

RULES AND REGULATIONS

ommend that the authority to act on an application or request not be exercised by him; in such cases the Board of Directors will act on the application or request.

(d) *Associate Director.* In the absence of the Director of Bank Supervision, all powers granted to him under the provisions of this part may be exercised instead by the Associate Director of the Division of Bank Supervision.

3. The following new §§ 303.12 and 303.13 are added:

§ 303.12 Applications where authority to act is not delegated.

(a) *Circumstances precluding delegation.* Authority to act on applications listed in § 303.11 is not delegated by the Board of Directors in the following circumstances:

(1) Where a condition other than one agreed to in writing by the bank, or other than a time limitation, is to be prescribed in approving an application;

(2) Where all necessary approvals have not been made by the State authority.

(b) *Approving authority.* In all cases where authority to act on applications or requests listed in this part is not delegated to the Director of the Division of Bank Supervision (or, in his absence, the Associate Director), or to a Regional Director, the authority to act on such applications or requests remains vested in the Board of Directors of the Corporation.

§ 303.13 Other delegations of authority.

(a) *In general.* Except as otherwise provided in this part, or with respect to matters which generally involve conditions or circumstances requiring prompt action in the field for the better protection of the interests of the Corporation and to achieve flexibility and expedition in its operations and in the exercise of its functions in connection with the Corporation's litigation and liquidation matters and with the payment of claims for insured deposits, the Board of Directors does not delegate its authority and no delegations of final authority are made by the Board of Directors. Any person having a proper and direct concern therein may ascertain the scope of authority of any officer, agent, or employee of the Corporation by communicating with the Secretary of the Corporation.

(b) *Disclosure law and regulations.* Except as provided in paragraph (c) of this section, the Board of Directors has delegated to the Director of the Division of Bank Supervision, or, where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the applicant bank is located, the authority on behalf of the Board of Directors to act on disclosure matters under and pursuant to section 12, 13 or 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78) or Part 335 of the Corporation's rules and regulations in this chapter.

(c) *Limitations on delegation.* Authority to act on disclosure matters under paragraph (b) of this section is not delegated by the Board of Directors when such matters involve:

(1) Exemption from disclosure requirements pursuant to section 12(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(h));

(2) Exemption from tender offer requirements pursuant to section 14(d)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(8));

(3) Authority, pursuant to § 335.3(c) of the Corporation's regulations in this chapter, to accord confidential treatment to information required to be filed in a disclosure report;

(4) Authority, pursuant to § 335.5(f)

(5) of the Corporation's regulations in this chapter, to disclose to departments and agencies of the United States otherwise confidential information submitted in copies of preliminary proxy solicitation material.

(d) *Security devices and procedures and bank service arrangements.* The Board of Directors has delegated to the Director of the Division of Bank Supervision, or where confirmed in writing by the Director of Bank Supervision, to the Regional Director of the Region in which the applicant bank is located, the authority on behalf of the Board of Directors to administer the provisions of Parts 326 and 334 of the Corporation's rules and regulations in this chapter.

(e) *In emergencies.* For the purpose of assuring the performance of, and continuity in the management functions and activities of the Corporation, the Board of Directors has delegated, to the extent deemed necessary, authority with respect to the management of the Corporation's affairs to certain designated officers, such authority to be exercised only in the event of an emergency involving an enemy attack on the continental United States or other warlike occurrence which renders the Board of Directors unable to perform the management functions and activities normally performed by it.

* * * * *

4. Section 3 of the notice published in 32 F.R. 9759-61 (1967), entitled "Delegations of final authority," is revoked.

The purpose of these amendments is to permit the Federal Deposit Insurance Corporation to achieve greater administrative flexibility necessary for prompt and expeditious action in carrying out its statutory functions. The amendments are authorized under subsections Seventh and Tenth of section 9 of the Federal Deposit Insurance Act, 12 U.S.C., section 1819. The amendments also make structural and technical changes to existing provisions in §§ 303.10 and 303.11 of the Corporation's rules and regulations.

