§ 249.619 Form X-17A-12(1)—Notification required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a-12 of this chapter.

This form must be executed and filed with the Commission pursuant to paragraph (a) of § 240.17a-12 of this chapter within 10 days by every registered broker-dealer who, on the effective date of said section is an OTC Market Maker as defined in paragraph (e) of said section; and pursuant to paragraphs (b) and (c) respectively of § 240.17a-12 of this chapter by each broker-dealer within 5 days after becoming or ceasing to be such OTC Market Maker.

§ 249.620 Form X-17A-12(2)—Quarterly report required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a-12(d) of this chapter.

This form must be executed and filed with the Commission as a quarterly report, pursuant to paragraph (d) of § 240.17a-12 of this chapter, within 10 days after the close of each calendar quarter, by each broker-dealer who is or who has been an OTC Market Maker, as defined in paragraph (e) of § 240.17a-12 of this chapter during such quarter.

NOTE: Copies of these forms have been filed with the Office of the Federal Register and may be obtained from the Securities and Exchange Commission at its Washington Headquarters Offices or any of its regional or branch offices.

(Secs. 7, 15(b), 17(a), 23(a), 48 Stat. 895, 897, 901, as amended, 49 Stat. 1379, 82 Stat. 452, 15 U.S.C. 78g, 78o, 78q, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 3, 1969.

Incorporation by reference approved by the Director of the Federal Register on July 11, 1969.

[F.R. Doc. 69-8206; Filed, July 11, 1969; 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 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Cheese and Cheese Products From Certain Labeling Requirements

In the matter of exempting cheese and cheese products from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Nineteen comments were received in response to the notice of proposed rule making in the above-identified matter that was published in the FEDERAL REGISTER of November 22, 1968 (33 F.R. 17314), and based on a petition filed by Kraft Foods Division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill. 60611.

1. Nine State agencies support the proposal except for that portion that would permit declaration of price "per specified number of pounds." These comments urge that the price be stated in terms of the price per pound.

2. One State agency supports the entire proposal.

3. Two State agencies oppose the proposal stating that adoption of the exemption would make value comparisons difficult.

4. One State and one city agency oppose the proposal because they believe the grounds given by the petitioner in support thereof are insufficient to warrant adoption.

5. One State agency opposes the proposal on the grounds that it is "another attempt to subvert the law and to continue to 'hide' the cost of the product from the consumer."

6. One State agency opposes the proposal because, among other reasons, it would permit the cheese packer to fill in only the space provided for the quantity of contents declaration thereby placing the responsibility of filling in the price per pound and the total price on the distributor or retailer. This State agency reports that in its experience, the difficulty in making this computation has caused some distributors or retailers to use conventional computing scales to weigh and price the items on a gross-weight rather than a net-weight basis.

7. A trade association opposes the proposal stating that it sees "no reason why the price per pound should be left off of cheese produced by Kraft."

8. A cheese producer fully supports the proposal.

9. One firm supports the proposal and urges that the exemption be expanded to cover all food packages declaring net weight, price per pound or specified number of pounds, and total price.

Inasmuch as the several-hundred label exhibits submitted with the petition are all labeled to show the price per pound, the Commissioner of Food and Drugs concludes that there is no reason to provide for a declaration in terms of a "specified number of pounds" on the subject nonrandom weight cheese packages. The amendment herein is changed accordingly.

The Commissioner further concludes that the basic random weight package exemption should remain unchanged to provide for continuation of multiple unit pricing on such packages—a trade practice established for years. To insist on single unit pricing would result in the consumer paying more for a product. For example, a product previously sold for 2 pounds for 39 cents would be, on a single unit basis, 20 cents per pound and thus disadvantageous to the consumer.

The Commissioner concludes that the comments discussed in paragraphs 3, 4, 5, and 7 above are the result of a misunderstanding of the type of package that would be covered by the proposed exemption. The subject cheese packages are those wrapped in cellophane and labeled to show net weight, price per pound, and total price. Such labeling provides more information than labeling which is in compliance with the current regulations of the Fair Packaging and Labeling Act, for the price per pound would be calculated for the purchaser.

Regarding the comment in paragraph 6 above, the Commissioner concludes that the type of false labeling discussed could be employed by the distributor or retailer whether or not the proposed exemption is adopted. If it is employed, the product would be in violation of the Federal Food, Drug, and Cosmetic Act as well as many State and local statutes.

