenant can afford to pay the unassisted rental, and assistance can be discontinued (§§ 215.75, 215.80, 236.755 and 236.760), we are changing the "30 percent of adjusted income" language to the "amount the tenant is required to pay for rent in accordance with [the applicable section]." Under this interim rule, the amount an existing tenant is required to pay for rent may be a percentage of adjusted monthly income lower than 30 percent, as a result of the phase-in or the 10 percent cap. The amount a new or existing Section 236 RAP tenant is required to pay for rent under this rule may be based not on a percentage of adjusted monthly income at all, but on 10 percent of monthly income. Therefore, this change will enable all tenants to continue to receive assistance until the percentage applicable from the appropriate rent determination section of the rule is reached, rather than until 30 percent is reached.

A technical change is being made to the time for implementing the new rents. Sections 215.45(d), 236.55(b)(2), and 236.735(c) said the new rental rates would apply "at the earlier of the first lease expiration or annual recertification." This language is being changed to "at the first recertification." Recertifications may occur at the expiration of a lease, annually, or more frequently than annually if income changes during the year. This technical change will permit the new rental rate to be applied at any of these occasions for a recertification.

In §§ 236.55(a)(2), 236.55(b)(4) and 236.80, the words "fair market rental" are being changed to "HUD-approved market rental" to avoid confusion of this market rent with the Fair Market Rents used in the Section 8 Housing Assistance Payments Program.

List of Subjects

24 CFR Part 215

Grant programs, Housing and community development, Rent subsidies.

24 CFR Part 236

Low and moderate income housing, Mortgage insurance, Rent subsidies, Taxes, Utilities, Projects.

24 CFR Part 425

Low and moderate income housing, Mortgage insurance, Rental housing.

24 CFR Part 426

Rent subsidies, Reporting and recordkeeping requirements.

The interim rules published on August 24, 1982 (47 FR 36816) and corrected on October 22, 1982 (47 FR 47006) and November 23, 1982 (47 FR 52697) are hereby adopted as final with additional corrections as discussed in the preamble. The entire text of the amendments being adopted as final and corrected as set forth below:

PARTS 215—RENT SUPPLEMENT PAYMENTS

1. Section 215.25 is revised to read as follows:

§ 215.25 Determination of eligibility.

(a) The housing owner will review for eligibility each individual or family who applies for rent supplement assistance using a form prescribed by the Commissioner. For each individual or family meeting the requirements of § 215.20 of this part, the Commissioner shall provide monthly rent supplement payments to the housing owner on behalf of each qualified tenant in an amount determined as set forth in this Part. No rent supplement shall be offered where the amount of assistance at admission would be less than 10 percent of the approved rent. The rent supplement payment shall not, regardless of the tenant's income, exceed 70 percent of the approved rent for the unit.

(b) The Commissioner may approve a qualified tenant as a lessee under an option to purchase a dwelling at a stipulated price, if it is determined that the tenant will be able to finance such purchase on the basis of the probability of future increases in the tenant's income.

2. Section 215.45 is amended by revising paragraphs (a), (c), (d), (e) and (f) to read as follows:

§ 215.45 Maximum payments under contract for each tenant.

(a) The rent supplement contract shall provide that the payment on behalf of a qualified tenant shall be that amount by which the approved rent for the unit (plus, where applicable, the utility allowance established by the Commissioner for reasonable utility charges paid by the tenant) exceeds the amount determined to be payable by the tenant pursuant to paragraph (c) or (d) of this section.

* * * * *

(c) In the case of any qualified tenant on whose behalf rent supplement payments with respect to the unit commenced on or after May 1, 1983, the monthly rental charge (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges), rounded to the nearest dollar, shall be the greater of:

(1) 30% of one-twelfth of the tenant's adjusted income; or

(2) 30% of the approved monthly rental charge for the unit (or, where utility charges are paid by the tenant, 30% of the sum of the approved monthly rental charge for the unit plus the utility allowance established for such charges).

