

recommendation of the State of Colorado that the Niobrara Formation be designated as a tight formation under § 271.703(d).

**DATE:** Comments on the proposed rule are due on March 28, 1985.

**Public Hearing:** No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 26, 1985.

**ADDRESS:** Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Edward Gingold (202) 357-5491, or Victor Zabel (202) 357-8616.

**SUPPLEMENTARY INFORMATION:**

Issued: February 11, 1985.

**I. Background**

On January 29, 1985, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (18 CFR 271.703 (1983)), that the Niobrara Formation located in Weld County, Colorado, be designated as a tight formation. This Notice of Proposed Rulemaking is issued under § 271.703(c)(4) to determine whether Colorado's recommendation that the Niobrara Formation be designated a tight formation should be adopted. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

**II. Description of Recommendation**

The recommended acreage is located within the Denver-Julesburg Basin near the city of Greeley, Colorado. The recommended formation underlies approximately 14,720 acres in Weld County, Colorado, and has an average gross thickness of 300 feet in this area. The average depth to the top of the Niobrara Formation is 7,000 feet. The Niobrara in this area is found between the bottom of the Sharon Springs Shale and the top of the Codell Sandstone.

**III. Discussion of Recommendation**

Colorado claims in its submission that evidence gathered through information as testimony presented at a public hearing in Cause No. NG-44, Order No. NG-44-3 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells

completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, [Reg. Preambles 1977-1981] FERC Stats. and Regs. ¶ 30,180 (1980), the Director gives notice of the proposal submitted by Colorado that the Niobrara Formation as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation under § 271.703.

**IV. Public Comment Procedures**

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 28, 1985. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-243 (Colorado-39 Addition II), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they want to make an oral presentation and so request a public hearing. The person shall specify the amount of time requested at the hearing, and should file the request with the Secretary of the Commission no later than February 26, 1985.

**List of Subjects in 18 CFR Part 271**

Natural gas, Incentive price, Tight formations.

Accordingly, the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, will be amended as set forth below, in the event the Commission adopts Colorado's recommendation.

**Kenneth A. Williams,**  
*Director, Office of Pipeline and Producer Regulation.*

**PART 271—[AMENDED]**

Section 271.703 is amended 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 is amended by revising paragraph (d)(209) to read as follows:

**§ 271.703 Tight formations.**

\* \* \* \* \*

(d) *Designated tight formations.*

\* \* \* \* \*

(187) through (208) [Reserved]

(209) *Niobrara Formation in Colorado.* RM79-76-243 (Colorado-39 Addition II).

(i) *Delineation of formation.* The Niobrara Formation is located in Weld County, Colorado, in Township 4 North, Range 66 West, 6th P.M., Sections 1, 11 through 14, and 19 through 36.

(ii) *Depth.* The average depth to the top of the Niobrara Formation is 7,000 feet. The vertical limits are defined as the base of the Sharon Springs Shale and the top of the Codell Sandstone. The formation is approximately 300 feet thick.

[FR Doc. 85-3772 Filed 2-13-85; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 341**

[Docket No. 76N-052H]

**Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph for OTC Antihistamine Drug Products**

*Correction*

In FR Doc. 85-680 beginning on page 2200 in the issue of Tuesday, January 15, 1985, make the following corrections:

1. On page 2201, second column, second complete paragraph, fourteenth line, "show" should read "order".
2. On page 2203, second column, nineteenth line, "11" should read "II".
3. On page 2204, second column, thirteenth line, "5337" should read "5737".
4. On page 2206, second column, second line, insert the word "under" after the word "to".
5. On page 2208, second column, six lines from the bottom, "the" should read "be".
6. On the same page, third column, second complete paragraph, tenth line, "56736" should read "56756".
7. On page 2209, third column, eighth line, "exempting" should read "exempting".
8. On page 2211, second column, first complete paragraph, fifth line from the bottom, "subject" should read "subjective".
9. On the same page, third column, in the table at the bottom, the last line of the table should read "pheniramine maleate".
10. On page 2212, first column, in the table, the second line should read "Promethazine hydrochloride".
11. On page 2214, second column, in "Reference (6)", third line, "methylephenyl" should read "methylphenyl". In the fourth line, "-ene" should read "-1-ene".
12. On page 2215, first complete paragraph, second line from the bottom, insert the word "been" between "has" and "deleted".
13. On page 2216, first column, third complete paragraph, first line, "40002" should read "30002".

#### § 341.72 [Corrected]

14. On page 2216, third column, in § 341.72(c)(6)(ii), ninth line, "hydrochloride" should read "hydrochloride".
15. On page 2217, first column, in § 341.72(d)(4), third line, "§ 341.12(c)" should read "§ 341.12(d)".
16. On page 2217, second column, in § 341.72(d)(10), third line, "to 6" should be removed. In the fourth line, "8 to 8" should read "6 to 8". In the eleventh line, the material beginning with "(e)" should be a separate paragraph.

#### § 341.90 [Corrected]

17. On page 2217, third column, in § 341.90(i), in the fourth and fifth lines, "4 to 6" should read "6 to 8".
18. On the same page, same column, in § 341.90(k), third line, "2" should read "4". In the fifth line, "4 to 6" should read "6 to 8".

BILLING CODE 1505-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[EE-16-79]

#### Tax Treatment of Cafeteria Plans; Public Hearing on Proposed Regulations

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of public hearing on proposed regulations.

**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to the tax treatment of cafeteria plans (transition rules).

**DATES:** The public hearing will be held on Monday, March 11, 1985, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Monday, March 4, 1985.

**ADDRESS:** The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, ATTN: CC:LR:T (EE-16-79), Washington, D.C. 20224.

**FOR FURTHER INFORMATION CONTACT:** B. Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone 202-566-3935 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under section 125 of the Internal Revenue Code of 1954 relating to the general and special transition relief provided by the Tax Reform Act of 1984. These proposed regulations contain amendments to the notice of proposed rulemaking which appeared in the *Federal Register* for May 7, 1984 (49 FR 19321). The proposed amendments for which the public hearing is being held appeared in the *Federal Register* for Monday, December 31, 1984 (49 FR 50733). On Thursday, July 26, 1984, a public hearing was held on the proposed regulations which appeared at 49 FR 19321.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who submitted comments within the time prescribed in the notice of proposed rulemaking which appeared at 49 FR 50733 and who also desire to present

oral comments at the hearing on the proposed regulations should submit, not later than Monday, March 4, 1985, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

James McGovern,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 85-3805 Filed 2-13-85; 8:45 am]

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### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 19

[Notice No. 557; Ref: Notice No. 370]

#### Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands on Bulk Distilled Spirits

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Amended notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing this notice of proposed rulemaking as an amendment to Notice No. 370, published in the *Federal Register* on April 13, 1981 (46 FR 21624). ATF is proposing to revise the reporting requirements for bulk Puerto Rican and Virgin Islands rum and other spirits, and rum imported from other areas bottled by domestic distilled spirits plants. The reporting procedure forms the basis for the transfer of excise taxes to the Treasuries of Puerto Rico and the Virgin Islands.

**DATE:** Comments must be received on or before April 15, 1985.

**ADDRESS:** Comments may be mailed to Chief, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 557).