The comment requesting expansion of the exemption, paragraph 9 above, is more in the nature of a separate proposal and will be considered as such on its own merits.

Based on consideration of the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that the proposed amendment should be adopted as set forth below with the provision for multiple unit pricing on nonrandom weight cheese packages deleted.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered,* That § 1.1c (a)(2) be revised to read as follows:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

(2) Random food packages, as defined in § 1.8b(j), bearing labels declaring net weight, price per pound or per specified number of pounds, and total price shall be exempt from the type size, dual declaration, and placement requirements of § 1.8b if the accurate statement of net weight is presented conspicuously on the principal display panel of the package. In the case of food packed in random packages at one place for subsequent shipment and sale at another, the price sections of the label may be left blank provided they are filled in by the seller prior to retail sale. This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random food packages exempted by this subparagraph except that the labels shall bear a declaration of price per pound and not price per specified number of pounds.

* * * * *

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. 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 required, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8218; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C BLUE NO. 1; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Blue No. 1 for food use (§ 8.206) and drug use (§ 8.4021) subject to certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7445). Accordingly, the regulations promulgated thereby (§§ 8.206 and 8.4021) will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Blue No. 1" the portion reading "(§ 9.80 of this chapter)" to read "(§ 8.206 of this chapter)" and by changing for this item in the column "Food use" the closing date "June 30, 1969" to read "June 30, 1969[3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8219; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C RED NO. 3; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Red No. 3 for food use (§ 8.242) and for drug use (§ 8.4102) subject to certification:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7446). Accordingly, the regulations promulgated thereby (§§ 8.242 and 8.4102) will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Red No. 3" the portion reading "(§ 9.62 of this chapter)" to read "(§ 8.242 of this chapter)" and by changing for this item in the column "Food use" the closing date "June 30, 1969" to read "June 30, 1969[3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8220; Filed, July 11, 1969; 8:45 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C YELLOW NO. 5; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR FOOD AND DRUG USE

In the matter of listing FD&C Yellow No. 5 for food use (§ 8.275) and drug use (§ 8.4175):

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 8, 1969 (34 F.R. 7447). Accordingly, the regulations (§§ 8.275 and 8.4175) promulgated thereby will become effective July 7, 1969.

2. Effective July 7, 1969, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (a) by changing for the item "FD&C Yellow No. 5" the portion in the first column reading "(§ 9.40 of this chapter)" to read "(§ 8.275 of this chapter)" and by changing the date in the column "Food use" for this item from "June 30, 1969" to "June 30, 1969[3]" and adding to the bottom of the table a footnote reading "[3] Lakes only."

Dated: July 3, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8221; Filed, July 11, 1969; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MELENGESTROL ACETATE

Based on a petition filed by The Upjohn Co., Kalamazoo, Mich. 49001, an order was published in the FEDERAL REGISTER of February 6, 1968 (33 F.R. 2602), providing for the safe use of melengestrol acetate in animal feed (§ 121.308) and establishing a zero tolerance for residues of the additive in edible tissues and by-products of treated cattle (§ 121.1214). The regulation providing the tolerance included the method of analysis by which it is determined that no residues are present.

Following publication of the order comments were received from the petitioner suggesting that certain editorial revisions and corrections be made therein, and the Commissioner of Food and Drugs concludes that the published method of analysis should be revised as suggested.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785-88, as amended; 21 U.S.C. 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1214 *Melengestrol acetate* is amended by changing the method of analysis in paragraph (b), as follows:

1. In III *Special apparatus:*

a. Item G is amended by changing "202° C." to read "220° C.".

b. Item T4b is amended by changing "V-G14" to read "V-G9".

c. Item T5b is amended by changing "V-G11" to read "V-G9".

2. In V *Procedure:*

a. Item C9 is revised to read as follows:

9. Repeat step 7, but this time homogenize the dry cake without its filter paper for 2 minutes and filter.

b. Item D12 is revised to read as follows:

12. To the combined filtrates in the 2-liter separatory funnel, add 500 milliliters of water and 2 milliliters of saturated sodium sulfate solution to give 55 to 60 percent aqueous methanol.

c. Item F is revised to read as follows:

F. Solvent partition: 1. Transfer the residue to a 125-milliliter separatory funnel using two 20-milliliter portions of hexane saturated with 7: 3 methanol-water.

