

Ohio as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPRR, issued December 22, 1980 (46 FR 941, January 5, 1981) based on a recommendation by the Ohio Division of Oil and Gas, Department of Natural Resources (Ohio) in accordance with § 271.703(c), that the Clinton Sandstone Formation be designated as a tight formation.

Evidence submitted by Ohio and the commenters supports Ohio's assertion that the Clinton Sandstone Formation meets the guidelines contained in § 271.703(c)(2).<sup>1</sup> One commenter, Columbia Gas Transmission Corporation (Columbia), noted in its comment that although Ohio indicated in a public hearing that it would exclude all gas storage field areas from its recommendation, certain portions of the recommended area were located in Columbia's designated gas storage fields. These areas should be excluded, according to Columbia, because they fail to meet the guidelines for tight formations found in § 271.703(c)(2)(i), and further, because designation as a tight formation should cause problems for storage field operators in protecting the reservoir integrity of storage fields. Ohio agreed with Columbia's comment and, on February 9, 1981, amended its recommendation accordingly. The amendment removed from the recommendation portions of Lot 7, Chatham Township, Lots 46 and 47, Litchfield Township, Lots 20 and 21, York Township, in Medina County, and Section 21 Plain Township, in Wayne County. The amendment further stipulated that "any well drilled in the designated tight formation, that is completed within a gas storage reservoir or 'reservoir protective area,' as defined by maps on file with Ohio on February 1, 1981, shall be excluded from the tight formation designation." The Commission adopts the Ohio recommendation, as modified by Ohio on February 9, 1981, to exclude the above-named areas in Medina and Wayne Counties, and to exclude designated gas storage reservoirs and reservoir protective areas from the designated tight formation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and

therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(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)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective March 30, 1981.

By the Commission.

Lois D. Cashell,  
Acting Secretary.

Section § 271.703 is amended by adding new paragraph (d)(21) to read as follows:

**§ 271.703 Tight formations.**

\* \* \* \* \*

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

\* \* \* \* \*

(21) *The Clinton Sandstone Formation in Ohio.* RM79-76 (Ohio—1)

(i) *Delineation of formation.* The Clinton Sandstone Formation is found in eastern Ohio, and extends from Lake Erie on the north, to the Kentucky border on the south, and from Licking County in central Ohio on the west to the Pennsylvania and West Virginia borders on the east. The designated tight formation does not include any areas which are gas storage reservoirs or reservoir protective areas, as defined by maps on file with the Ohio Oil and Gas Division, Department of Resources and the Commission.

(ii) *Depth.* The Clinton Sandstone Formation occurs within the Silurian Cataract System, between the Dayton Limestone and the Queenston Shale, found at approximately 2,500 feet in the updip areas near its pinch out, dipping to the southeast approximately 50 feet per mile.

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

#### Schedules of Controlled Substances; Placement of Temazepam in Schedule IV

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Final rule.

**SUMMARY:** This is a final rule placing the drug temazepam into Schedule IV of the Controlled Substances Act. As a result of this rule, temazepam will be subject to the manufacturing, distribution, dispensing, importation and exportation controls of Schedule IV

**EFFECTIVE DATE OF CONTROL:** April 7, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537; Telephone: (202) 633-1366.

**SUPPLEMENTARY INFORMATION:** A notice was published in the *Federal Register* on Monday, January 5, 1981 (45 FR 943), proposing that temazepam be placed into Schedule IV of the Controlled Substances Act. All interested persons were given until March 6, 1981 to submit any comments or objections in writing regarding this proposal. One comment was received from the American Society of Hospital Pharmacists (ASHP), which supported the proposed placement of temazepam in Schedule IV. No other comments or objections were received in response to this proposal, nor were there any requests for a hearing.

Based on the scientific and medical evaluation and recommendation of the Secretary of Health and Human Services, received in accordance with section 201(f) of the Controlled Substances Act (21 U.S.C. 811(f)), the Administrator of the Drug Enforcement Administration, pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), finds that:

(1) Based on information now available, temazepam has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III;

(2) Temazepam has a currently accepted medical use in treatment in the United States; and,

(3) Abuse of temazepam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

<sup>1</sup> Comments on the proposed rule were invited and received. No party requested a public hearing in this matter, and no hearing was held.

The above findings are consistent with the placement of temazepam in Schedule IV of the Controlled Substances Act. All regulations applicable to Schedule IV substances are effective on the date of publication.

1. **Registration.** Any person who manufactures, distributes, imports or exports temazepam or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. **Security.** Temazepam must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(b)-(d), 1301.73, 1301.74(a)-(f), 1301.75(b)-(c) and 1301.76 of Title 21 of the Code of Federal Regulations.

3. **Labeling and Packaging.** All labels and labeling for commercial containers of temazepam must comply with the requirements of §§ 1302.03-1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. **Inventory.** Every registrant required to keep records who possesses any quantity of temazepam must take inventories pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of these substances on hand.

5. **Records.** All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on temazepam.

6. **Prescriptions.** All prescriptions for products containing temazepam shall comply with § 1306.01-1306.06 and §§ 1306.21-1306.25 of Title 21 of the Code of Federal Regulations.

7. **Importation and Exportation.** All importation and exportation of temazepam shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

8. **Criminal Liability.** The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to temazepam not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful.

Under the authority vested in the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Administrator hereby orders that § 1308.14(c) of Title 21 of the Code of Federal Regulations be amended by adding (c)(21) to read as follows:

#### § 1308.14 Schedule IV.

\* \* \* \* \*

(c) \* \* \*

(21) Temazepam ..... 2925

\* \* \* \* \*

The Food and Drug Administration issued a letter approving the New Drug Application for temazepam on February 27, 1981. Approval of the New Drug Application is conditional upon the announcement of the scheduling decision of temazepam by the Drug Enforcement Administration in the Federal Register.

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that control of temazepam, as ordered herein, will have no significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act. This action involves initial control of a substance not previously approved for marketing in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such, have been exempted from the consultation requirements of Executive Order 12291 and from the postponement of pending regulations under the President's memorandum of January 30, 1981.

Dated: March 27, 1981.

Peter B. Bensinger,  
Administrator, Drug Enforcement  
Administration.

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criteria are too strict. This regulatory amendment will satisfy this criticism.

**EFFECTIVE DATE:** April 1, 1981.

#### **FOR FURTHER INFORMATION CONTACT:**

June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-2092).

**SUPPLEMENTARY INFORMATION:** Section 21.4138, Title 38, Code of Federal Regulations is amended to provide that if a summer term is at least 8 weeks long, a veteran or eligible person may be paid educational assistance allowance for the interval that precedes or follows the summer term if the interval does not exceed a full calendar month. Previously, the regulation would not allow a payment for an interval if the interval exceeded 30 days.

The agency has determined that the amendment to this regulation is nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance cost or reporting burdens upon the public and has no effect on businesses or State or local governments.

I, Rufus H. Wilson, have declared this to be an emergency regulation. Therefore, we are processing it outside of the procedures contained in Executive Order 12291.

This regulation pertains to the payment of educational benefits and would impact upon the payments to be made for the break periods at affected schools between the spring and summer terms of this year. Since those periods are only a few weeks away for many such schools, it is imperative that we quickly establish the new rule, so that the schools, the veteran-students and Veterans Administration personnel have the new procedures in time to adjust awards for proper payment. Any delay would result in nonpayment of benefits to some students who would otherwise receive them, thus defeating the very intent of the change, which is to alleviate the problem that has arisen in some States. The name of the official responsible for making this decision is Rufus H. Wilson, Acting Administrator, Veterans Administration.

The changes to § 21.4138 are deemed proper and are hereby approved.

## **VETERANS ADMINISTRATION**

### **38 CFR Part 21**

#### **Educational Benefits; Payment for Intervals Between Terms**

**AGENCY:** Veterans Administration.

**ACTION:** Final regulation.

**SUMMARY:** The Veterans Administration is amending its regulations to liberalize the criteria used in determining whether a veteran or eligible person may receive educational assistance allowance during an interval which precedes or follows a summer term. The Veterans Administration has been criticized in this area. The critics claim that the