

## 14 CFR Part 248

[Amdt. No. 4; Docket 41147; Regulation ER-1351]

### Submission of Audit and Reconciliation Reports

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** The CAB eliminates the reconciliation report required of certificated air carriers because it is no longer needed.

**DATES:** Adopted: July 1, 1983. Effective: August 18, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Jack Calloway, Office of the Comptroller, (202) 673-6042; or David Schaffer, Office of the General Counsel, (202) 673-5442; Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

**SUPPLEMENTARY INFORMATION:** By EDR-450, 47 FR 57733, December 28, 1982, the Board proposed to eliminate the requirement that a certificated carrier file a report reconciling its audited balance sheet and income statements with similar statements that the carrier filed with the Board as part of its Form 41 reports. This reconciliation report was required to help resolve inconsistencies between the financial statements of the carrier's independent auditor and those in the Form 41 reports. As explained in EDR-450, changes in Board accounting practices make it unlikely that there will continue to be such inconsistencies. The reconciliation report required by 14 CFR 248.3 is therefore no longer needed.

In EDR-450, the Board also proposed to make a technical change in §§ 248.2 and 248.3 to reflect staff reorganizations.

No comments were filed objecting to any of the proposed changes in Part 248. The Board is therefore adopting them as proposed.

### Regulatory Flexibility Act

For the reasons stated in EDR-450, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities.

### List of Subjects in 14 CFR Part 248

Accounting, Air carriers, Reporting requirements.

### PART 248—[AMENDED]

Accordingly, the Board amends 14 CFR Part 248, *Submission of Audit and Reconciliation Report*, as follows:

1. The authority for Part 248 is:

Authority: Secs. 204, 401, 407, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 766; 49 U.S.C. 1324, 1371, 1377.

2. Section 248.2 is revised by replacing "Bureau of Accounts and Statistics" with "Office of Comptroller", as follows:

#### § 248.2 Filing of audit reports.

(a) Whenever any air carrier subject to § 248.1 shall have caused an annual audit of its books, records, and accounts to be made by independent public accountants, such air carrier shall file with the Board's Office of the Comptroller, in duplicate, a special report consisting of a true and complete copy of the audit report submitted by such independent public accountants, including all schedules, exhibits, and certificates included in, attached to, or submitted with or separately as a part of, the audit report.

(b) Each air carrier subject to § 248.1 that does not cause an annual audit to be made of its books, records, and accounts for any fiscal year shall, at the close of such fiscal year file with the Board's Office of the Comptroller, as a part of its periodic reports, a statement that no such audit has been performed.

#### § 248.3 [Removed and Reserved]

3. Section 248.3, *Reconciliation of reports* is removed and reserved.

4. Section 248.4 is revised by replacing "Bureau of Accounts and Statistics" with "Office of the Comptroller", as follows:

#### § 248.4 Time for filing reports.

The report required by this part shall be filed with the Board's Office of Comptroller within 15 days after the due date of the appropriate periodic CAB Form 41 report, filed for the 12-month period covered by the audit report, or the date the accountant submits its audit report to the air carrier, whichever is later.

By the Civil Aeronautics Board,  
Phyllis T. Kaylor,  
Secretary.

[FR Doc. 83-19484 Filed 7-18-83; 8:45 am]

BILLING CODE 6320-01-M

[Reg. ER-1350; Econ. Regs. Amendment No. 12 to Part 291; Docket 41147]

### 14 CFR Part 291

### Domestic Cargo Transportation; Reporting Requirements

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** The CAB reduces reporting requirements for all-cargo carriers. This action will reduce the burden on these

carriers in furtherance of the Paperwork Reduction Act and Cargo Deregulation Act.