2. Extract the hexane phase with 40 milliliters of 7:3 methanol-water, first rinsing the round-bottomed flask with the aqueous methanol.

a. Shake the funnel vigorously for 1 minute; let the phases separate at least 1 hour.

b. Drain the lower phases into a 500-milliliter separatory funnel containing 50 milliliters of methylene chloride, 80 milliliters of water, and 0.5 milliliter of saturated sodium sulfate solution.

3. Repeat step 2 four more times combining all extracts in the 500-milliliter separatory funnel.

4. Stopper the 500-milliliter separatory funnel, invert carefully, and vent immediately. Shake the funnel cautiously, venting frequently. When all pressure subsides, shake the funnel vigorously for 1 minute, wait 20–30 minutes, and drain the lower phase into a 500-milliliter round-bottomed flask. This precaution does not apply to the subsequent shakings.

5. Extract with three more 50-milliliter portions of methylene chloride, each time draining the lower phase into the flask.

6. Roto-evaporate the combined extracts until all the solvent has been removed. *Stopping place.* Stopper and store in refrigerator or deep freeze.

Since this order merely makes technical changes and corrections in a previously promulgated method of analysis and is noncontroversial in nature, notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–88, as amended; 21 U.S.C. 348, 371(a))

Dated: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8222; Filed, July 11, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9H2341) filed by Harchem Division, Wallace & Tiernan, Inc., 110 East Hanover Avenue, Cedar Knolls, N.J. 07927, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of an additional sanitizing solution, as set forth below, on food-processing equipment and utensils and other food-contact articles, except milk containers or equipment. 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 authority delegated to the Commissioner (21 CFR 2.120), § 121.2547 is amended by adding a new subparagraph each to paragraphs (b) and (c), as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(10) An aqueous solution containing trichloromelamine and either sodium lauryl sulfate or dodecylbenzenesulfonic acid, together with components generally recognized as safe. In addition to use on food-processing equipment and utensils and other food-contact articles, this solution may be used on beverage containers except milk containers or equipment.

(c) * * *

(7) Solutions identified in paragraph (b)(10) of this section shall provide not more than sufficient trichloromelamine to produce 200 parts per million of available chlorine and either sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect or not more than 400 parts per million of dodecylbenzenesulfonic acid.

* * * * *

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: June 30, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8223; Filed, July 11, 1969; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 15—PUBLIC INFORMATION

Miscellaneous Amendments

Part 15 of Title 24 of the Code of Federal Regulations is amended in the following respects:

1. Section 15.31 (a) and (b)(1) is revised, to reflect change in address under paragraph (a) and under paragraph (b)(1) as to Regions I and II, and under paragraph (b)(1) as to Region VI to change "Northwest Operations Office" to "Northwest Area Office" and to change address, to read as follows:

§ 15.31 Information centers.

(a) The Department maintains a Central Information Center in Washington, D.C., at the following location:

Department of Housing and Urban Development, 451 Seventh Street SW., Room 1202, Washington, D.C. 20410.

(b) The Department also maintains an information center—

(1) In each of its Regional Offices as follows:

Region I—26 Federal Plaza, New York, N.Y. 10007.
Region II—Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.
Region III—Peachtree-Seventh Building, Atlanta, Ga. 30323.
Region IV-360 North Michigan Avenue, Chicago, Ill. 60601.
Region V—Federal Office Building, 819 Taylor Street, Fort Worth, Tex. 76102.
Region VI—450 Golden Gate Avenue, Post Office Box 36003, San Francisco, Calif. 94102; Northwest Area Office, Arcade Plaza Building, Seattle, Wash. 98104.
Region VII—Ponce De Leon and Boliva, Post Office Box 3869, GPO, San Juan, P.R. 00936.

* * * * *

2. Section 15.32 is revised, to change "Director, Division of Public Affairs" to "Director of Public Affairs", to read:

§ 15.32 Information officers.

There shall be an information officer in each of the information centers described in § 15.31 who shall be responsible for making information and records available to the public in accordance with this part. The information officer in the Department Central Information Center shall be designated by the Director of Public Affairs. The information officer in each Regional Office and field office shall be designated by the Regional Administrator or the Director of the office, as the case may be, with the concurrence of the Director of Public Affairs.

3. Section 15.61(a) is revised, to reflect change in address, to read: