

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of February 17, 1995 (60 FR 9554), FDA issued a proposed rule to include additional labeling (warning and directions) for all topically-applied acne treatment drug products containing benzoyl peroxide. Interested persons were given until May 18, 1995, to submit written comments on the proposal.

In response to the proposal, the Nonprescription Drug Manufacturers Association (NDMA) requested a 2-month extension of the comment period. NDMA states that the request was on behalf of member companies who manufacture and distribute over-the-counter (OTC) acne drug products containing benzoyl peroxide. NDMA indicated that it intended to comment on FDA's proposal to require additional labeling on acne drug products at the request of its Benzoyl Peroxide Study Group. NDMA stated that it needed more time to document fully questions about certain facts included in the proposal. NDMA added that the precedent-breaking nature of the agency's proposal demanded careful scrutiny and thoughtful consideration and that coordination of the Benzoyl Peroxide Study Group's efforts in these regards was time-consuming.

FDA has carefully considered the request and acknowledges the uniqueness of the proposal. The agency believes that additional time for comment is in the public interest and will be of assistance in establishing labeling that will help consumers safely use drug products containing benzoyl peroxide for the treatment of acne. Accordingly, the comment period is extended to July 17, 1995.

Interested persons may, on or before July 17, 1995, submit to the Dockets Management Branch (address above) written comments regarding the proposal. Three 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.

Dated: May 16, 1995.

**William K. Hubbard,**

*Acting Deputy Commissioner for Policy.*  
[FR Doc. 95-12399 Filed 5-18-95; 8:45 am]

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## 21 CFR Part 896

[Docket No. 83N-0193]

RIN 0905-AD83

### Performance Standard for the Infant Apnea Monitor; Extension of Comment Period

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Food and Drug Administration (FDA) is extending to August 21, 1995, the comment period on the proposed rule that published in the **Federal Register** of February 21, 1995 (60 FR 9762). The document proposed to establish a mandatory performance standard for infant apnea monitors, which are a subset of breathing frequency monitors, also called neonatal apnea monitors. The infant apnea monitor is a system intended for use on infants to detect cessation of breathing. This action is based on a request from industry.

**DATES:** Written comments by August 21, 1995.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** James J. McCue, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301-594-4765.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of February 21, 1995 (60 FR 9762), FDA published a proposed rule to establish a mandatory performance standard for infant apnea monitors, which are a subset of breathing frequency monitors, also called neonatal apnea monitors. The infant apnea monitor is a system intended for use on infants to detect cessation of breathing. FDA believes that a performance standard is necessary to ensure that infant apnea monitors accurately and reliably detect the absence of effective respiration and provide an alarm in such cases.

Interested persons were invited to comment by May 22, 1995. FDA received one request from industry to extend the comment period for 90 days. The request stated that this timeframe would allow sufficient time to gather the necessary data to develop effective comments.

FDA is extending the comment period for 90 days to ensure adequate time for preparation of comments. Accordingly,

FDA finds under section 520(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(d)) that there is good cause for such an extension.

Interested persons may, on or before August 21, 1995, submit to the Dockets Management Branch (address above) written comments regarding this notice. 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.

Dated: May 10, 1995.

**Joseph A. Levitt,**

*Deputy Director for Regulations Policy, Center for Devices and Radiological Health.*

[FR Doc. 95-12293 Filed 5-18-95; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

## 26 CFR Part 1

[PS-013-88]

RIN 1545-AL57

### Certain Publicly Traded Partnerships Treated as Corporations; Correction

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

**ACTION:** Correction to notice of proposed rulemaking and notice of public hearing.

**SUMMARY:** This document contains corrections to the notice of proposed rulemaking and notice of public hearing (PS-013-88) which was published in the **Federal Register** on Tuesday, May 2, 1995 (60 FR 21475), relating to the classification of certain publicly traded partnerships as corporations.

**FOR FURTHER INFORMATION CONTACT:** Christopher T. Kelley, (202) 622-3080, (not a toll-free call).

#### SUPPLEMENTARY INFORMATION:

##### Background

The notice of proposed rulemaking and notice of public hearing that is the subject of these corrections proposes to add § 1.7704-1 to the Income Tax Regulations relating to the definition of a publicly traded partnership under section 7704(b) of the Internal Revenue Code.

##### Need for Correction

As published, the notice of proposed rulemaking and notice of public hearing

(PS-013-88) contains errors which may prove to be misleading and are in need of clarification.

#### Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking and notice of public hearing (PS-013-88), which was the subject of FR Doc. 95-10765, is corrected as follows:

1. On page 21476, column 1, under the caption **DATES**:, last line, the language "July 31, 1995" is corrected to read "July 10, 1995".

