

following surveys; Isaac Clover A-89, N.J. Devenny A-105, and Ralph Ellis Hrs. A-115.

(ii) *Depth.* The depth to the top of the Vicksburg Formation in the Portilla (9000') Field varies between 8,600 feet and 9,000 feet and the formation extends to depths in excess of 11,000 feet.

[FR Doc. 83-13863 Filed 5-23-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76 (Colorado—17)]

High-Cost Gas Produced from Tight Formations; Correction

Issued May 5, 1983.

AGENCY: Federal Energy Regulatory Commission DOE.

ACTION: Final rule; Correction.

SUMMARY: This document corrects a final rule that concerned high-cost gas produced from tight formations, Docket No. RM 79-76 (Colorado—17). The final rule appeared in the *Federal Register* on January 29, 1982 (47 FR 4248), and contained an incorrect depth description.

FOR FURTHER INFORMATION CONTACT: Steven Ross, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

The following restates the depth description in FR Doc. 82-2362, appearing on page 4248. On page 4248, § 271.703(d)(64)(ii) should read as follows:

• • • • •
(ii) *Depth.* The Mesaverde Formation is defined as that formation encountered between the base of the Wasatch Formation (Tertiary) and the top of the Mancos shale. The average depth to the top of the Mesaverde Formation is 4,475 feet.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-13861 Filed 5-23-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-120 (Oklahoma—2)]

High-Cost Gas Produced from Tight Formations Oklahoma; Final Rule

May 5, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final Rule; correction.

SUMMARY: This document corrects a final rule that concerned high-cost gas produced from tight formations, Docket No. RM79-76-120 (Oklahoma—2). The final rule appeared in the *Federal Register* on February 1, 1983 (48 FR 4461), and designated an incorrect paragraph number under § 271.703(d) of the Commission's regulations (18 CFR 271.703(d)).

FOR FURTHER INFORMATION CONTACT: Jane M. Oliver, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8316.

The following restates, and corrects the paragraph number in FR Doc. 83-2638, appearing on page 4462. On page 4462, the paragraph allocated for the designation of the "Cleveland Sand of the Kansas City Group" in Oklahoma as a tight formation should read as follows:

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(116) to read as follows:

§ 271.703 tight formations.

• • • • •
(d) *Designated Tight formations.*

• • • • •
(116) "*Cleveland Sand*" of the "*Kansas City Group*" in Oklahoma. RM79-76-120 (Oklahoma—2).

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-13861 Filed 5-23-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76 (Texas—11 Addition); Order No. 208]

High-Cost Gas Produced From Tight Formations; Correction

Issued: February 22, 1982

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; correction.

SUMMARY: This document corrects the subparagraph number assigned to the designated tight formation, the Wilcox Formation in Texas, Docket No. RM79-76 (Texas—11) and (Texas—11 Addition) as it was issued by the Commission in Order No. 208 and appeared in the *Federal Register* on February 12, 1982 at 47 FR 6425.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, Office of General Counsel, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8511.

SUPPLEMENTARY INFORMATION: A correction is made in FR Doc. No. 82-3973, as it appears in the center column of page 6425 in the issue of February 12, 1982, so that in the revision of § 271.703, the reference is to paragraph (d)(63) instead of (d)(58), as it appears both in the sentence announcing the revision of the regulation and in the regulation itself appearing in that column.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-13829 Filed 5-23-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Subpart K—Income

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These regulations implement section 101(a)(2)(B) of Pub. L. 96-222 and section 202 of Pub. L. 96-265 which amend section 1612(a)(1) of the Social Security Act. The regulations provide that certain payments received due to the earned income tax credit provisions of section 43 of the Internal Revenue Code will be included in the definition of earned income. These regulations provide further that payment for services performed in a sheltered workshop or work activities center also constitutes earned income.

EFFECTIVE DATE: These regulations are effective May 24, 1983. The statutes which these rules implement establish that all sheltered workshop payments are to be treated as earned income beginning October 1, 1980, and earned income tax credit payments are to be treated as earned income beginning January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Rita Hauth, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7112.

SUPPLEMENTARY INFORMATION: We are revising our recodified regulations on income under the Supplemental Security Income program, Part 416 of the Code of Federal Regulations. The recodified regulations, Subpart K of Part 416, were published October 3, 1980 (45 FR 65541).

The notice of proposed rulemaking (NPRM) which proposed amending Subpart K to include the rules described in these final regulations was published January 19, 1981 (46 FR 4949). Only one comment has been received since publication of the NPRM. A State Department of Public Welfare praised the clarity and simplicity of the rules.

These regulations are necessary because of legislation. The effect of the legislation is significant because the amount of income individuals have is a factor in determining eligibility for SSI and the amount of benefits payable. The law and regulations classify income as either earned or unearned income and provide greater exclusions from earned income than from unearned income. Thus, a beneficiary who receives a given amount of earned income can receive a higher benefit than another who receives a like amount of unearned income.

Sections 416.1110 and 416.1111 of the regulations are amended to include two changes in the definition of earned income because of the enactment of Pub. L. 96-222 and Pub. L. 96-265. The amended § 416.1110 describes the new types of earned income and § 416.1111 tells how we count that income to determine the amount of benefits payable.

Pub. L. 96-222, section 101(a)(2)(B), added a new type of earned income for SSI purposes—payments received due to the earned income credit provisions of section 43 of the Internal Revenue Code of 1954 as Federal income tax refunds or as advance payments of these credits made by employers under section 3507 of the same code. These payments are earned income as of January 1, 1980. The retroactive effective date of this law (Pub. L. 96-222 was enacted April 1, 1980) fills the gap that occurred because section 105(f) of the prior statute, Pub. L. 95-600, excluded these payments from income for SSI purposes only until December 31, 1979. If the new statute had not been enacted, SSA would have counted the earned income credit payments as unearned income after the exclusions expired. Individuals who received payments of earned income tax credits in 1980 or later would have received lower SSI benefits since unearned income is subject to lesser exclusions than earned income.

Earned income tax credits are available to people who meet certain conditions of family composition and amount of income. The credit payments can be received in a lump sum subsequent to the filing of an income tax return as an addition to any regular income tax refund due the individual. As an alternative, they may be advanced to

individuals by employers over a period of employment during the tax year under procedures established by the Internal Revenue Service. If the advance payments turn out to be incorrect because the employer advanced more than was due, SSA adjusts benefits to make up for the resulting SSI underpayment at the time the correct amount is established. The new statute states that the adjustment will be made in benefits payable to the individual. SSA will carry out this provision under the rules in Subpart E of the Regulations (20 CFR, Part 416). These rules provide that an SSI underpayment will be made to the underpaid individual or, if the individual is deceased, to his or her eligible spouse.

Pub. L. 96-265, section 202, states that beginning October 1, 1980, payment for services performed in a sheltered workshop or work activities center constitutes earned income. Since all payments for these services are not earned income, there is no need to distinguish between sheltered workshops or work activities centers and other employers. Prior to Pub. L. 96-265, these payments were either earned income or unearned income depending on whether the individual's effort constituted employment or therapy. Thus, if two beneficiaries received payments in the same workshop, one may have been receiving earned income as an employee and the other unearned income because he or she was in a rehabilitative training program. The second beneficiary received a lower SSI benefit because unearned income is subject to fewer exclusions. Beneficiaries and agencies that serve the handicapped found the different treatment hard to understand and considered it unfair. SSA was obliged to develop cases to determine whether the income received in a sheltered workshop or work activities center was earned or unearned. The new law and regulations advantage beneficiaries as well as end these administrative problems.

We have made minor editorial changes in the regulations as they were published with the Notice of Proposed Rulemaking and have deleted the effective dates that were included in § 416.1110. The effective dates have been deleted because they had only temporary value.

Regulatory Procedures

Executive Order No. 12291—These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. SSA estimates that the provision of Pub. L. 96-222 that provides that earned

income tax credit payments are earned income will result in \$4 million in program savings each year and administrative costs will be negligible. SSA estimates that the provision of Pub. L. 96-265 that provides that sheltered workshop payments are earned income will come to \$2 million per year in program costs and will create no additional administrative costs. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act of 1980—These regulations impose no additional reporting and recordkeeping requirement requiring OMB clearance. SSA has clearance for form SSA-8150 (OMB No. 0960-0128) on which beneficiaries are to report income.

Regulatory Flexibility Act—We certify that these regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities because they primarily affect individuals with some impact on States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Social Security Administration, Supplemental Security Income (SSI).

Dated: January 19, 1983.

John A. Svahn,

Commissioner of Social Security.

Approved: April 26, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

PART 416—[AMENDED]

1. The authority citation for Subpart K of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1601, 1602, 1611, 1612, 1613, 1614 and 1631 of the Social Security Act as amended; Sec. 211 of Pub. L. 93-86; 49 Stat. 647, as amended, 86 Stat. 1465, 1466, 1468, 1470, 1471, 1473, 1475, 87 Stat. 154; 42 U.S.C. 1302, 1381, 1381a, 1382, 1382a, 1382b, 1383c and 1383. Sec. 202 of Pub. L. 96-265, 94 Stat. 449; 42 U.S.C. 1382c.

2. Section 416.1110 is amended by revising the material preceding paragraph (a) and by adding new paragraphs (c) and (d) to read as follows:

§ 416.1110 What is earned income.

Earned income may be in cash or in kind and consists of the following types of payments:

(c) *Refunds of Federal income taxes and advance payments by employers made in accordance with the earned income credit provisions of the Internal Revenue Code.* Refunds on account of earned income credits are payments made to you under the provisions of section 43 of the Internal Revenue Code of 1954, as amended. These "refunds" may be greater than taxes you have paid. You may receive earned income tax credit payments along with any other Federal income tax refund you receive because of overpayment of your income tax. (Federal income tax refunds made on the basis of taxes you have already paid are not income to you as stated in § 416.1103(d).) Advance payments of earned income tax credits are made by your employer under the provisions of section 3507 of the same code. You can receive earned income tax credit payments only if you meet certain requirements of family composition and income limits.

(d) *Payments for services performed in a sheltered workshop or work activities center.* Payments for services performed in a sheltered workshop or work activities center are what you receive for participating in a program designed to help you become self-supporting.

3. Section 416.1111 is being revised by redesignating paragraph (c) as paragraph (e) and adding new paragraphs (c) and (d) to read as follows:

§ 416.1111 How we count earned income.

(c) *Refunds of Federal income taxes and advance payments by employers made under the earned income credit provisions of the Internal Revenue Code.* We count payments advanced by your employer and refunds of Federal income taxes made under the earned income credit provisions of the Internal Revenue Code of 1954 in the quarters in which you receive them. You receive refunds in a single quarter if they are paid as a result of the filing of your income tax return and as an addition to the refund of taxes withheld by your employer. You receive payments advanced by your employer along with your wages spread over the period of your employment. If we do not pay you the correct amount of benefits (that is, we withheld too much from your benefits) because your employer has advanced you more than was actually

due, SSA will make up the difference in benefits when the correct amount of your earned income credits is determined by the Internal Revenue Service (see § 416.542 for the rules on underpayments). If your employer advanced less than you were actually due we will count the additional amount in the quarter in which you receive it from Internal Revenue Service.

(d) *Payments for services in a sheltered workshop or activities center.* We count payments you receive for service performed in a sheltered workshop or work activities center when you receive them or when they are set aside for your use. We determine the amount of the payments for each calendar quarter.

[FR Doc. 83-13994 Filed 5-23-83; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration**21 CFR Part 81**

[Docket No. 76N-0366]

Provisional Listing of D&C Yellow No. 10 for Use in Drugs and Cosmetics; Postponement of Closing Date**Correction**

In FR Doc. 83-11284 beginning on page 19366 in the issue of Friday, April 29, 1983, make the following correction:

On page 19367, first column, second line, "Title XI" should have read "Title II".

BILLING CODE 1505-01-M

21 CFR Part 172

[Docket No. 81F-0031]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Anoxomer; Correction

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

SUMMARY: The Food and Drug Administration (FDA) is correcting the docket number in the heading of the final rule that amended the food additive regulation providing for the safe use of anoxomer, an antioxidant, in food for human consumption.

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-11192, appearing at page 18798 in the Federal Register of Tuesday, April

26, 1983, the second line in the heading is changed from "[Docket No. 80F-0031]" to "[Docket No. 81F-0031]."

Dated: May 17, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-13711 Filed 5-23-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 81F-0210]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers**Correction**

In FR Doc. 83-3973 beginning on page 6704 in the issue of Tuesday, February 15, 1983, make the following correction:

On page 6705, first column, § 178.1010, eighth line of paragraph (b)(24), "alyl" should have read "alkyl".

BILLING CODE 1505-01-M

21 CFR Part 522**Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Trimethoprim and Sulfadiazine Sterile Suspension**

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

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Syntex Agribusiness, Inc., providing for the safe and effective use of a combination antibacterial drug for treating dogs.

EFFECTIVE DATE: May 24, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, filed NADA 132-486 providing for subcutaneous use of Di-Trim 24% Injection (a sterile suspension containing 40 milligrams (mg) of trimethoprim and 200 mg of sulfadiazine per milliliter) for the treatment of bacterial infections of dogs. The product is indicated where control of bacterial infections is required during treatment of acute urinary tract infections, acute bacterial complications of distemper, acute respiratory tract infections, acute alimentary tract infections, wound infections and

abscesses, and acute septicemia due to *Streptococcus zooepidemicus*. The NADA is approved and the regulations are amended to reflect the approval.

The basis of this approval is discussed in the freedom of information summary (FOI summary). In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine 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.

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.2610 [Amended]

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) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.2610 *Trimethoprim and sulfadiazine sterile suspension* is amended in paragraph (a)(2) by adding before the number "017220" the phrase "000033 and".

Effective date: May 24, 1983.

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

Dated: May 13, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-13862 Filed 5-23-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR PART 610

[Docket No. 81N-0116]

Hepatitis Requirements; Amendment of Restrictions on Use as Injectable Biological Products

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The Food and Drug Administration (FDA) is amending restrictions on the collection and use of blood, plasma, or serum that has been shown to be reactive for hepatitis B surface antigen (HBsAg). Current regulations do not permit use of reactive blood, plasma, or serum in the manufacture of injectable biological products. The agency is amending the regulations to permit the collection and use of blood, plasma, or serum reactive for HBsAg for further manufacture into hepatitis B vaccine.

EFFECTIVE DATE: May 24, 1983.

FOR FURTHER INFORMATION CONTACT:

Joseph Wilczek, National Center for Drugs and Biologics (HFN-813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 7, 1981 (46 FR 35121), FDA proposed to amend §§ 610.40 and 610.41 of the biologics regulations (21 CFR 610.40 and 610.41) to permit the collection and use of blood, plasma, or serum reactive for HBsAg for further manufacture into hepatitis B vaccine. Data submitted to the agency demonstrate that blood, plasma, or serum that is reactive for HBsAg can be used effectively to produce an inactivated vaccine against hepatitis B. In November 1981, the Commissioner of Food and Drugs announced the approval of the first licensed hepatitis B vaccine to combat hepatitis B infections, a major public health problem in the United States.

Interested persons were given until September 8, 1981, to submit written comments regarding this proposal. Five letters, some containing a number of comments, were received on the proposal, and one letter fully endorsed the proposal. A summary of the comments and the agency's responses are as follows:

1. Two comments objected to the continuation of the requirements contained in § 610.40(d) (1)(v) and (2)(iv) that the Office of Biologics be notified in writing of each shipment of hepatitis reactive source blood, plasma, or serum.

The agency advises that any amendment of the shipment reporting requirements is beyond the scope of this final rulemaking. However, the agency believes that the comment has merit and is exploring the possibility of deleting hepatitis shipment reporting requirements. Accordingly, FDA is rejecting the comment at this time.

2. One comment stated that the proposed regulations appeared to be at variance with an agency guideline, issued in April 1981 and revised in August 1981, for plasmapheresing

HBsAg reactive donors. The guideline provides that hepatitis reactive source blood, plasma, or serum, can be labeled "Collected from a donor known to be reactive for hepatitis B surface antigen. This plasma is presumed to be infectious". This cautionary labeling statement permits a source supplier to assume that source material collected from a known positive donor is reactive for hepatitis B without first having to perform confirmatory hepatitis testing. In the proposed rule, however, FDA proposed to require that labeling on such source material or final product state that the source blood, plasma, or serum, was reactive when tested for HBsAg and may transmit viral hepatitis. The proposed cautionary labeling statement indicates that confirmatory hepatitis testing was performed on source material and it was found to be reactive.

FDA agrees with the comment's observation regarding a conflict between the guideline and the proposal. FDA believes that the labeling alternative set forth in the April 1981 guideline provides adequate notice to handlers and users of the plasma that the plasma may be infectious. Therefore, in the final rule, the agency is allowing use of an alternative cautionary labeling statement equivalent to that found in the guideline. The agency is also amending § 610.40(d) (1)(v) and (2)(iv) of the biologics regulations to make clear that, if properly labeled, shipments of such plasma may be made without prior testing for HBsAg. Section 610.40 of the final rule has been amended in paragraph (d) (1)(v) and (2)(iv) by adding the sentence "Such shipments shall not be subject to the requirements of paragraph (b)(3) of this section".

3. One comment stated that the current regulations permit donors with past histories of being reactive for HBsAg and currently with anti-HBs antibodies to serve as a source of hepatitis B immune globulin, an injectable product. The comment noted that the proposed rule would permit use of these donors only for the preparation of in vitro diagnostic products and not for the preparation of hepatitis B immune globulin.

The agency acknowledges that it inadvertently proposed to change the requirements of the regulation as described by the comment. Therefore, the agency is amending § 610.41 of the final rule to permit donors with anti-HBs antibodies to serve as a source for hepatitis B immune globulin.

4. One comment stated that proposed § 610.41 does not clearly allow persons with a prior history of clinical viral