

**§ 157.102 [Corrected].**

15. On page 42488, column two, in § 157.102(b) (1) (iii), the words, "except for the information required by § 157.14(a) (10), (11) and (18)," are corrected to read "except for the information required by §§ 157.14(a) (10), (11) and (18), unless the application is filed under § 157.7:".

**§ 284.10 [Corrected].**

16. On page 42494, column two, in § 284.10(c)(2) the words "written notice, not later than" are corrected to read "written notice, not earlier than February 1, 1986 and not later than"; and the words "period beginning February 1, 1986," in § 284.10(c)(3)(i), are corrected to read "period following the requisite notice,".

17. On page 42494, column three in § 284.10(d)(2) the words "written notice, not later than" are corrected to read "written notice, not earlier than February 1, 1986 and not later than", and the words "period beginning February 1, 1986," in § 284.10(d)(3)(i) are corrected to read "period following the requisite notice,".

18. On page 42495, column one, in § 284.10(f)(1) the words "customer exercises" are corrected to read "customer gives notice of an intent to exercise", and the words "Exercise by a customer of an option" in § 284.10(f)(2) are corrected to read "Notice of an intent by a customer to exercise an option".

**§ 284.105 [Corrected].**

19. On page 42495, column two in § 284.105(a) the words "under this subpart before November 1, 1985," in the first sentence are corrected to read "and commenced on or before October 9, 1985, under this subpart or under § 284.221 of Subpart G as such subparts were effective before November 1, 1985,"; the words "transportation agreement" in § 284.105(a)(1) are corrected to read "authorized transportation arrangement"; and the date "October 31, 1987" in § 284.105(a)(2) is corrected to read "October 9, 1987".

**§ 284.125 [Corrected].**

20. On page 42496, column one in § 284.125(a) the words "under this subpart before November 1, 1985," are corrected to read "and commenced on or before October 9, 1985, under this subpart or § 284.222 of Subpart G as such subparts were effective before November 1, 1985,"; the words "original term of any transportation agreement" in § 284.125(a)(1) are corrected to read "original or extended term of any authorized transportation arrangement";

and the date "October 31, 1987" in § 284.125(a)(2) is corrected to read "October 9, 1987".

**§ 284.223 [Corrected].**

21. On page 42498, column two in § 284.223(g)(1) the words "prior to November 1, 1985," in the first sentence are corrected to read "on or before October 9, 1985,"; the words "for the full term of the underlying agreement if" in § 284.223(g)(2) are corrected to read "for its full term if", and the word "subpart" in § 284.223(g)(4) is corrected to read "section".

**PART 375—[CORRECTED]**

23. On page 42499, column two, the word "Advisory:" in the authority for Part 375 is corrected to read "Authority:".

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-25867 Filed 11-4-85; 8:45 am]

BILLING CODE 6717-01-M

**18 CFR Part 284**

[Docket No. RM85-1-000]

**Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol**

Issued October 29, 1985.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order Granting Clarification.

**SUMMARY:** The Federal Energy Regulatory Commission is clarifying its regulations governing transportation under the transitional regulation in § 284.223(g). That section provides for a brief transitional arrangement for on-going transportation under the Order No. 234-B program which otherwise must halt as of October 31, 1985. That section provides that such transportation may continue from November 1, 1985 until December 15, 1985, provided, among other things, the pipeline files a "statement of notification" that it intends to comply with the non-discriminatory access provisions in §§ 284.8(b) and 284.9(b). Authorization to continue transporting beyond December 15, 1985 terminates unless the pipeline files for a non-discriminatory, open access blanket certificate by that date. This order clarifies that if a pipeline files a "statement of notification" by November 1, 1985 but elects not to file for an open access blanket certificate application by December 15, 1985, that the statement of notification will not be deemed an election by the pipeline to become an

open access transporter after December 15, 1985.

**FOR FURTHER INFORMATION CONTACT:** Thomas P. Gross, Certificate Division, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8569.

**SUPPLEMENTARY INFORMATION:**

*Before Commissioners:* Raymond J. O'Connor, Chairman; A. G. Sousa and Charles G. Stalon.

On October 9, 1985, the Commission issued its final rule in Docket No. RM85-1.<sup>1</sup> § 284.223(g) of that rule provides for a brief transitional arrangement for on-going transportation under the Order No. 234-B program which otherwise must halt as of October 31, 1985.<sup>2</sup> That section provides that the transportation may continue beyond November 1, 1985, provided several conditions are satisfied. The most important condition is that the transporting pipeline file prior to November 1, 1985, a statement that it will, effective November 1, 1985, comply with the nondiscriminatory access condition set forth in §§ 284.8(b), 284.9(b), and with the rate conditions in § 284.7.<sup>3</sup>

On October 24, 1985, Northwest Pipeline Corporation filed a request for immediate clarification of the "statement of notification" required pursuant to § 284.223(g). Specifically, Northwest seeks clarification of whether, by filing a transition "statement of notification" pursuant to that section, an interstate pipeline commits itself to becoming an open transporter of natural gas after the transition period ends. Section 284.223(g)(3) provides that authorization for transitional transportation under § 284.223(g)(2) will cease on December 15, 1985, if the transporting pipeline has not filed for an open access blanket certificate before that date. However, Northwest states that the regulations are silent as to what, if any, continuing effect the previously filed "statement of notification" may have on transportation by the filing pipeline after December 15, 1985. Northwest states that the preamble to the rule<sup>4</sup> appears

<sup>1</sup> Final Rule and Notice Requesting Supplemental Comments, Docket No. RM85-1-000, 50 FR 42372 (October 18, 1985).

<sup>2</sup> 18 CFR 157.209(e). See Maryland Peoples Counsel v. FERC, No. 84-1090 (D.C. Cir. June 28, 1985).

<sup>3</sup> 50 FR 42459. *Mimeo* at pages IV-A, 177-178. The remaining provisions allow for the continuous authorization so long as the notice and protest procedure has been followed, or where the transaction is within the 120 day automatic authorization period that has not expired.

<sup>4</sup> Northwest cites the following language from the preamble of Order No. 438: "Thus, even where a

Continued



to indicate that the filing of a "statement of notification" will not itself be deemed an election by the pipeline to become an open access transporter subsequent to the end of the transition. However, since the regulations are silent on this point, Northwest requests clarification.<sup>5</sup>

We agree with Northwest's interpretation. The transitional rule in § 284.223(g) of our regulations was intended to prevent service interruption to end-users who are receiving gas under the transportation program implemented by § 157.209(e). Pursuant to the Court of Appeals' decision in *Maryland People's Counsel, supra*, authorization for such transportation must terminate on November 1, 1985. To prevent service interruption to end-users relying on that transportation, however, pipelines may continue transportation to those end-users provided they file a statement of notification that they will comply with the open access provisions in §§ 284.8(b) and 284.9(b) and, as appropriate, the rate provisions of § 284.7. Such authorization terminates on December 15, 1985 unless the pipeline has actually filed an application for a blanket certificate.

If an application has not been filed, the transportation authorization ceases on December 15, 1985. During that 45 day temporary authorization period, the regulations require that the pipeline comply with the nondiscriminatory access provision set forth in §§ 284.8(b) and 284.9(b) and the rate provisions of § 284.7. However, if the pipeline elects not to file the blanket certificate application by December 15, 1985, it would no longer be subject to the non-discriminatory access provision. Since transportation under the transitional section would have terminated, and the pipeline would not be transporting under a new blanket certificate, the pipeline would no longer be subject to the non-discriminatory access condition.<sup>6</sup>

pipeline does not ultimately elect to continue to provide service under the non-discriminatory access condition of the new rules, existing blanket certificates and section 311 authorizations will allow transportation to continue during the transition period." (footnote omitted). Northwest Pipeline Corporation Request for Immediate Clarification, at page 3, citing 50 FR 42426 (1985).

<sup>5</sup>On October 29, 1985, Washington Water Power Company filed an answer supporting Northwest's request.

<sup>6</sup>In the event that the pipeline were to file an application at some later date for a new blanket certificate under § 284.221, the pipeline would then become subject to all the conditions of the blanket certificate program when it accepted that new certificate.

By the Commission.

Kenneth F. Plumb,

Secretary,

[FR Doc. 85-26322 Filed 11-4-85; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 74, 81, and 82

[Docket Nos. 84N-0319 and 76N-0366]

#### FD&C Yellow No. 5 and Its Lakes; Stay of Effectiveness, Postponement of Closing Date, and Provisional Listing

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

**SUMMARY:** The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of FD&C Yellow No. 5 for use in coloring cosmetics generally and externally applied drugs and of its lakes for use in coloring food and ingested drugs. FDA is establishing a new closing date for FD&C Yellow No. 5 to give the agency time to complete its evaluation of the objections that it received in response to the final rule on the use of FD&C Yellow No. 5 that FDA published in the *Federal Register* of September 4, 1985 (50 FR 35774). The regulations that permanently list FD&C Yellow No. 5 and that remove it from the provisional list are stayed until January 6, 1986.

**DATES:** Effective November 5, 1985; the new closing date for FD&C Yellow No. 5 will be January 6, 1986. The effective date of the final rule published September 4, 1985 is stayed pending final FDA action on the objections that it received.

**FOR FURTHER INFORMATION CONTACT:** Julius Smith, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** FDA established the current closing date of November 5, 1985, for the provisional listing of FD&C Yellow No. 5 in a regulation published in the *Federal Register* of September 4, 1985 (50 FR 35789). The agency established the November 5, 1985, closing date for FD&C Yellow No. 5 to provide time for receipt and evaluation of any objections to the final rule on the use of this color additive that FDA published on September 4, 1985.

After the review and evaluation of the data relevant to the petition to list FD&C Yellow No. 5 for use in externally

applied drugs and in cosmetics generally, the agency concluded that FD&C Yellow No. 5 was safe for these uses. Therefore, FDA issued a final rule in the *Federal Register* of September 4, 1985 (50 FR 35774), that would permanently list FD&C Yellow No. 5 for those uses and would remove the stay on the use of FD&C Yellow No. 5 in external cosmetics. FDA stated that the final rule would become effective on October 7, 1985, unless stayed by the filing of proper objections.

FDA received three letters stating objections to this final rule. Because of the objections, under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(2)), the effect of this final rule is stayed until the agency can rule upon the objections. FDA expects that it will need only a brief time to complete its evaluation of the objections. Therefore, FDA concludes that only a brief postponement is necessary at this time. The regulation set forth below will postpone the November 5, 1985, closing date for provisional listing of FD&C Yellow No. 5 until January 6, 1986.

Because the current closing date expires on November 5, 1985, FDA has concluded that the use of notice and public procedure on this regulation is impracticable. Thus, good cause exists for issuing the postponement as a final rule. Moreover, this action is consistent with the protection of the public health because the agency has previously concluded that FD&C Yellow No. 5 is safe for its intended use under the Color Additive Amendments of 1960. This regulation will permit the uninterrupted use of the color additive until January 6, 1986. To prevent and interruption in the provisional listing of FD&C Yellow No. 5 and in accordance with 5 U.S.C. 553(d)(1) and (3), this regulation is being made effective on November 5, 1985. Any person who wishes to comment on the regulation may do so in accordance with 21 CFR 10.40(e)(1).

#### List of Subjects

##### 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

##### 21 CFR Part 81

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

##### 21 CFR Part 82

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

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner



of Food and Drugs, Parts, 74, 81, and 82 are amended as follows:

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

1. The authority citation for 21 CFR Part 74 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

##### § 74.1705 [Stayed]

2. Part 74 is amended by staying the modifications of § 74.1705 *FD&C Yellow No. 5* included in the September 4, 1985, final rule.

##### § 74.2705 [Stayed]

3. By staying § 74.2705 *FD&C Yellow No. 5*.

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

4. The authority citation for 21 CFR Part 81 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055-1056 as amended; 74 Stat. 399-407 as amended (21 U.S.C. 371, 376); Title II, Pub. L. 89-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note); 21 CFR 5.10.

##### § 81.1 [Amended]

5. Part 81 is amended in § 81.1 *Provisional list of color additives* in paragraph (a) by reinstating the entry "FD&C Yellow No. 5" and by revising the closing date to read "January 6, 1986."

##### § 81.27 [Amended]

6. In § 81.27 *Conditions of provisional listing* in paragraph (d) by reinstating the entry "FD&C Yellow No. 5" and by revising the closing date to read "January 6, 1986."

#### PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

7. The authority citation for 21 CFR Part 82 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

##### § 82.705 [Stayed]

8. Part 82 is amended by staying § 82.705 *FD&C Yellow No. 5*.

Dated: October 22, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-26310 Filed 11-4-85; 8:45 am]

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#### 21 CFR Part 558

#### New Animal Drugs for Use in Animal Feeds; Salinomycin and Roxarsone

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 supplement to a new animal drug application (NADA) filed by A. H. Robins Co., providing for use of a combination of previously approved premixes containing salinomycin and roxarsone for making finished feed for broiler chickens. The feed is for use as an aid in the prevention of coccidiosis and for improved feed efficiency.

**EFFECTIVE DATE:** November 5, 1985.

**FOR FURTHER INFORMATION CONTACT:** Lonnie W. Luther, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

**SUPPLEMENTARY INFORMATION:** A.H. Robins Co., 1405 Cummings Dr., P.O. Box 26609, Richmond, VA 23261, filed a supplement to NADA 132-447 providing for use of salinomycin at 40 to 60 grams per ton in combination with roxarsone at 22.7 to 45.4 grams per ton to make finished feeds for broiler chickens. The feeds are used for prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, *E. maxima*, and for improved feed efficiency. The supplemental NADA is approved and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information 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. 4-82, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(ii) (April 26, 1985; 50 FR 16638) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

#### List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. In § 558.550 by adding new paragraph (c)(1)(v) to read as follows:

##### § 558.550 Salinomycin.

(c) \* \* \*

(1) \* \* \*

(v)(a) *Amount per ton.* Salinomycin 40 to 60 grams per ton with roxarsone 22.7 to 45.4 grams per ton.

(b) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima* and for improved feed efficiency.

(c) *Limitations.* Feed continuously as sole ration. Use as sole source of organic arsenic. Not approved for use with pellet binders. Do not feed to layers. May be fatal if accidentally fed to adult turkeys or to horses. Withdraw 5 days before slaughter. Roxarsone as provided by No. 017210 in § 510.800(c) of this chapter.

Dated: October 30, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85-26258 Filed 10-4-85; 8:45 am]

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#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of the Secretary

##### 24 CFR Part 20

[Docket No. R-85-1240; FR-1349]

##### Rules of the Board of Contract Appeals

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

**SUMMARY:** This final rule revises the procedures of the Department of Housing and Urban Development Board of Contract Appeals. The revision is required by the Contract Disputes Act of 1978 (41 U.S.C. 601-613). This final rule adopts in substantial part, the Uniform