2. On page 21478, column 3, in the preamble under the paragraph heading "Comments and Public Hearing", paragraph 4, lines 3 through 5, the language "written comments and an outline of the topics to be discussed (a signed original and eight (8) copies) by July 31, 1995." is corrected to read "written comments (a signed original and eight (8) copies) by July 31, 1995. The outline of topics to be discussed at the hearing must be received by July 10, 1995."

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 95-12363 Filed 5-18-95; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 948

#### West Virginia Program Amendment

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

**ACTION:** Notice of availability and opportunity for public comment.

**SUMMARY:** OSM is making available for public review and comment its draft decision document on a proposed amendment to the West Virginia permanent regulatory program (hereinafter referred to as the West Virginia program). The amendment concerns revisions to State law and regulations governing the Special Reclamation Fund and bonding requirements for surface coal mining operations. OSM has evaluated the proposed changes and made tentative findings on whether they can be approved as part of the West Virginia program. Where necessary, OSM proposed required amendments to bring the program into compliance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

OSM is inviting public comment on the proposed amendment and the tentative findings contained in the draft decision document. A public meeting is also scheduled.

**DATES:** Written comments must be received on or before 4 p.m., E.D.T. on June 5, 1995. A public meeting will be held at 1 p.m., E.D.T. on May 30, 1995, at the Holiday Inn, Heart-Of-Town, Washington and Broad Streets, Charleston, West Virginia.

**ADDRESSES:** Written comments should be mailed or hand delivered to James C. Blankenship, Jr., Director, Charleston Field Office at the address listed below.

Copies of the proposed amendment and draft decision document, the West Virginia program, and the administrative record on the West Virginia program are available for public review and copying at the address below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment and draft decision document by contacting OSM's Charleston Field Office.

James C. Blankenship, Jr., Director,  
Charleston Field Office, Office of  
Surface Mining Reclamation and  
Enforcement, 1027 Virginia Street  
East, Charleston, West Virginia 25301,  
Telephone: (304) 347-7158

West Virginia Division of  
Environmental Protection, 10  
McJunkin Road, Nitro, West Virginia  
25143, Telephone: (304) 759-0515.

In addition, copies of the proposed amendment and draft decision document are available for inspection during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, P.O. Box 886, Morgantown, West Virginia 26507, Telephone: (304) 291-4004

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 323 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255-5265

Office of Surface Mining Reclamation and Enforcement, Logan Area Office, 313 Hudgins Street, 2nd Floor, P.O. Box 506, Logan, West Virginia 25601, Telephone: (304) 752-2851.

#### FOR FURTHER INFORMATION CONTACT:

Mr. James C. Blankenship, Jr., Director,  
Charleston Field Office; Telephone:  
(304) 347-7158.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the West Virginia Program

SMCRA was passed in 1977 to address the growing environmental and safety problems associated with coal mining. Under SMCRA, OSM works with States to ensure that coal mines are operated in a manner that protects citizens and the environment during mining, that the land is restored to beneficial use following mining, and that the effects of past mining at abandoned coal mines are mitigated.

Many coal-producing States, including West Virginia, have sought and obtained approval from the Secretary of the Interior to carry out SMCRA's requirements within their borders. In becoming the primary enforcers of SMCRA, these "primacy" states accept a shared responsibility with OSM to achieve the goals of the Act. Such States join with OSM in a shared commitment to the protection of citizens—our primary customers—from abusive mining practices, to be responsive to their concerns, and to allow them full access to information needed to evaluate the effects of mining on their health, safety, general welfare, and property. This commitment also recognizes the need for clear, fair, and consistently applied policies that are not unnecessarily burdensome to the coal industry—producers of an important source of our Nation's energy.

Under SMCRA, OSM sets minimum regulatory and reclamation standards. Each primacy State ensures that coal mines are operated and reclaimed in accordance with the standards in its approved State program. The States serve as the front-line authorities for implementation and enforcement of SMCRA, while OSM maintains a State performance evaluation role and provides funding and technical assistance to States to carry out their approved programs. OSM also is responsible for taking direct enforcement action in a primacy State, if needed, to protect the public in cases of imminent harm or, following appropriate notice to the State, when a State acts in an arbitrary and capricious manner in not taking needed enforcement actions required under its approved regulatory program.

Currently there are 24 primacy states that administer and enforce regulatory programs under SMCRA. These states may amend their programs, with OSM approval, at any time so long as they remain no less effective than Federal regulatory requirements. In addition, whenever SMCRA or implementing Federal regulations are revised, OSM is