

incentive pricing.² The Director of the Office of Pipeline and Producer Regulation issued a notice proposing the amendment on November 22, 1982.³

Comments on the proposed rule were invited and after an extension of time, nine comments were received. Champlin Petroleum Company, West Virginia Oil and Natural Gas Association, Swift Energy Company and Amax Petroleum Company filed comments in support of the application. Sewell Coal Company, Ranger Fuel Corporation, West Virginia Public Service Commission, Badger Coal Company, and Jewell Ridge Coal Corporation opposed the application on such grounds as no economic need for the incentive price, invalid permeability and open flow production data, inadequate well spacing, and the presence of infill drilling.

We have analyzed these comments and determined that the opposing comments do not present any persuasive arguments for rejecting West Virginia's recommendation, as they fail to establish that the formation does not meet the guidelines necessary for tight formation designation in § 271.703(c)(2).

Specifically, Commentors opposed the application because they believe an incentive price for gas produced from this area is unnecessary for development of the area. Furthermore, they argue that the gas will be unmarketable at current price ceilings and, if the formations are developed, an increase in gas prices will adversely affect the consumers. Under our tight formation regulations, specifically § 271.703(c)(2)(ii), the question of whether the incentive price is necessary for formation development is relevant only if the applicant fails to meet the permeability guideline.

We believe that West Virginia has met the permeability and flow rate guidelines of § 271.703(c)(2)(i)(A) and (B) by substituting porosity-permeability relationships and short duration flow tests in place of in-situ permeability and stabilized production rate calculations. West Virginia provided no stabilized production rate data against atmospheric pressure prior to stimulation for wells penetrating the "Big Lime" zone. Determination of stabilized production rate requires that a well be shut in during normal drilling operations—a practice considered economically infeasible by West Virginia. Therefore, West Virginia

submitted short duration flow tests. (Production rates derived from short duration tests are normally higher than stabilized natural flows to the atmosphere.) After carefully studying the flow tests readings, West Virginia stated that they excluded those wells with high flow test readings and that the remaining wells meet the stabilized production rate guidelines in § 271.703(c)(2)(i)(B). We believe that the comments have failed to show why the data and methodology submitted by West Virginia are invalid or why they do not support the "Big Lime" Zone designation as a tight formation.

Additionally, Commentors oppose the recommendation on the basis of inadequate well spacing requirements and the presence of infill drilling in the proposed tight formation area. We find that the well spacing requirements for the subject formation comply with West Virginia's spacing rules. Furthermore, there is no evidence that the area is not being developed in accordance with West Virginia's spacing requirements. Finally, there is no evidence that an infill drilling program has occurred in the designated area.

Based upon the above discussion and our review of the evidence submitted by West Virginia, the Commission finds that the record supports the assertion that the "Big Lime" Zone of the Greenbrier Group located in portions of McDowell, Fayette, Raleigh, and Wyoming Counties, and all of Mercer County, West Virginia meets the guidelines contained in § 271.703(c)(2). The Commission adopts this recommendation.

This amendment shall become effective June 8, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 271—[AMENDED]

Section 271.703 is amended to read as follows:

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703(d) is amended by adding paragraph (162) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.*

(162) "Big Lime" Zone of the Greenbrier Group in West Virginia. RM79-76-134 (West Virginia-2).

(i) *Delineation of formation.* The "Big Lime" Zone of the Greenbrier Group is defined as the stratigraphic interval overlying the "Keener" and "Big Injun" Zones of the Pocono Group and underlying the "Blue Monday" and "Little Lime" Zones of the Mauch Chunk Group. The "Big Lime" Zone is found in portions of Fayette, McDowell, Raleigh, and Wyoming Counties and all of Mercer County.

(B) *Depth.* The depth to the top of the "Big Lime" Zone ranges from 1,990 feet in the western portion to 3,100 feet along the eastern edge, and ranges in thickness from approximately 200 feet in the northern portion to a maximum thickness of approximately 1,800 feet in the southeastern portion of the designated area.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 80N-0147]

Urea; Amendment of Affirmed GRAS Status

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

SUMMARY: The Food and Drug Administration (FDA) is affirming that urea is generally recognized as safe (GRAS) as a direct human food ingredient for two uses that were not included in the final rule of November 10, 1983, on the GRAS status of this ingredient. The agency inadvertently omitted these uses from that final rule. The agency is also making a minor editorial change in the GRAS affirmation regulation on urea.

DATES: Effective on and comments by June 11, 1984.

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

² West Virginia withdrew the "Maxton sand" Zones of the Mauch Chunk Group from the recommendation for tight formation status on January 23, 1984. Data submitted for the "Maxton sand" indicates that the production rates for wells in this zone did not meet the regulatory guidelines.

³ 47 FR 53740, November 29, 1982.

FOR FURTHER INFORMATION CONTACT:

Robert Leo Martin, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 10, 1983 (48 FR 51615), FDA published a final rule that affirmed that urea is GRAS for use as a direct human food ingredient. However, in that final rule, FDA inadvertently failed to respond to two comments that it had received from users of urea in food.

One comment indicated that urea is used as a fermentation aid in yeast-raised bakery products and requested that this use be included in the GRAS affirmation of urea. The other comment requested GRAS affirmation for the use of urea in food-grade gelatin as a formulation aid.

The agency has concluded on the basis its evaluation of the report of the Select Committee on GRAS Substances¹ and of other available data that no harm will result from the increase in human exposure to urea that will result from these additional uses, and that, therefore, these uses can be affirmed as GRAS. Thus, FDA is issuing this amendment to 21 CFR 184.1923, the regulation that affirms the GRAS status of urea, to list formulation aid in paragraph (c)(1) as an additional technical effect of urea and to list yeast-raised bakery products and gelatin products in paragraph (c)(2) as additional food categories in which this ingredient is used.

FDA is issuing this amendment as a final rule because the agency has concluded that additional notice on this specific amendment, beyond the general notice provided in the proposed rule, is unnecessary. The agency received the comments to which it is responding as part of the notice and comment proceeding on the GRAS status of urea that resulted in the November 10, 1983 final rule. The agency intended to include the amendment responding to these comments in the final rule but inadvertently failed to do so. Thus, a new notice and comment proceeding is not needed.

Nevertheless, the agency has decided to allow 30 days for comment on this amendment in accord with § 10.40(e)(1) (21 CFR 10.40(e)(1)). Interested persons will thus have an opportunity to comment on FDA's decision to affirm as

GRAS these additional food uses of this ingredient.

In addition, the agency is making a minor editorial change in § 184.1923. As published in the Federal Register of November 10, 1983, paragraph (c)(1) of that regulation stated that the ingredient is used as a fermentation aid in the production of alcoholic beverages, and paragraph (c)(2) stated that the ingredient is used in alcoholic beverages as defined in § 170.3(n)(2). The agency recognizes that these two paragraphs are redundant and has consequently modified them in this amended final rule to remove the dual reference to alcoholic beverages.

The agency has determined pursuant to 21 CFR 25.24(d)(6) (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.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this amended final rule would have on small entities, including small businesses, and has determined that the effect of this amendment is to maintain current known uses of the substance covered by this regulation by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has previously analyzed the potential economic effects of this amendment. As announced in the November 10, 1983 final rule, the agency has determined that this final rule is not a major rule as determined by the Order.

List of Subjects in 21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 184 is amended by revising § 184.1923(c) (1) and (2) to read as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE**§ 184.1923 Urea.**

* * * * *

(c) * * *

(1) The ingredient is used as a formulation aid as defined in § 170.3(o)(14) of this chapter and as a fermentation aid.

(2) The ingredient is used in yeast-raised bakery products; in alcoholic beverages as defined in § 170.3(n)(2) of this chapter; and in gelatin products.

* * * * *

Effective date. This regulation becomes effective June 11, 1984; however, interested persons may, on or before June 11, 1984, submit to the Dockets Management Branch (address above) written comments regarding this amendment. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: April 30, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-12582 Filed 5-9-84; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 100**

[CGD 5-T84-03]

Special Local Regulations; Norfolk Harborfest

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are adopted for the City of Norfolk Harborfest regatta. This event will be held on the Elizabeth River, between the Norfolk and Portsmouth downtown areas. These special local regulations are needed to control vessel traffic within the immediate vicinity of the regatta due to the confined nature of the waterway and the expected congestion at the time of the regatta. The effect will

¹ "Evaluation of the Health Aspects of Urea as a Food Ingredient," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1980.

be to restrict general navigation in the area for the safety of spectators and participants in the event.

EFFECTIVE DATES: These regulations become effective and terminate as follows:

- a. 25 May 1984, 10:00 am until 10:00 pm
- b. 26 May 1984, 10:00 am until Midnight
- c. 27 May 1984, 9:00 am until 7:00 pm

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Duane I. Preston, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705 (804-398-6204).

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. The application to hold the event was not received until 25 April 1984, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this notice are LCDR Duane I. Preston, project officer, Chief, Boating Affairs Branch, Fifth Coast Guard District, and LT Walter J. Brudzinski, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulations

The three-day City of Norfolk Harborfest, sponsored by Norfolk Festevents, Inc. will consist of numerous water events, including: parade of vessels, water ski exhibitions, boat races, military vessel and helicopter demonstrations and fireworks. Closure of the waterway for any extended period is not anticipated; thus, commercial traffic should not be severely disrupted at any given time.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Final Regulation: In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35-502 to read as follows:

§ 100.35-502 Elizabeth River, Norfolk, Virginia.

(a) *Regulated Area.* The waters of the Elizabeth River and its branches from shore to shore, bounded by the Midtown tunnel on the north, the Downtown tunnel on the south, and the Berkley Bridge on the east.

(b) *Special Local Regulations.* Except for participants in the Norfolk Harborfest, or persons or vessels authorized by the Coast Guard Patrol Officer, no person or vessel may enter or remain in the above area. The operator of any vessel in the immediate vicinity of this area shall:

(1) Stop his vessel immediately upon being directed to do so by any Coast Guard officer or petty officer on board a vessel displaying a Coast Guard ensign, and

(2) Proceed as directed by any Coast Guard officer or petty officer.

(c) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations;

(d) The Coast Guard Patrol Officer is a commissioned officer of the Coast Guard who has been designated by the Commander, Fifth Coast Guard District. The Patrol Commander will be stationed at the reviewing platform at Town Point; and

(e) The Coast Guard Patrol Officer has been authorized to stop the event to allow the transit of backed up marine traffic through the regulated area.

(f) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard and private vessels displaying the Coast Guard ensign.

(46 App. U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: April 27, 1984.

T. L. Wedgewood.

Captain, U.S. Coast Guard Commander, Fifth Coast Guard District Acting.

[FR Doc. 84-12644 Filed 5-9-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD7 84-16]

Drawbridge Operation Regulation; Dead River, Florida

AGENCY: Coast Guard, DOT

ACTION: Final Rule; revocation.

SUMMARY: This amendment revokes the regulations for the Seaboard System Railroad Drawbridge, mile 0.3, because the bridge has been removed. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: This rule becomes effective on May 10, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky Bridge Administration Specialist, telephone (305) 350-4108.

Drafting Information: The drafters of this rule are Bridge Administration Specialist, Mr. Walt Paskowsky, project officer, and Lieutenant Commander K. E. Gray, project attorney.

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action cannot be considered to be a major rule under Executive Order 12291. Furthermore, it has been found to be non-significant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5/2/80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant effect on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revoking § 117.434b

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3)).

Dated: April 27, 1984.

J. W. Kime,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 84-12644 Filed 5-9-84; 8:45 am]

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33 CFR Part 117

[CGD7 84-15]

Drawbridge Operation Regulations; Garrison Channel, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule revocation.

SUMMARY: This amendment revokes the regulations for the Garrison Channel drawbridge, mile 0.2, because the bridge has been removed. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: This rule becomes effective on May 10, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky Bridge