**DATES:** Adopted: July 1, 1983. Effective: August 18, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Jack Calloway, Office of the Comptroller, (202) 673-6042; or David Schaffer, Office of the General Counsel, (202) 673-5442; Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

**SUPPLEMENTARY INFORMATION:** By EDR-

450, 47 FR 57733, December 28, 1982, the Board proposed to reduce the reporting requirements of all-cargo carriers. Specifically, EDR-450 proposed to limit reporting to six traffic items (total revenue ton-miles, revenue tons enplaned, available ton-miles, aircraft miles flown, aircraft departures performed, and aircraft hours airborne) and three profit and loss items (total operating revenues, total operating expenses, and operating income or loss). The Board estimated that adoption of this proposal would result in an 85 percent reduction in the level of reporting by these carriers.

The Board noted in EDR-450 that it no longer needed any data from all-cargo carriers but that the Department of Transportation (DOT) needed these data to monitor the level of air cargo activity. Since DOT will administer the Board's remaining programs after the Board "sunset" in 1985, the Board stated that it would give great weight to the views of DOT in this matter. The Board therefore proposed to revise the reporting requirements in 14 CFR 291.42 along the lines requested by DOT as summarized above.

Comments were filed by DOT and the Air Freight Association. The Air Freight Association favored the Board's proposal. It stated that "there is no need for the Board to continue to require excessive report filings from members of the air freight industry" and that the "remaining nine required reports should be more than sufficient to allow any regulatory agency (whether the CAB, DOT, or any new agency) to monitor 'the level of demand for air cargo activity.'"

The DOT also supported the Board's proposal. It stated that some data from all-cargo carriers were necessary for it to carry out its responsibilities. These responsibilities include promoting safe air transportation, controlling the national airspace, operating a system of air traffic control, and promoting the development of an effective national airport system. DOT stated that it would use the required data in evaluating

existing and proposed rules in these areas, evaluating industry comments on these rules, performing cost/benefit analyses, and determining the impact of its actions on small businesses. DOT also stated that the required data were necessary to forecast growth of air traffic and estimate revenues in the Airport and Airway Trust Fund.

DOT asked the Board to make one change in the proposed reporting requirement. This was the addition of a requirement that carriers report net income. This is currently required of all-cargo carriers but would not have been continued under the Board's proposal. DOT stated that this item was necessary because it takes into consideration profit or loss from both operating and nonoperating activities, and thus provides a more accurate indication of the carrier's actual financial position. Under the Board's proposal, only operating income (that is, income from air transportation activities as opposed to real estate transactions, for example) would have been reported.

The Board agrees that the reporting of net income would provide a better picture of the carrier's financial situation. Also, since this information is being primarily collected for the benefit of DOT, the Board gives great weight to the views of that agency in this matter. Accordingly, the additional reporting item DOT requested will be adopted.

On its own initiative, the Board is changing the frequency of reporting from semi-annually to annually. This will further reduce the reporting burden on all-cargo carriers without compromising the ability of the Board or DOT to monitor all-cargo activity.

#### Regulatory Flexibility Act

For the reasons stated in EDR-450, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 14 CFR Part 291

Air carriers, Antitrust, Freight,

Insurance, Reporting requirements.

#### PART 291—[AMENDED]

Accordingly, the Board amends 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

##### 1. The authority for Part 291 is:

Authority: Secs. 102, 204, 401, 407, 408, 416, and 418, Pub. L. 85-726, as amended; 72 Stat. 740, 743, 754, 766, 767, 771, 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1371, 1377, 1378, 1386, and 1388.

##### 2. Section 291.42 is revised to read:

#### § 291.42 Section 418 financial and statistical reporting.

(a) *General instructions.* (1) Carriers operating under section 418 certificates that are not subject to Part 241 of this chapter shall file Form 291-A, Statement of Operations and Statistics Summary for section 418 operations.

(2) The form required by this section shall be filed annually on February 10 covering the 12 months ending December 31. It shall be filed at the Office of the Comptroller, Information Management Division, B-46a, Civil Aeronautics Board, Washington, D.C. 20428.

(3) The carrier's chief accounting officer shall sign a certification attesting to the truth and completeness of the reports required by this section.

