

ings accounts until such time as the board of directors determines to discontinue such higher rate.

(5) As to any account issued under this section which is evidenced by a certificate issued on or after October 1, 1966, in accordance with paragraph (c) of this section and which does not contain the third sentence of the quoted language set forth in subparagraph (1) of paragraph (c), earnings shall be distributed for any period during which such account is outstanding beyond the time eligibility requirements fixed pursuant to paragraph (b) of this section at the regular rate for account books at each date as of which the association regularly distributes earnings on its savings accounts.

(6) While an account evidenced by a certificate issued prior to October 1, 1966, under this section continues to be eligible to receive, and the association continues to distribute, earnings at a higher rate pursuant to this section, earnings on such account shall be distributed, for any period during which such account is outstanding beyond the time eligibility requirement fixed pursuant to paragraph (b) of this section, at each date as of which the association regularly distributes earnings on its savings accounts, at such applicable higher rate as is from time to time determined by the board of directors within the limitations of this section.

(7) While any certificates issued in accordance with paragraph (c) of this section remain outstanding, a reserve for undistributed earnings on such accounts shall be maintained and appropriate credits and debits shall be made to such reserve as of the dates the Federal association regularly distributes earnings on its savings accounts.

(e) *Exchange of accounts.* Such part of any savings account as is not less than the minimum amount fixed pursuant to subparagraph (2) of paragraph (b) of this section may, upon request by the holder of such account, be exchanged for one or more separate certificates issued pursuant to and in accordance with paragraphs (b) and (c) of this section; and the association may, either at the time of such exchange or at the next date as of which it regularly distributes earnings, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

(f) *Exclusion.* This section shall not be applicable to distribution of earnings on any savings account on which such association is paying or is obligated to pay a bonus under any provision of this part.

(g) *Notice requirements.* Each Federal association which determines after the effective date of this paragraph to distribute earnings pursuant to the provisions of this section shall, within 30 days, give notice of such determination by at least one of the following means:

(1) Postage prepaid to each member having a savings account at the time of determination with a balance of not less than the determined amount at the last address of the member appearing on the books of such Federal association;

(2) Posting in a conspicuous place in each of the offices of the association for so long as the association continues to offer the plan; or

(3) Publishing in a newspaper printed in the English language and of general circulation in the city or county in which each office of the association is located.

Each Federal association which on the effective date of this paragraph is distributing earnings pursuant to this section shall, if it has not previously done so, give the notice required by this paragraph within 30 days from the effective date of the paragraph.

(h) *Limitation on issuance of certificates.* No Federal association may issue any certificate pursuant to this section at any time when the total of its savings accounts evidenced by such certificates exceeds 50 percent of the association's total capital.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as the foregoing amendment is designed to permit Federal savings and loan associations to adjust their operations as of the beginning of the next quarterly dividend period to changed economic conditions emerging during the current quarterly period, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not consistent with the public interest and provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-10751; Filed, Sept. 30, 1966; 8:48 a.m.]

[No. 20,205]

PART 545—OPERATIONS

Distribution of Earnings on Bases, Terms, and Conditions Other than those Provided by Charter

SEPTEMBER 29, 1966.

Whereas, by Federal Home Loan Bank Board Resolution No. 20,176, dated September 10, 1966, and duly published in the FEDERAL REGISTER on September 15, 1966 (31 F.R. 12061), this Board proposed, pursuant to Part 508 of the general regulations of the Board (12 CFR Part 508), to amend paragraph (b), (c), and (d) of § 545.1-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1-1) the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available having been considered by it;

Now, therefore, be it resolved, that this Board hereby determines to adopt the

amendment, as proposed, without change, effective October 1, 1966.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

§ 545.1-1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

(b) *Quarterly.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on savings accounts as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N and Charter K (rev.) for the 6-month period ending on June 30 and December 31, respectively, next succeeding.

(c) *Amounts withdrawn between distribution dates.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on amounts withdrawn from savings accounts, or designated classes thereof, between the dates as of which such Federal association regularly distributes earnings on savings accounts: *Provided*, That, earnings on any amount so withdrawn shall neither be distributed for any greater portion of the dividend period than that during which such amount remained in the association nor at a rate in excess of the rate at which earnings, exclusive of any bonus, are distributed on savings accounts for the dividend period in which such amount is so withdrawn.

(d) *Determination date.* For the purpose of computing earnings for distribution on savings accounts, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption of a resolution so providing and while such resolution remains in effect, fix a date, not later than the 20th of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments received by the association on or before such determination date shall receive earnings as if invested on the first of such month; payments received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month, except that, after adoption by the association's board of directors of a resolution so providing and while such resolution remains in effect, payments received subsequent to a determination date which is

not later than the 10th of the month shall receive earnings from the date of receipt.

[F.R. Doc. 66-10752; Filed, Sept. 30, 1966; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6]

PART 121—SMALL BUSINESS SIZE STANDARDS

Employment Size Standards for Concerns Primarily Engaged in Manufacturing

Correction

In F.R. Doc. 66-7709, appearing at page 9721 of the issue for Tuesday, July 19, 1966, the following corrections are made in Schedule A, Major Group 36, in the Employment Size Standard column:

1. In entry 3631, the number "75" should read "750".
2. In entry 3633, the number "1,00" should read "1,000".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-SW-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 27, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 10132) stating that the Federal Aviation Agency proposed to alter the Ardmore, Okla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 8, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2154) the Ardmore, Okla., transition area is amended to read:

ARDMORE, OKLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°09'30" N., longitude 97°08'00" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles N and 8 miles S of the 265° and 095° bearings from the

Ardmore RBN, extending from 3 miles E to 8 miles W of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 16, 1966.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 66-10690; Filed, Sept. 30, 1966; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-307; Order 325]

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

Fees for Applications; Correction

SEPTEMBER 14, 1966.

In the order Amending Uniform System of Accounts Prescribed for Natural Gas Companies, issued August 2, 1966, and published in the FEDERAL REGISTER August 9, 1966 (F.R. Doc. 66-8635, 31 F.R. 10605); in Part 204 of the "Gas Plant Instructions" change the designation of the new paragraph from "13" to "14" in:

1. The second line of subparagraph (B) (1);
2. Caption of new paragraph;
3. Last line of the "Note" near bottom of page;
4. Last line of Item 3 of subparagraph (4).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10691; Filed, Sept 30, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt from Certification

Subpart F—Listing of Color Additives for Drug Use Exempt from Certification

TITANIUM DIOXIDE; CONFIRMATION OF EFFECTIVE DATE

In the matter of listing titanium dioxide as a safe color additive for use in food and drugs and exempting it from certification:

1. In response to the order in the above-identified matter published in the FEDERAL REGISTER of January 27, 1966 (31 F.R. 1065), The Tolley Goods Asso-

ciation, Inc., 1270 Avenue of the Americas, New York, N.Y. 10020, which is not the petitioner, submitted an objection because the order did not include a regulation listing titanium dioxide as a safe color additive for use in or on cosmetics.

No representation has been made that the regulations in the order (21 CFR 8.316, 8.6005) listing titanium dioxide as a safe color additive for use in or on foods and drugs are deficient in any respect. A regulation listing titanium dioxide as a safe color additive for use in cosmetics was not included in the order because the petitioner failed to submit adequate information about the use of the additive in cosmetics.

The Commissioner of Food and Drugs has concluded, therefore, that reasonable grounds for objection have not been presented. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b), (c) (2), (d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that the regulations (21 CFR 8.316, 8.6005) promulgated by the subject order became effective March 23, 1966.

The provisional listing of titanium dioxide for use in or on cosmetics (21 CFR 8.501(g)) will continue, to allow time for information necessary for a permanent listing to be assembled.

2. Effective on publication of this order in the FEDERAL REGISTER, § 8.501 *Provisional lists of color additives* is amended by deleting the item "Titanium dioxide" from both paragraphs (e) and (f).