(d) In the case of any qualified tenant on whose behalf rent supplement payments with respect to the unit commenced prior to May 1, 1983, the monthly rental charge (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall be calculated in accordance with paragraph (c) of this section at the first recertification occurring on or after May 1, 1983, except that the percentage of income utilized in paragraph (c)(1) shall be as follows:

Effective date of recertification	Percentage
May 1, 1983 to Sept. 30, 1983	27
Oct. 1, 1983 to Sept. 30, 1984	28
Oct. 1, 1984 to Sept. 30, 1985	29
Oct. 1, 1985 and after	30

(e) Notwithstanding paragraphs (c) and (d) of this section, the monthly rental charge payable by a qualified tenant (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall not be increased by more than 10 percent during any 12-month period as a result of applying such paragraph (d) of this section, and as a result of applying any other provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, such monthly rental charge (or, where applicable, the sum of such charge plus utility allowance) may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributable to increases in adjusted monthly income not caused by redefinitions referred to in this paragraph or to increases in the approved rental charge for the unit.

(f) In no event shall the monthly rental charge (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) payable by a qualified tenant on whose behalf rent supplement payments with respect to the unit commenced before May 1, 1983, be decreased below the amount payable by such tenant as of April 30, 1983, unless such decrease results from a decrease in the tenant's adjusted monthly income.

3. In § 215.70, paragraph (b)(1) is revised to read as follows:

§ 215.70 Form of lease.

* * * * *

(b) * * *

(1) A provision obligating the tenant to report immediately to the housing owner any increase in income to a point where rent supplement payments should be terminated.

* * * * *

4. Section 215.75 is revised to read as follows:

§ 215.75 Housing owner's obligation under contract to report tenant income increase.

The rent supplement contract shall contain a provision obligating the housing owner to notify the Commissioner upon receiving a report from a tenant of an increase in the tenant's income resulting in the tenant's ability to pay the full monthly rental or an increased monthly payment for the housing unit with the amount the tenant is required to pay for rent, in accordance with § 214.45. The contract shall also obligate the housing owner, upon failing to notify the Commissioner when a report of such increase in income is received from a tenant, to reimburse the Commissioner for any rent supplement payments made during the period after receipt of such report when the tenant is receiving the increased income.

5. Section 215.80 is revised to read as follows:

§ 215.80 Change in tenant income status.

Appropriate adjustments will be made in rent supplement payments to reflect changes in income or other circumstances which are reported by a tenant and verified, or are shown by the annual tenant income recertification. Rent supplement payments will be discontinued when it is determined by the Commissioner that the amount the tenant is required to pay for rent in accordance with § 215.45 is sufficient to pay the approved rent for the unit occupied by the tenant. Where a tenant is no longer entitled to rent supplement payments, he/she may continue to occupy the unit. The rent charged for the unit shall not exceed the approved market rental as determined by the Commissioner.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

6. Section 236.55 is revised to read as follows:

§ 236.55 Rental charges.

(a) *Approved rental charges.* The mortgagor shall, with the approval of the Secretary, establish and maintain for each dwelling unit the following:

(1) A basic monthly rental charge for each dwelling unit determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of one percent per annum, and

(i) With the payment of the cost of utility services used by the dwelling units, when such charges are paid by the project owner, or

(ii) Without the payment of the cost of utility services used by the dwelling units, when the units have separate meters and some or all such charges are paid directly by the tenants.

(2) A HUD-approved market monthly rental charge for each dwelling unit determined on the basis of operating the project with payments of principal, interest and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage, and

(i) With the payment of the cost of utility services used by the dwelling units, when the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(i) of this section; or

(ii) Without the payment of the cost of some or all utility services used by the dwelling units, when the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(ii) of this section.

(b) *Monthly Rental Charge.* Monthly rental charges shall be calculated as follows:

(1) *Rent for families commencing occupancy on or after May 1, 1983.* The tenant's monthly rental payment shall

be the greater of the basic rental charge, or

(i) 30 percent of the tenant's adjusted monthly income with respect to a unit for which the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(i) of this section, or

(ii) An amount equal to 30 percent of the tenant's adjusted monthly income less the utility allowance established by the Secretary, based on data originating from the appropriate utility, for the utility charges to be paid by such tenant, but in no case less than 25 percent of the tenant's adjusted monthly income, with respect to any units for which the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(ii) of this section.

(2) *Rent for families commencing occupancy before May 1, 1983.* At the first recertification occurring on or after May 1, 1983, the tenant's portion of the rent shall be calculated in accordance with paragraph (b)(1) of this section, except that instead of 30 percent, the percentage applied to adjusted monthly income shall be as follows:

Effective Date of Recertification and Percentage

May 1, 1983–September 30, 1983—27
October 1, 1983–September 30, 1984—28
October 1, 1984–September 30, 1985—29
October 1, 1985 and after—30

(3) *Limitations on rent increases and decreases.* The rent the family is charged is subject to the following conditions:

(i) The rental charge shall not be increased by more than 10 percent during any 12-month period as a result of applying paragraph (b)(2) of this section, and as a result of applying any other provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, the rental charge may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributed solely to increases in adjusted monthly income not caused by redefinitions referred to in this paragraph or to increases in the basic rental charge.

(ii) The amount of the rental payment shall not be decreased below the amount payable by the family as of April 30, 1983, unless the decrease in the rental payment is caused by a decrease in adjusted monthly income.

(4) *Limitation on tenant's monthly rental payment.* In no event shall the monthly rental exceed the HUD-approved market rental.

* * * * *

7. Section 236.60 is revised to read as follows:

§ 236.60 Excess rental charges.

The mortgagor shall agree to pay monthly to the Commissioner the total of all rental charges collected in excess of the sum of the approved basic rental charges (as adjusted, if applicable, for tenant-paid utilities) in accordance with instructions prescribed by the Secretary.

8. Sections 236.80 and 236.81 are revised as follows:

§ 236.80 Required recertification of income.

The mortgagor shall obtain from each tenant or cooperative member who is not paying the HUD-approved market rental, an annual recertification of family income. The recertification shall be made on Form HUD–50059, Certification and Recertification of Tenant Eligibility.

(Approved by the Office of Management and Budget under OMB Control Number 2502–0204)

§ 236.81 Optional recertification of income.

Upon request of a tenant or cooperative member, the mortgagor shall accept recertification of family income whenever there is a change in tenant's or cooperative member's family income as reported in the most recent recertification. The recertification shall be made on Form HUD–50059, Certification and Recertification of Tenant Eligibility.

(Approved by the Office of Management and Budget under OMB Control Number 2502–0204)

9. Section 236.710 is revised to read as follows:

§ 236.710 Qualified tenant.

The benefits of the rental assistance payments are available only to an individual or a family renting a dwelling unit in a project which is subject to a contract under this Subpart or occupying such a dwelling unit as a cooperative member. To qualify for such benefits, the individual or family shall meet the requirements prescribed by § 236.2(a) of Subpart A. In order to receive rental assistance under this Subpart, it must have been determined that the income of an individual or family is too low to permit the individual or family to pay the approved basic monthly rental (plus, where applicable, the utility allowance established for utility charges paid by the tenant) with 30% of such individual's or family's Adjusted Monthly Income, as defined in Subpart A.

10. Section 236.715 is revised to read as follows:

§ 236.715 Determination of eligibility.

The housing owner, when determining the eligibility of a tenant or prospective tenant for rental assistance payments, will use the form prescribed by the Secretary. If the applicant meets the requirements of § 236.710 and if rental assistance payments on behalf of the applicant would not cause the percentage of eligible units to be exceeded, the Secretary shall provide monthly rental assistance payments to the housing owner on behalf of the qualified tenant in an amount determined as set forth in this subpart.

11. Section 236.735 is revised to read as follows:

§ 236.735 Rental assistance payments and rental charges.

(a) The rental assistance contract shall provide that the payment on behalf of an eligible tenant shall not exceed (1) That amount by which the basic rental charge approved by the Secretary for the unit exceeds the tenant's monthly rental payment as calculated in accordance with paragraph (b) or (c) of this section, when the basic rental charge is determined pursuant to § 236.55(a)(1)(i); or (2) That amount by which the basic rental charge plus the utility allowance established for utility charges paid by the tenant exceeds the sum of the monthly rental payment calculated in accordance with paragraph (b) or (c) of this section plus such utility allowance, when the basic rental charge is determined pursuant to § 236.55(a)(1)(ii).

(b) Notwithstanding § 236.55(b), the monthly rental charge which shall be paid by a qualified tenant on whose behalf rental assistance payments are being made to the owner (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges), in the case of any qualified tenant on whose behalf rental assistance payments commence on or after May 1, 1983, shall be the highest of the following amounts, rounded to the nearest dollar.

(1) 30 percent of Adjusted Monthly Income as defined in Subpart A;

(2) 10 percent of one-twelfth of Annual Income as defined in Subpart A;

(3) If the family receives welfare-assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by

applying a percentage, the amount calculated under this paragraph (b)(3) shall be the amount resulting from one application of the percentage.

(c) In the case of any qualified tenant on whose behalf rental assistance payments commenced prior to May 1, 1983, such tenant's monthly rental charge (or, where utility charges are paid by the tenant, sum of the monthy rental charge plus the utility allowance established for such charges) shall be calculated in accordance with paragraph (b) of this section at the first recertification occurring on or after May 1, 1983, except that instead of 30 percent, the percentage applied to Adjusted Monthly Income shall be as follows:

Effective Date of Recertification and Percentage

May 1, 1983–September 30, 1983—27
October 1, 1983–September 30, 1984—28
October 1, 1984–September 30, 1985—29
October 1, 1985 and after—30

(d) Notwithstanding paragraphs (b) and (c) of this section, the monthly rental charge payable by a qualified tenant (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall not be increased by more than 10 percent during any 12-month period as a result of applying paragraph (c) of this section and as a result of applying any other provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, such monthly rental charge (or, where applicable, the sum of such charge plus utility allowance) may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributed soley to increases in monthly income or adjusted monthly income not caused by redefinitions referred to in this paragraph.

(e) In no event shall the monthly rental payment (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) payable by a qualified tenant on whose behalf rental assistance payments commenced prior to May 1, 1983 be decreased below such amount payable by such tenant as of April 30, 1983, unless such decrease results from a decrease in monthly income or Adjusted Monthly Income.

(f) Where the monthly amount determined pursuant to paragraph (b) or (c) of this section is less than the utility allowance established for utility charges paid by a qualified tenant, the owner shall pay over to the tenant the portion of the rental assistance payment paid on such tenant's behalf which represents the amount by which the utility allowance exceeds the amount determined pursuant to paragraph (b) or (c).

12. Section 236.755 is revised to read as follows:

§ 236.755 Housing owner's obligation under contract to report tenant income increase.

The rental assistance contract shall contain a provision obligating the housing owner to notify the Secretary upon receiving a report from a tenant of an increase in the tenant's income resulting in the tenant's ability to pay the approved basic monthly rental (plus, where applicable, the utility allowance established for utility charges paid by the tenant) with the amount the tenant is required to pay for rent in accordance with § 236.735. The contract shall also obligate the housing owner, upon failing to notify the Secretary when a report of such increases in income is received from a tenant, to reimburse the Secretary for any rental assistance payments made during the period following receipt of such report when the tenant is receiving the increased income.

13. Section 236.760 is revised to read as follows:

§ 236.760 Change in tenant income status.

Appropriate adjustments will be made in rental assistance payments to reflect changes in income or other circumstances which are reported by a tenant and verified or are shown by the annual tenant income recertification, as required by § 236.80. Rental assistance payments will be discontinued when it is determined by the Secretary that the amount the tenant is required to pay for rent, in accordance with § 236.735, is sufficient to pay the approved basic monthly rental (plus, where applicable, the established utility allowance) for the unit occupied by the tenant. Where a tenant is no longer entitled to rental assistance payments, he/she may continue to occupy the unit. The rents charged for the unit shall not exceed those specified in Subpart A.

Subpart E—Tax and Utility Subsidy Payments [Removed]

14. Subpart E, *Tax and Utility Subsidy Payments*, is removed.

PART 425—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS [REMOVED]

15. Part 425 is removed.

PART 426—RENTAL ASSISTANCE PAYMENTS [REMOVED]

16. Part 426 is removed.

Authority: Section 101, Housing and Urban Development Act of 1965, 12 U.S.C. 1701s; Section 236, National Housing Act, 12 U.S.C. 1715Z–1; Section 322, Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: March 28, 1983.

W. Calvert Brand,

General Deputy, Assistant Secretary for Housing.

[FR Doc. 83-8475 Filed 3-31-83; 8:45 am]
BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[T.D. ATF-127]

Elimination of all Recordkeeping Requirements for .22 Caliber Rimfire Ammunition

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: This rule implements the amendment of the Gun Control Act of 1968 by Pub. L. 97–377, 96 Stat. 1830 (effective December 21, 1982). Public Law 97–377 eliminated the requirement that Federal firearms licensees maintain records for .22 caliber rimfire ammunition.

EFFECTIVE DATE: These amendments were effective as of December 21, 1982.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, ATF&E Specialist, Research and Regulations Branch, Regulations and Procedures Division (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

Public Law 91–128, 83 Stat. 261 (effective November 26, 1969) amended the Internal Revenue Code of 1954 by adding section 4182(c) to provide that notwithstanding the provisions of sections 922(b)(5) and 923(g) of Title 18, United States Code, no person holding a