(b) Statement of Operations and Statistics Summary for section 418 operations. This statement shall include the following elements:

(1) Total operating revenue, categorized as follows:

(i) Transport revenues from the carriage of property in scheduled and nonscheduled service;

(ii) Transport revenue from the carriage of mail in scheduled and nonscheduled service; and

(iii) Transport-related revenues.

(2) Total operating expenses;

(3) Operating profit or loss, computed by subtracting the total operating expenses from the total operating revenues; and

(4) Net income, computed by subtracting the total operating and nonoperating expenses, including interest expenses and income taxes, from the total operating and nonoperating revenues.

(c) Summary of traffic and capacity statistics. This summary shall include the following elements:

(1) Total revenue ton-miles, which are the aircraft miles flown on each flight stage times the number of tons of revenue traffic carried on that stage. They shall be categorized as follows:

(i) Property; and

(ii) Mail.

(2) Revenue tons enplaned, reflecting the total revenue tons of cargo loaded on aircraft during the annual period;

(3) Available ton-miles, reflecting the total revenue ton-miles available for all-cargo service during the annual period, and computed by multiplying aircraft miles flown on each flight stage by the number of tons of aircraft capacity available for that stage;

(4) Aircraft miles flown, reflecting the total number of aircraft miles flown in cargo service during the annual period;

(5) Aircraft departures performed, reflecting the total number of take-offs performed in cargo service during the annual period; and

(6) Aircraft hours airborne, reflecting the aircraft hours of flight (from take-off to landing) performed in cargo service during the annual period.

#### CAB Form 291-A—[Revised]

3. CAB Form 291-A is changed as shown on the attachment.

By the Civil Aeronautics Board.  
Phyllis T. Kaylor,  
Secretary.

Note.—This form will not appear in the Code of Federal Regulations.

BILLING CODE 5320-01-M

Attachment to ER-1350

STATEMENT OF OPERATIONS AND SUMMARY STATISTICS  
FOR SECTION 418 OPERATIONS

Carrier \_\_\_\_\_

Year Ended December 31, 19\_\_\_\_

Operating Revenues and Expenses

Transport Revenue:

Property 1

Mail 2

Transport Related Revenue 3

Total Operating Revenue 4

Total Operating Expense 5

Operating Profit or (Loss) 6

Net Income or (Loss) 7

Traffic and Capacity Statistics

Total Revenue Ton-Miles:

Property 8

Mail 9

Revenue Tons Enplaned 10

Available Ton Miles 11

Aircraft Miles Flown 12

Aircraft Departures Performed 13

Aircraft Hours (Airborne) 14

## 14 CFR Part 297

[Amdt. No. 6; Docket 41147; Regulation ER-1352]

## Foreign Air Freight Forwarders and Cooperative Shippers Associations

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

**SUMMARY:** The CAB eliminates reporting requirements for foreign air freight forwarders because the data reported are no longer needed by the government.

**DATES:** Adopted: July 1, 1983. Effective: August 18, 1983.

## FOR FURTHER INFORMATION CONTACT:

Jack Calloway, Office of the Comptroller, 202-673-6042; or David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

**SUPPLEMENTARY INFORMATION:** By EDR-450, 47 FR 57733, December 28, 1982, the Board proposed to eliminate the reporting requirements for foreign air freight forwarders and foreign cooperative shippers associations. These requirements are now in Subpart E of 14 CFR Part 297. The Board noted that it had been reducing its oversight of these entities and tentatively concluded that this reporting requirement was no longer needed.

No comments were received in response to this proposal. The Board is therefore eliminating this reporting requirement as proposed.

## Regulatory Flexibility Act

For the reasons stated in EDR-450, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities.

## List of Subjects in 14 CFR Part 297

Air carriers, Air transportation—foreign, Freight, Freight forwarders, Insurance, Reporting requirements.

## PART 297—[AMENDED]

Accordingly, the Board amends 14 CFR Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations*, as follows:

## 1. The authority for Part 297 is:

Authority: Secs. 204, 416, Pub. L. 85-726, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1388.

## Subpart E—[Removed and Reserved]

2. Subpart E, *Reporting Requirements*, is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-19483 Filed 7-19-83; 8:45 am]

BILLING CODE 6320-01-M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 141

## Final Rule To Revise Form No. 12, Power System Statement; Correction

Issued: June 22, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; Notice of availability of corrections.

**SUMMARY:** This document gives notice of corrections to Form No. 12, "Power System Statement", which must be filed with the Federal Energy Regulatory Commission under 18 CFR § 141.51. Form No. 12 was revised on February 7, 1983 (Order No. 282, Docket No. RM82-10-000, 48 FR 6699, [February 15, 1983]).<sup>1</sup> The corrections are necessary to conform certain instructions in Form No. 12 to each other and to the specific format of Form No. 12.

## FOR FURTHER INFORMATION CONTACT:

Cathy Ciaglo Office of the General Counsel Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E. Washington, D.C. 20426 (202) 357-8033.

**SUPPLEMENTARY INFORMATION:** On February 7, 1983, the Federal Energy Regulatory Commission (Commission) issued the "Final Rule to Revise Form No. 12, Power System Statement" (Order No. 282, 48 FR 6699, February 15, 1983). The corrections made to Form No. 12 conform certain of the instructions to other instructions in the form and make them consistent with the format of the form.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-19458 Filed 7-19-83; 8:45 am]

BILLING CODE 6717-01-M

<sup>1</sup> Because Form 12 was not printed in the Federal Register, both this notice of corrections and the form are available at the Commission's Division of Public Information, 825 North Capitol St., N.E., Washington, D.C. 20426, (202) 356-8055. The corrections themselves have not been submitted to the Federal Register.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Part 74

[Docket Nos. 82C-0396, 82C-0397, and 82C-0399]

## D&amp;C Green No. 6; Listing as a Color Additive for use in Contact Lenses; 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 April 29, 1983, for a regulation that provided for the safe use of D&C Green No. 6 as a color additive in contact lenses. The agency is taking this action in response to petitions filed by Bausch & Lomb, Inc., Syntex Ophthalmics, Inc., and Polymer Technology Corp.

**DATE:** Effective date confirmed: April 29, 1983.

## FOR FURTHER INFORMATION CONTACT:

Garnett R. Higginbotham, Jr., Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a final rule published in the Federal Register of March 29, 1983 (48 FR 13020), FDA amended the color additive regulations to provide for the safe use of D&C Green No. 6 as a color additive in contact lenses. The final rule added new Subpart D—Medical Devices to include § 74.3206 (21 CFR 74.3206) that allows the use of D&C Green No. 6 in contact lenses.

In the final rule, FDA gave interested persons until April 28, 1983, to file objections. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA has concluded that the final rule published in the Federal Register of March 29, 1983, for D&C Green No. 6 should be confirmed.

## List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

## PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended [21 U.S.C. 371(e), 376]) and under authority delegated to

the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the final rule of March 29, 1983. Accordingly, the final rule adding § 74.3206 *D&C Green No. 6* to provide for the safe use of D&C Green No. 6 as a color additive in contact lenses became effective April 29, 1983.

Dated: July 8, 1983.

William F. Randolph,

Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 83-19382 Filed 7-18-83; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 520

### Oral Dosage Form New Animal Drugs Not Subject to Certification; Sulfamethazine Sustained-Release Boluses; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to provide for the over-the-counter (OTC) use of 2 sulfamethazine sustained-release bolus (Bayvet's Sulfa-Span) and the prescription use of a sulfamethazine sustained-release bolus (Bayvet's Hava-Span). In a previous document, regulations reflecting use of Bayvet's Hava-Span were inadvertently removed. This document amends the regulations to reflect use of both products.

**EFFECTIVE DATE:** June 3, 1983.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Haines, Bureau of Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of June 3, 1983 (48 FR 24871), FDA published a document reflecting approval of a supplement to Bayvet's NADA 93-329 which provided for alternate labeling, bearing revised indications and dosage, for OTC use. That document inadvertently deleted the use of Bayvet's prescription product. This document amends the regulations in § 520.2260b (21 CFR 520.2260b) to reflect use of the prescription product in paragraph (a) and the OTC product in paragraph (d).

#### List of Subjects in 21 CFR Part 520

Animal drugs, Oral.

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), § 520.2260b is amended by revising paragraph (a)(2) and by adding new paragraph (d) to read as follows:

### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

#### § 520.2260b Sulfamethazine sustained-release boluses.

(a) \* \* \*

(2) *Conditions of use—(i) Amount.*

Depending on the duration of therapeutic levels desired, administer boluses as a single dose as follows: 3 1/2 days—1 bolus (22.5 grams) per 200 pounds of body weight; 5 days—1 bolus per 100 pounds of body weight.

(ii) *Indications for use.* Beef and nonlactating cattle for sustained treatment of shipping fever pneumonia caused or complicated by *Pasteurella multocida*; as an aid in the treatment of foot rot, mastitis, pneumonia, metritis, bacterial enteritis, calf diphtheria, and septicemia when caused or complicated by bacteria susceptible to sulfamethazine.

(iii) *Limitations.* Cattle that are acutely ill should be treated parenterally with a suitable antibacterial product to obtain immediate therapeutic blood levels; do not slaughter animals for food within 16 days of treatment; do not use in lactating dairy cattle; Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(d)(1) *Sponsor.* See 000859 in § 510.600(c) of this chapter for use of a 22.5-gram sulfamethazine sustained release bolus.

(2) *Conditions of use—(i) Amount.* Administer 1 bolus (22.5 grams) per 200 pounds of body weight, as a single dose.

(ii) *Indications for use.* Beef and nonlactating dairy cattle for the prolonged treatment of the following diseases when caused by one or more of the listed pathogenic organisms sensitive to sulfamethazine: bovine respiratory disease complex (shipping fever complex) (*Pasteurella* spp.), bacterial pneumonia (*Pasteurella* spp.), necrotic pododermatitis (foot rot) (*Fusobacterium necrophorum*), colibacillosis (bacterial scours) (*Escherichia coli*), calf diphtheria (*Fusobacterium necrophorum*), acute mastitis (*Streptococcus* spp.) and acute metritis (*Streptococcus* spp.).

(iii) *Limitations.* Cattle that are acutely ill should be treated by injection with a suitable antibacterial product to obtain immediate therapeutic blood levels; do not slaughter animals for food within 16 days of treatment; do not use in lactating dairy cattle; if treated

animals do not respond within 2 to 3 days, consult a veterinarian.

Effective date: June 3, 1983.

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

Dated: July 13, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-19383 Filed 7-18-83; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 522

### Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytetracycline Hydrochloride Injection

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 supplemental new animal drug application (NADA) filed by John D. Copanos & Co., Inc., providing for safe and effective use of a 100-milligram-per-milliliter (mg/mL) oxytetracycline hydrochloride (OTC-HCl) injection: for intravenous use for treating certain infections of cattle.

**EFFECTIVE DATE:** July 19, 1983.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Haines, Bureau of Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

**SUPPLEMENTARY INFORMATION:** John D. Copanos & Co., Inc., 6110 Robinwood Rd., Baltimore, MD 21225, is sponsor of NADA 93-578, currently providing for intramuscular use of a 50-mg/mL OTC-HCl injectable sterile solution in beef cattle, beef calves, nonlactating dairy cattle, and dairy calves for treatment of certain infections as published in the Federal Register of December 17, 1974 (39 FR 43627) and codified in 21 CFR 522.1662a. Copanos has filed a supplement providing for intravenous use of a 100-mg/mL OTC-HCl injectable sterile solution in beef cattle and nonlactating dairy cattle for treatment of pneumonia and shipping fever complex associated with *Pasteurella* spp. and *Hemophilus* spp. The supplemental NADA is approved and the regulations are amended to reflect this approval. The basis of this approval is discussed in the freedom of information (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