There was no notice and public participation with respect to these amendments, nor is the effective date thereof deferred with prior publication, since the amendments relate only to procedure.

Dated at Washington, D.C., this 23d day of December 1970.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL]

E. F. DOWNEY,
Secretary.

[F.R. Doc. 70-17500; Filed, Dec. 29, 1970;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-FA-80]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Pottstown, Pa. (35 F.R. 2247), transition area.

A change in the name of the Pottstown Airport, Pottstown, Pa., to Pottstown Limerick Airport requires a change in the description of the transition area to reflect such change. Since the amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, § 71.181 of Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the *FEDERAL REGISTER*, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Pottstown, Pa., transition area the words "Pottstown Airport" and insert in lieu thereof, "Pottstown Limerick Airport".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 6, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-17528; Filed, Dec. 29, 1970;
8:47 a.m.]

[Airspace Docket No. 70-CE-71]

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

Alteration of Transition Area; Correction

In F.R. Doc. 70-13957, on page 16242, in the issue of Friday, October 16, 1970,

line 15 of the transition area description for Sturgeon Bay, Wis., recited as "005° bearing from the Door County Cherry—" should be changed to read "015° bearing from the Door County Cherry—".

Issued in Kansas City, Mo., on December 10, 1970.

DANIEL E. BARROW,

Acting Director, Central Region.

[F.R. Doc. 70-17520; Filed, Dec. 29, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-78]

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

Alteration of Transition Area; Correction

In F.R. Doc. 70-14904, on page 17033 in the issue of Thursday, November 5, 1970, the latitude coordinate "47°27'10" N." in the fourth line of the description of the Valparaiso, Ind., transition area alteration should be corrected to read "latitude 41°27'10" N.".

Issued in Kansas City, Mo., on December 10, 1970.

DANIEL E. BARROW,

Acting Director, Central Region.

[F.R. Doc. 70-17530; Filed, Dec. 29, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-84]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Continental Control Area and Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter the Continental Control Area and the Fort Benning, Ga., Restricted Area R-3002.

The Department of the Army has requested that the designated altitude of R-3002 be lowered from 18,000 feet MSL to 14,000 feet MSL. This would eliminate the need to include R-3002 in the Continental Control Area. Accordingly, action is taken herein to show these changes.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the **FEDERAL REGISTER**, as hereinafter set forth.

1. In § 71.151 (35 F.R. 2043, 7858) Restricted Area R-3002 is revoked.

2. Section 73.30 (35 F.R. 2325, 7858) is amended as follows:

In R-3002 Fort Benning, Ga., the phrase "Surface to and including 18,000 feet MSL," is deleted and the phrase "Surface to and including 14,000 feet MSL," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 21, 1970.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 70-17527; Filed, Dec. 29, 1970; 8:47 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—Provisional Regulations

D&C RED No. 36

Section 8.503 (a) and (b) was amended and § 8.515(c) established (35 F.R. 6045), and the latter subsequently revised (35 F.R. 10898), to provide tolerance limitations regarding drug and cosmetic use of D&C Red No. 36. Requests to change the tolerances and data in support thereof have been received and evaluated, and the Commissioner of Food and Drugs concludes that amending as requested the regulations prescribing temporary tolerances will be consistent with the public health.

Therefore, pursuant to provisions of the Color Additive Amendments of 1960 (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) and under authority delegated to the Commissioner (21 CFR 2.120), Part 8 is amended as follows:

1. Section 8.503 (a) and (b) is revised to read as follows:

§ 8.503 Temporary tolerances.

(a) Pursuant, therefore, to the authority in section 203(d)(1)(C) of the Color Additive Amendments of 1960, temporary tolerances are established for the following color additives:

<i>Color additive</i>	<i>Percent</i>
D&C Orange No. 5 (§ 9.202 of this chapter)	6
D&C Orange No. 17 (§ 9.214 of this chapter)	6
D&C Red No. 8 (§ 9.153 of this chapter)	6
D&C Red No. 9 (§ 9.154 of this chapter)	6
D&C Red No. 10 (§ 9.155 of this chapter)	6
D&C Red No. 11 (§ 9.156 of this chapter)	6
D&C Red No. 12 (§ 9.157 of this chapter)	6
D&C Red No. 13 (§ 9.158 of this chapter)	6
D&C Red No. 19 (§ 9.164 of this chapter)	6
D&C Red No. 33 (§ 9.178 of this chapter)	6
D&C Red No. 36 (§ 9.181 of this chapter)	3

These color additives are therefore retained on the provisional list for use in lipstick with the indicated temporary tol-

erances which are expressed as percent pure dye by weight of each lipstick. These color additives may be used in combinations provided the individual tolerance is not exceeded and the total percent of all colors used does not exceed 6 percent pure dye by weight of the lipstick. These color additives and D&C Yellow No. 7, D&C Yellow No. 8, and D&C Red No. 37 are retained without tolerance restrictions for externally applied drugs and cosmetics.

(b) (1) The colors named in this paragraph may safely be used, during the transitional period, in drug products and in such other preparations subject to ingestion as mouthwashes and dentifrices, where total usage reasonably to be expected to be ingested does not contribute more than 1 part per million of any such color additive or combination of color additives to the human diet. Therefore, to meet this limitation the following colors are retained on the provisional list of color additives for use in drug products for internal use, mouthwashes, dentifrices, and proprietary products, under a temporary tolerance, provided that in no instance shall such color additives contribute more than 0.75 milligram of the color additive, expressed as pure dye, to the amount of the product reasonably expected to be ingested in 1 day.

D&C Orange No. 5 (§ 9.202 of this chapter).
D&C Red No. 8 (§ 9.153 of this chapter).
D&C Red No. 12 (§ 9.157 of this chapter).
D&C Red No. 19 (§ 9.164 of this chapter).
D&C Red No. 33 (§ 9.178 of this chapter).
D&C Red No. 37 (§ 9.182 of this chapter).

(2) D&C Red No. 36 (§ 9.181 of this chapter) is retained on the provisional list of color additives for use in drug products for internal use, mouthwashes, dentifrices, and proprietary products, under a temporary tolerance, provided that in no instance shall it contribute more than 1.7 milligrams of the color additive, expressed as pure dye, to the amount of the product reasonably expected to be ingested in 1 day.

§ 8.515 [Amended]

2. In § 8.515 *Limitation of certificates*, paragraph (c) is amended in the first sentence by changing "by § 8.503 (a) and (b)" to read "by § 8.503 (a) and (b)(2)."

Notice and public procedure and delayed effective date are not prerequisites to this promulgation, and I so find, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order is effective upon publication in the **FEDERAL REGISTER**.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: December 14, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-17508; Filed, Dec. 29, 1970; 8:46 a.m.]

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SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Clopidol and Lincomycin

The Commissioner of Food and Drugs has evaluated a new animal drug application (44-972V) filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the safe and effective use in chicken feed of a combination drug containing clopidol and lincomycin for specified conditions. The application is approved.

This order also provides for recodification of the existing regulation concerning clopidol from Part 121 to Part 135e in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

§ 121.325 [Deleted]

1. Section 121.325 *Clopidol* is deleted.
2. Part 135e is amended by adding a new § 135e.46 and by adding to § 135e.49 (e) (2) a new subdivision (iii), as follows:

§ 135e.46 Clopidol.

- (a) *Chemical name.* 3,5-Dichloro-2,6-dimethyl-4-pyridinol.
- (b) *Approvals.* Premix level 25 percent granted to the Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48641.
- (c) *Assay limits.* Finished feed not less than 80 percent nor more than 120 percent of the labeled amount of clopidol.
- (d) *Related tolerances.* See § 135g.62 of this chapter.
- (e) *Conditions of use.* It is used as follows:

CLOPIDOL IN COMPLETE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Clopidol....	113.5 (0.0125%)			For broiler chickens; do not feed to chickens over 16 weeks of age.	Aid in the prevention of coccidioides caused by <i>E. tenella</i> , <i>E. necatrix</i> , <i>E. acervulina</i> , <i>E. maxima</i> , <i>E. brunetti</i> , and <i>E. misi</i> .
2. Clopidol....	113.5 (0.0125%)	3-Nitro-4-hydroxy-phenylarsonic acid.	45.4 (0.005%)	For broiler chickens; do not feed to chickens over 16 weeks of age; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improved pigmentation; aid in the prevention of coccidioides caused by <i>E. tenella</i> , <i>E. necatrix</i> , <i>E. acervulina</i> , <i>E. maxima</i> , <i>E. brunetti</i> , and <i>E. misi</i> .
3. Clopidol....	113.5 (0.0125%)			For replacement chickens intended for use as caged layers; do not feed to chickens over 16 weeks of age.	Aid in the prevention of coccidioides caused by <i>E. tenella</i> , <i>E. necatrix</i> , <i>E. acervulina</i> , <i>E. maxima</i> , <i>E. brunetti</i> , and <i>E. misi</i> .
4. Clopidol....	113.5 (0.0125%)	3-Nitro-4-hydroxy-phenylarsonic acid.	45.4 (0.005%)	For replacement chickens intended for use as caged layers; do not feed to chickens over 16 weeks of age; withdraw 5 days before slaughter; as sole source of organic arsenic.	Aid in the prevention of coccidioides caused by <i>E. tenella</i> , <i>E. necatrix</i> , <i>E. acervulina</i> , <i>E. maxima</i> , <i>E. brunetti</i> , and <i>E. misi</i> ; growth promotion and feed efficiency; improving pigmentation.
a. 2.....	Bacitracin.....			For broiler chickens; as bacitracin methylene disalicylate.	Growth promotion and feed efficiency.
b. 1.....	Lincomycin.....		2-4	For floor raised broiler chickens; as lincomycin hydrochloride monohydrate.	Increase in rate of weight gain and improved feed efficiency.

§ 135e.49 Lincomycin.

* * *

(2) * * *

(iii) Clopidol in accordance with § 135e.46.

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

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: December 17, 1970.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[F.R. Doc. 70-17509; Filed, Dec. 29, 1970; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs,
Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Uintah Indian Irrigation Project, Utah

On November 17, 1970, there was published in the daily issue of the *FEDERAL REGISTER* (35 F.R. 17662), notice of intention to amend § 221.77, Subchapter T, Chapter I of the Code of Federal Regulations, Title 25. This section deals with the operation and maintenance charges on assessable lands of the Uintah Indian Irrigation Project, Utah. Interested parties were thereby given opportunity to participate in preparing the proposed amendment by submitting written comments, suggestions, or objections, to W. Wade Head, Area Director, within 30 days from the date of publication of the notice.

No comments, suggestions, nor objections have been received with respect to the proposed amendment, and it is hereby adopted without change as set forth below.

The revised section will read as follows:

§ 221.77 Basic water charges.

Pursuant to the provisions of the Acts of June 21, 1906 (34 Stat. 375), and March 7, 1928 (45 Stat. 210, 25 U.S.C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian Irrigation Project, Utah, are apportioned on a per-acre basis against the irrigable lands of all units of the project, and for the calendar year 1971 and each succeeding year unless changed by further order, there shall be collected for each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of \$4 per acre per annum, where not otherwise established by contract. No bill shall be rendered for less than \$5.

W. WADe HEAD,
Area Director.

[F.R. Doc. 70-17542; Filed, Dec. 29, 1970; 8:49 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart D—Compensation and Allowances

TROPICAL DIFFERENTIAL

Effective at the beginning of the first pay period after January 1, 1971, paragraph (b) of § 253.135 is amended to read as follows: