immediately to supply gas when necessary to protect life, health, or property. The new emergency procedures are designed to serve special, short-term purposes and should be implemented as soon as practicable. Also, the existing emergency regulations inadvertently subject suppliers that transport natural gas in emergencies to the restrictions and conditions of Order No. 436. Since the Commission intended that the emergency regulations not subject a transporter to the conditions imposed in Order No. 436, it is making the revised emergency regulations effective immediately. This will relieve suppliers of the Order No. 436 restrictions and conditions that might be construed as applying to the transportation of natural gas in emergency situations.

In view of the above considerations, the Commission is changing the previously scheduled effective date of Order No. 449 and is making this rule effective immediately, in accordance with section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d) (1982).

In consideration of the foregoing, the Commission amends Parts 2, 157, 284, and 389 of Chapter I, Title 18 of the *Code of Federal Regulations* as set forth in Order No. 449 issued on March 12, 1986, and as set forth below, effective immediately.

List of Subjects

Natural gas.

By the Commission.

Lois D. Cashell,

Acting Secretary.

1. The amendments to Parts 2, 157, and 284 published on March 18, 1986 (51 FR 9179) are effective April 1, 1986.

PART 389—[AMENDED]

2. The authority citation for Part 389 continues to read as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520 (1982).

§ 389.101 [Amended]

3. The Table of OMB Control Numbers in § 389.101(b) is amended by:

a. Removing "157.22" and "157.29" from the section column and "0060" and "0052" from the respective corresponding positions in the OMB Control Number column; and

b. By inserting "Part 284 Subpart I" in numerical order in the section column and "0144" in the corresponding position in the OMB Control Number columns.

[FR Doc. 86–7641 Filed 4–4–86; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Social Security Benefits and Supplemental Security Income; Introduction, General Provisions and Definitions

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These regulations are for the purpose of correcting certain definitions and cross-references in and otherwise updating Subparts A of Parts 404 and 416. Those Subparts A contain introductions, general information and definitions in regard to their respective parts. Certain explanations, definitions and cross-references have been rendered incorrect by recent recodifications and other amendments to Parts 404 and 416.

DATES: These rules are being issued as final regulations and they are effective on April 7, 1986. We will consider any comments concerning these rules that we receive on or before June 6, 1986, and will revise such rules if public comment warrants.

ADDRESSES: Comments should be submitted in writing to the Acting Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Dave Smith, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–7460.

SUPPLEMENTARY INFORMATION: The purpose of these regulations is to correct technical inaccuracies now contained in Part 404, Subpart A and Part 416, Subpart A. Each of those Subparts introduces its respective parts and provides general information and definitions. Over the past several years Parts 404 and 416 have been frequently revised and as a result portions of Subpart A of those parts are technically inaccurate.

In Subpart A of Part 404, we have updated § 404.1 to describe the subject matter contained in each subpart; we have corrected certain definitions in § 404.2 and have eliminated others that were extraneous; and in § 404.3 we have corrected cross-references. In Subpart A of Part 416, we have updated § 416.101 to describe the subject matter contained in each subpart; in §§ 416.105 and 416.120(b) we have corrected certain definitions and designations; and in §§ 416.120(c), 416.120(d), and 416.121(d) we have corrected cross-references.

The Department generally follows the Notice of Proposed Rulemaking and public comment procedures specified in section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) in the development of its regulations. That act provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(B), good cause exists for waiver of proposed rulemaking and public comment procedures on this regulation because we are only making technical corrections which will not affect an individual's rights under either title II or title XVI and opportunity for prior public comment is unnecessary. Therefore, these rules are being issued as final rules and will become effective on the date they are published in the **Federal Register.**

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. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act of 1980

These regulations impose no additional reporting and recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act

We certify that these regulations will not have a significant impact on substantial number of small entities because Subparts A of Parts 404 and 416 provided general introductory information, definitions, and an explanation of the regulations contained in the other subparts. 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 Nos. 13.802 Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance, 13.805 Social Security-Survivors Insurance; 13.807 Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

Dated: January 24, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: February 28, 1986.

Otis R. Bowen, M.D.,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. The title of Subpart A is revised to read as follows:

Subpart A—Introduction, General Provisions and Definitions

2. The authority citation for Subpart A is revised to read as follows:

Authority: Secs. 203, 205, 227, and 1102, of the Social Security Act, as amended; 53 Stat. 1367, 53 Stat. 1368, 79 Stat. 379, 49 Stat. 647; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 403, 405, 427, and 1302, unless otherwise noted.

3. In § 404.1, the introductory text is revised, paragraphs (c), (j), (l), (p), and (q) are revised and new paragraphs (r), (s), (t), (u), and (v) are added to read as follows:

§ 404.1 Introduction.

The regulations in this Part 404 (Regulations No. 4 of the Social Security Administration) relate to the provisions of title II of the Social Security Act as amended on August 28, 1950, and as further amended thereafter. The regulations in this part are divided into 22 subparts:

* * * * *

(c) Subpart C relates to the computation and recomputation of the primary insurance amount

* * * * *

(j) Subpart J relates to initial determinations, the administrative review process, and reopening of determinations and decisions.

* * * * *

(l) Subpart L is revised.

* * * * *

(p) Subpart P relates to the determination of disability or blindness.

(q) Subpart Q relates to standards, requirements and procedures for States making determinations of disability for the Secretary. It also sets out the Secretary's responsibilities in carrying out the disability determination function.

(r) Subpart R relates to the provisions applicable to attorneys and other individuals who represent applicants in connection with claims for benefits.

(s) Subpart S relates to the payment of benefits to individuals who are entitled to benefits.

(t) Subpart T relates to the negotiation and administration of totalization agreements between the United States and foreign countries.

(u) Subpart U relates to the selection of a representative payee to receive benefits on behalf of a beneficiary and to the duties and responsibilities of a representative payee.

(v) Subpart V relates to payments to State vocational rehabilitative agencies (or alternate participants) for vocational rehabilitation services.

4. In § 404.2 paragraph (a)(1) is revised, paragraphs (a)(2) through (a)(13) are deleted, paragraphs (a)(14), (a)(15), (a)(16), (a)(17), (a)(18), and (a)(19) are redesignated as (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7) respectively, and paragraph (b)(1) is revised, paragraph (b)(3) is deleted and paragraph (b)(4) and (b)(5) are redesignated as (b)(3) and (b)(4) and revised to read as follows:

§ 404.2 General definitions and list of terms.

(a) *Terms relating to the Act and regulations.*

(1) "The Act" means the Social Security Act, as amended (42 U.S.C. Chapter 7).

* * * * *

(b) *Secretary; Commissioner; Appeals Council; Administrative Law Judge defined.*

(1) "Secretary" means the Secretary of Health and Human Services.

* * * * *

(3) "Appeals Council" means the Appeals Council of the Office of Hearings and Appeals in the Social Security Administration or such member or members thereof as may be designated by the Chairman.

(4) "Administrative Law Judge" means an Administrative Law Judge in the Office of Hearings and Appeals of the Social Security Administration.

§ 404.3 [Amended]

5. In § 404.3(c), the references in the last sentence are changed from § 404.607 and § 404.606 to § 404.621 and § 404.620, respectively.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

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

Subpart A—Introduction, General Provisions and Definitions

1. The authority citation for Subpart A continues to read as follows:

Authority: Secs. 1102, 1611, 1616, 1618, 1619, 1631, and 1634, Social Security Act as amended, sec. 212 of Pub. L. 93-66, as amended; 49 Stat. 647 as amended, 86 Stat. 1466, 1474, 1475, and 1478, 90 Stat. 2901, 87 Stat. 155, and 94 Stat. 445 (42 U.S.C. 1302, 1382e, 1382g, 1383, 1383c, 1382h, 1386 and 1396), unless otherwise noted.

2. In § 416.101, paragraphs (j), (p), (r), and (s) are revised and a new paragraph (v), is added to read as follows:

§ 416.101 Introduction.

* * * * *

(j) Subpart J of this part sets forth the standards, requirements and procedures for States making determinations of disability for the Secretary. It also sets out the Secretary's responsibilities in carrying out the disability determination function.

* * * * *

(p) Subpart P of this part sets forth the residence and citizenship requirements that are pertinent to eligibility.

* * * * *

(r) Subpart R of this part sets forth the rules for determining marital and other family relationships where pertinent to the establishment of eligibility for or the amount of benefits payable.

(s) Subpart S of this part explains interim assistance and how benefits may be withheld to repay such assistance given by the State.

* * * * *

(v) Subpart V of this part explains when payments are made to State vocational rehabilitation agencies (or alternate participants) for vocational rehabilitation services.

3. Section 416.105 is revised to read as follows:

§ 416.105 Administration.

The Supplemental Security Income for the Aged, Blind, and Disabled program

is administered by the Social Security Administration under authority delegated by the Secretary of Health and Human Services.

4. In § 416.120, paragraph (b)(1) is revised, paragraph (b)(3) is deleted, paragraph (b)(4) is redesignated as (b)(3) and revised, and paragraphs (c)(6), (c)(7) and (c)(8) are revised to read as follows:

§ 416.120 General definitions and use of terms.

* * * * *

(b) *Secretary; Commissioner; Appeals Council; defined.* As used in this part:

(1) "Secretary" means the Secretary of Health and Human Services.

* * * * *

(3) "Appeals Council" means the Appeals Council of the Office of Hearings and Appeals in the Social Security Administration or such member or members thereof as may be designated by the Chairman.

(c) *Miscellaneous.* As used in this part unless otherwise indicated:

* * * * *

(6) "Institution" (see § 416.201).

(7) "Public institution" (see § 416.201).

(8) "Resident of a public institution" (see § 416.201).

* * * * *

§ 416.120 [Amended]

5. In § 416.120, paragraph (d) is amended by changing the reference at the end of the paragraph from § 416.300 to Subpart C of this part.

§ 416.121 [Amended]

6. In § 416.121, paragraph (d) is amended by changing the reference at the beginning of the paragraph from § 416.901(b) to § 416.907.

[FR Doc. 86-7679 Filed 4-4-86; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 173

[Docket No. 85F-0023]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Sorbitan Monooleate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of sorbitan monooleate as an emulsifier in polymer preparations used to clarify cane and beet sugar juice and liquor. This action responds to a petition filed by Drew Chemical Corp.

DATES: Effective April 7, 1986; objections by May 7, 1986.

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

FOR FURTHER INFORMATION CONTACT: John Gordon, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 8, 1985 (50 FR 9521), FDA announced that a petition (FAP 5A3840) has been filed by Drew Chemical Corp., One Drew Chemical Plaza, Boonton, NJ 07005, proposing that the food additive regulations be amended to provide for the safe use of sorbitan monooleate as a direct additive to clarify cane and beet sugar juice and liquor.

Based on its review of the petition and other relevant data, the agency has concluded that the proposed use of sorbitan monooleate should be classified as a secondary direct additive. This classification is based on the petitioner's proposal to use this ingredient as an emulsifier in the production of polymer preparations that are used to clarify cane and beet sugar juice and liquor.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use is safe, and that the regulations should be amended as set forth below.

In addition, FDA is modifying the title of Subpart A of 21 CFR Part 173 to make clear that the agency will be listing adjuvants to polymers used in the treatment of food, as well as the polymers themselves, in that subpart.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(5).

Any person who will be adversely affected by this regulation may at any time on or before May 7, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR Part 173 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. By revising the title of Subpart A and adding new § 173.75, to read as follows:

Subpart A—Polymer Substances and Polymer Adjuvants for Food Treatment

* * * * *

§ 173.75 Sorbitan monooleate.

Sorbitan monooleate may be safely used in accordance with the following prescribed conditions:

(a) The additive is produced by the esterification of sorbitol with commercial oleic acid.

(b) It meets the following specifications:

(1) Saponification number, 145–160.

(2) Hydroxyl number, 193–210.

(c) The additive is used or intended for use as follows:

(1) As an emulsifier in polymer dispersions that are used in the clarification of cane or beet sugar juice or liquor in an amount not to exceed 7.5 percent by weight in the final polymer dispersion.

(2) The additive is used in an amount not to exceed 0.70 part per million in sugar juice and 1.4 parts per million in sugar liquor.

Dated: March 31, 1986.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–7563 Filed 4–4–86; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 870

Abandoned Mine Reclamation Fund; Fee Collection and Coal Production Reporting

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Notice of decision on petition for rulemaking.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) makes available to the public its final decision on a petition for rulemaking from the United States Fuel Company (U.S. Fuel). The petition requests that OSMRE modify its definition of "reclaimed coal" contained in 30 CFR 870.5. On March 31, 1986, the Director made a decision denying the petition.

ADDRESS: Copies of the petition, and other relevant materials comprising the administrative record of this petition are available for public review and copying at OSMRE, Administrative Record, Room 5124B–L, 1100 L Street, NW., Washington DC.

FOR FURTHER INFORMATION CONTACT: Richard O. Miller, Chief, Regulatory Development and Issues Management, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Ave., NW., Room 134, Washington, DC 20240. Telephone (202) 343–5546.

SUPPLEMENTARY INFORMATION:

I. Petition for Rulemaking Process

Pursuant to section 201(g) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*, any person may petition the Director of OSMRE for a change in OSMRE's regulations. Under the applicable regulations for rulemaking petitions, 30 CFR 700.12, the Director must first determine whether the petition has a reasonable basis. If the petition has a reasonable basis, notice is published in the **Federal Register** seeking comments on the petition and the Director may hold a public hearing, conduct an investigation, or take other action to determine whether the petition should be granted. If the petition is granted, the Director initiates a rulemaking proceeding. If the petition is denied, the Director notifies the petitioner in writing setting forth the reasons for denial. Under § 700.12(d), the Director's decision constitutes the final decision for the Department of the Interior.

II. The United States Fuel Company Petition

OSMRE received a letter dated July 5, 1985, from the United States Fuel Company (U.S. Fuels) presenting to the Secretary of the Interior a petition for further interpretation of the definition of "reclaimed coal" contained in 30 CFR 870.5. After determining that the petition had sufficiently reasonable basis to seek further comments, the Director published the petition in the **Federal Register** (50 FR 36858) requesting public comment. The comment period began September 9, 1985, and was closed on October 18, 1985. Five persons submitted written comments during the public comment period.

The Director's letter response to the petitioner on this rulemaking petition appears as an appendix to this notice. This letter reports the Director's decision to the petitioner. It also contains a summary description of the issues raised by the petitioner, OSMRE's current regulatory program, an analysis of the petitioner's proposed regulatory change, and a discussion of the comments received on the petition.

Dated: March 31, 1986.

Jed D. Christensen,

Director, Office of Surface Mining Reclamation and Enforcement.

Appendix

The Director's response to the petition from the United States Fuel Company, is as follows:

Mr. Robert G. Pruitt, III,
Pruitt, Gushee and Fletcher, Suite 1850 Beneficial Life Tower, Salt Lake City, Utah 84111

Re: United States Fuel Company: Petition for Rulemaking

Dear Mr. Pruitt: After careful consideration, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is denying the United States Fuel Company (U.S. Fuels) Petition for Rulemaking which requested that OSMRE modify the definition of "reclaimed coal" found at 30 CFR 870.5.

Background

On July 5, 1985, U.S. Fuels filed a petition for rulemaking under section 201(g) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1211(g) (SMCRA). That section allows any person to petition the Director of OSMRE to initiate a proceeding to issue, amend or repeal a rule adopted by the Secretary under SMCRA.

Title IV of SMCRA dealing with abandoned mine reclamation, creates a trust fund in the Treasury of the United States for the restoration of land and water resources and environment previously degraded by adverse effects of past coal mining practices. 30 U.S.C. 1233(3). The fund consists of sums collected pursuant to section 402(a) of SMCRA which provides:

All operators of coal mining operations subject to the provisions of this Act shall pay to the Secretary of the Interior for deposit in the fund, a reclamation fee of 35 cents per ton of coal produced by surface coal mining and 15 cents per ton of coal produced by underground mining or 10 percentum of the value of the coal at the mine, as determined by the Secretary, whichever is less . . . .

30 U.S.C. 1232(a).

OSMRE's regulations implementing this section of the Act are found at 30 CFR Part 870. OSMRE has by regulation defined surface coal mining, underground coal mining, and reclaimed coal.

Text of OSMRE's existing regulation at 30 CFR 870.5 is as follows:

Reclaimed coal means coal recovered from a deposit that is not in its original geological location, such as refuse piles or culm banks or retaining dams and ponds that are or have been used during the mining or preparation process, and stream coal deposits. *Reclaimed coal operations are considered to be surface coal mining operations for fee liability and calculation purposes.* (Emphasis added.)

The U.S. Fuel petition seeks to modify the definition of "reclaimed coal" found at 30 CFR 870.5 with regard to production of certain reclaimed coal within the permit area of active underground operations. The proposed change would have applied to the limited circumstance where the reclaimed