(Sec. 706 (b), (c) (2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b), (c) (2), (d))

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10719; Filed, Sept. 30, 1966; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 53—TOMATO PRODUCTS

Canned Tomatoes; Confirmation of Effective Date of Order Amending Standards of Identity and Quality

In the matter of amending the definition and standard of identity for canned tomatoes (21 CFR 53.40) with respect to peeling and coring requirements; the optional use of organic acidifying agents, a nutritive sweetener in solid form, and tomato paste or puree; and certain appropriate labeling changes including the requirement that all optional ingredients be declared; and the standard of quality for canned tomatoes (21 CFR 53.41) to show that the test for amount of peel does not apply to canned unpeeled tomatoes:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended

70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of August 11, 1966 (31 F.R. 10676). Accordingly, the amendments promulgated by that order will become effective October 10, 1966.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10720; Filed, Sept. 30, 1966;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

INORGANIC BROMIDES

An order was published in the FEDERAL REGISTER of June 15, 1966 (31 F.R. 8369), establishing tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide. The petitioner, Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, has requested that the present tolerance of 400 parts per million for residues of inorganic bromides in dried eggs and processed herbs and spices from fumigation with a mixture of methyl bromide and ethylene dibromide be extended to provide for the same residues from fumigation with methyl bromide alone.

Also, a petition (FAP 4H1474) was filed by Ferguson Fumigants, Inc., 93 Ford Lane, Hazelwood, Mo. 63042, proposing the issuance of a regulation to provide for the safe use of ethylene dibromide in combination with methyl bromide as a fumigant of flours derived from the cereal grains barley, corn, milo (sorghum), oats, rice, rye, and wheat. Previously, at the request of this petitioner, a food additive tolerance was established for 200 parts per million of inorganic bromides (calculated as Br) in or on oat flour as the result of the use of a mixture of methyl bromide and ethylene dibromide as a fumigant (21 CFR 121.1020(b)). A proposal to decrease this tolerance in or on oat flour to 125 parts per million is being published separately in this issue of the FEDERAL REGISTER.

The Commissioner of Food and Drugs, having evaluated the data in the petitions and other relevant material, has concluded that:

1. The food additive regulations should be amended to provide for a tolerance of

400 parts per million for residues of inorganic bromides in dried eggs and processed herbs and spices from fumigation with methyl bromide alone;

2. A tolerance of 125 parts per million should be established for residues of inorganic bromides in or on the flours of barley, corn, milo (sorghum), rice, rye, and wheat from fumigation with a mixture of methyl bromide and ethylene dibromide; and

3. These actions will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.1020 is amended by adding in numerical sequence a tolerance of 400 parts per million to paragraph (a) and a tolerance of 125 parts per million to paragraph (b), as follows:

§ 121.1020 Inorganic bromides.

- * * * * *
- (a) * * * * *
- 400 parts per million in or on dried eggs and processed herbs and spices.
- * * * * *
- (b) * * * * *
- 125 parts per million in or on the flours of barley, corn, milo (sorghum), rice, rye, and wheat.
- * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 66-10721; Filed, Sept. 30, 1966;
8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

Suspension of Certification Service

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), the procedural antibiotic drug regulations are amended to provide for the suspension of certification service when there is a failure of compliance with the requirements of good manufacturing practice prescribed by Part 133 (21 CFR Part 133).

Accordingly, § 146.6 is revised to read as follows:

§ 146.6 Suspension of certification service.

When the Commissioner finds that a person has:

- (a) Obtained or attempted to obtain a certificate through fraud or through misrepresentation or concealment of a material fact; or
- (b) Falsified the records required to be kept by § 146.5; or
- (c) Failed to keep such records or to make them available, or to accord full opportunity to take an inventory of stocks on hand, or otherwise to check the correctness of such records as required by § 146.5; or
- (d) Failed to establish a system for maintaining the records required by § 146.14 or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with the provisions of that section, or has refused to permit access to, or copying, or verification of such records or reports; or
- (e) Failed to conform to the requirements of good manufacturing practice prescribed by Part 133 of this chapter; the Commissioner will immediately suspend service to such person under the regulations in this chapter. Upon request a hearing will be granted to such person to show cause why such service should be resumed.

This order amends the antibiotic-drug procedural regulations in the interest of protecting the public health; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 23, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-10722; Filed, Sept. 30, 1966;
8:47 a.m.]