

- CC 8022-24: Corrections to Credit Card Date.
- CC 8022-25: Corrections to Bank Liquidity Analysis Data.
- CC 9000-01: External Crimes Against National and District Banks.
- CC 9000-02: Action Management System.
- CC 9000-03: Action Management System (Sequential File).
- CC 9020-01: Request for FBI Name Check.
- CC 9030-01: Report of Security Devices.
- CC 9030-02: Report of Crime.
- CC 9030-03: Analysis of Earnings and Expenses.
- CC 9030-04: Equal Opportunity Report.
- CC 9030-05: Record of Defalcation.
- CC 9030-06: Report of Pledged National Bank Stock.
- CC 9030-07: Report of Officers' Borrowings at other Banks.
- CC 9030-08: National Bank's Defalcations of \$10,000 or More.
- CC 9030-09: Direct Verification Deposits Negative.
- CC 9030-10: Check Accounts Negative.
- CC 9030-11: Loans Negative.
- CC 9030-12: Closed Accounts Negative.
- CC 9030-13: Deposits Positive.
- CC 9030-14: Check Accounts Positive.
- CC 9030-15: Loans Positive.
- CC 9030-16: Visitation Report.
- CC 9030-17: Examination Report Record.
- CC 9030-20: Comment Sheet.
- CC 9030-21: Analysis Sheet.
- CC 9030-22: Liquidity Analysis Sheet.
- CC 9030-25: Violation of Law.
- CC 9030-27: Small Business Administration Loans.
- CC 9030-28: Report of Credit and Financial Relationships of Banks and Bank Holding Companies with Real Estate Investment Trusts ("REITs").
- CC 9030-29: Statement of Interest of Directors and Principal Officers of National Banks.

Effective date: These amendments are effective November 30, 1976.

Dated: November 19, 1976.

ROBERT BLOOM,
*Acting Comptroller
of the Currency.*

[FR Doc.76-34846 Filed 11-29-76; 8:45 am]

Title 13—Business Credit and Assistance

CHAPTER V—REGIONAL ACTION PLANNING COMMISSIONS

PART 590—RULES AND PROCEDURES OF THE FEDERAL COCHAIRMAN

SUBPART B—FOUR CORNERS REGIONAL COMMISSION

Notice is given that the Federal Chairman of the Four Corners Regional Action Planning Commission has adopted and made applicable to the employees of the Office of the Federal Chairman the rules of the United States Department of Commerce regarding Employee Responsibilities and Conduct. Because the employees affected have been notified of this action, the provisions of 5 U.S.C. 553 are not applicable and the following rule is effective on November 30, 1976.

Subpart B is added, as designated above, and § 590.10 under Subpart B, is added as follows:

§ 590.10 Employee responsibilities and conduct.

The Federal Chairman of the Four Corners Regional Action Planning Com-

mission adopts and makes applicable to employees of the Office of the Federal Chairman the rules of the United States Department of Commerce regarding Employee Responsibilities and Conduct. These rules of the Department of Commerce have heretofore been approved by the Civil Service Commission and appear in the Code of Federal Regulations as Title 15, Subtitle A, Part O.

(42 U.S.C. 3181 et seq.)

Dated: November 15, 1976.

STANLEY WOMER,
*Federal Cochairman, Four
Corners Regional Action
Planning Commission.*

[FR Doc.76-34922 Filed 11-29-76; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-10; Order No. 556]

RATE SCHEDULE ANALYSIS ON A CONTINUING CURRENT BASIS: FPC FORM NO. 108

Miscellaneous Changes

NOVEMBER 22, 1976.

On December 17, 1975, the Commission issued a Notice of Proposed Rulemaking in which the Commission stated its intention to amend §§ 154.92, 260.6, and 3.170(a) (17) of its Regulations to require that all natural gas companies required to file, initially or as an amendment, a rate schedule with the Commission must also file new FPC Form No. 108.

The purpose of the proposed form is to provide the Commission with current information on the amount of gas flowing in interstate commerce, give a detailed breakdown of the important provisions of all rate schedules, serve as a data base for estimating the revenue impact of nationwide and/or area ratemaking proposals, and permit the determination of the potential effects of periodic price escalations and indefinite price provisions. In addition, the proposed form is intended to procure the information necessary to implement the Commission's statement of policy in Order No. 539.¹

Proposed Form No. 108, as revised, is divided into six major schedules, numbered 501 through 505, and 507, plus Schedule 0000 for footnotes, Schedule 1000 for any supporting documentation deemed necessary by the respondent, and a schedule to identify the name of the party to contact regarding the form. Schedule 501 will show summary sales volumes and revenue data for jurisdictional sales. Schedule 502 will show the

¹ Promulgating Statement of Policy, Order No. 539, Docket No. RM76-8, FPC (October 14, 1975), rehearing granted, Order Granting in Part and Denying in Part Reconsideration, Clarifying Order No. 539, Denying Stay, Noticing of Proposed Rulemaking, Noticing of Oral Argument and Granting Intervention, Order No. 539-A, FPC (March 26, 1976), Order Clarifying Prior Orders, Deleting Regulations, and Terminating Rulemaking Proceeding, Order No. 539-B, FPC (July 30, 1976).

rate schedule number, the date of the contract, the location of the producing acreage, the type of filing and term of the contract, certificate information and quality specifications. Schedule 503 will elicit data pertaining to indefinite pricing clauses, contract tax reimbursement provisions, fixed periodic rate increase provisions, seller additive or buyer deductive charge provisions, actual delivery pressure and Btu content. Schedule 504 will reflect the current effective and proposed rates and their present status under the rate schedule. Schedule 505 will list any other parties whose interest is being sold under a rate schedule issued in the name of the filing party, the annual sales volumes attributable to each such party, the amount of any revenues collected by any party subject to refund, and projected deliveries for the next year. Schedule 507 will replace the form presently used for the submission of rate increase filings. Schedule 506 has been reserved for future Commission use.

With the exception of the Order No. 539-type data, information similar to that proposed to be collected on Form No. 108 had previously been gathered on various FPC forms, including contract analysis data collected pursuant to an August 1973 order in Docket No. R-478. In order to minimize the burden on respondents, the Commission has agreed to undertake the transfer of the previously filed contract analysis material to the new form, leaving the party filing the form with the obligation only to verify the information and complete the newly requested items.

The Notice provided a period for comments on the proposed rulemaking and comments were filed by forty parties. The objections to the form were of five particular types: (a) Arguments against the information to be collected in furtherance of Order No. 539, (b) opposition to the producer rather than the Staff updating the previously filed data, (c) disagreement with the requirement to file the form on magnetic tape, (d) objection to gathering information on actual gas treating and quality costs, and (e) requests for clarification or modification of the instructions and the format of the proposed submittal. As to the latter, having carefully considered all such comments, the Commission has modified and clarified Form No. 108 to conform to the requested changes.

The purpose of Form No. 108 is to provide the Commission, by a standardized format adaptable to a computerized system, with a capability for review and analysis of all rate schedules currently on file or to be filed. Most of the information to be collected on Form No. 108 is now submitted on other forms which will be eliminated. Thus, the necessary data would now be filed on one form, thereby eliminating the burdensome effort of filing individual forms containing duplicative information. This consolidation of filing will assist all parties, including the Commission, since a centrally located information base will decrease the time presently required to process rate change applications, and will substantially re-

duce the extensive data gathering necessary to national and/or area rate proceedings. The form will also provide an up-to-date information source on the volume of gas flowing in interstate commerce and the contractual provisions under which these supplies are being sold.

One of the major objections to the proposed form centered on Schedule 506, which was designed to implement Order No. 539. Pursuant to the Commission's action in Order No. 539-B, Schedule 506 has been deleted in its entirety. In its place respondents will be required to submit an estimate for the up-coming year of the volumes that are expected to be delivered under the subject rate schedule, the actual sales under the rate schedule for the current year, and in the initial reporting year only, the actual annual sales under the rate schedule for the four years prior to the current year. We find that this requirement of information to be submitted represents an inconsequential change from the data sought by the original Schedule 506 as it appeared in the Notice Of Proposed Rulemaking. Therefore, no further notice of this amendment to the form is necessary, especially since the burden of filing the revised material is substantially less than as originally constituted.

The historical sales volume data will permit the Commission to compute for future periods, by rate schedule, the rate of decline or increase of deliveries under that rate schedule. The Commission can then compare the rate-time performance projection with the current year deliveries and the projected succeeding year deliveries. To the extent that the filed data does not comport with the historical trend, further investigation by the Commission may be required. In addition to the material submitted on Form No. 108, data filed on Form Nos. 15 and 40 will be used to assist the Commission in determining where a more detailed inquiry is called for by providing information on nonproducing reservoirs and shut-in wells. This information will assist us in enforcing certificated obligations pursuant to the "prudent operator standard" enunciated in Order No. 539-B.

A second reason proposed by the respondents as to why the Commission should not issue the proposed form related to the burden of filing and the requirement to update the previously filed data. Since the objections regarding burden related predominantly to Schedule 506, which has been eliminated pursuant to Order No. 539-B, and since most of the remaining information is now filed with the Commission on other forms, the burden of submitting Form No. 108 prospectively is not judged to be an impediment to the promulgation of the form. There remains, however, the problems of the updating and whether small producers should be required to file.

The objecting parties contend that the Commission, rather than the producers, should undertake to update the previously filed data, which was completed through 1972. There are presently over

12,000 rate schedules on file with the Commission, of which approximately 7,300 are large producer pre-1972 rate schedules and 1,100 are large producer post-1972 rate schedules.

The Commission will undertake the burden of completing Form No. 108, as much as is possible from information presently on file, for all rate schedules currently on file with the Commission. In implementing the new system, and in order to reduce the potential filing burden on small producers, we will give all respondents who are eligible for small producer treatment but now maintain large producer rate schedules until December 31, 1976, to apply for small producer exemption. Since producers holding small producer certificates do not submit rate schedules to the Commission, small producers that take advantage of this grace period will not have to file Form 108; however, any producer that is eligible for small producer treatment but elects to retain its large producer rate schedule will be required to file the form.

Once the system is in operation, each year by December 31st the Commission will mail Schedules 501 and 505 to all respondents for completion and return by March 31st of the following year. Furthermore, effective as of January 1, 1977, any producer filing for a large producer certificate will also file Schedules 502, 503, and 504. Also as of that date all rate change filings formerly made on FPC Form No. 280 or pursuant to the form set out in Section 157.94(f) of the Commission's Regulations will be filed on Schedule 507 of Form No. 108.

For the initial reporting year, 1977, the Commission will, by December 15, 1976, mail all respondents the instructions, code books, and copies of the schedules to be used in future filings. By March 31, 1977, the Commission will transmit to all producers that complied with our August 1973 order in Docket No. R-478 a copy of the appropriate schedules of Form No. 108 filled out with the information currently on file with the Commission. By June 30, 1977, respondents will be required to verify the data on these schedules and complete any portions of Form No. 108 that request new information. All remaining rate schedules on file with the Commission will be transferred to the appropriate schedules of Form No. 108 for verification and completion by respondents during the upcoming year. The complete system would then be in operation by January 1, 1978. The Commission will also submit to the respondents Schedules 501 and 505, formerly Form Nos. 301-A and 301-B, as of January 1, 1977, to be completed per the instructions by March 31, 1977.

The Notice of Proposed Rulemaking stated that Form No. 108 should be submitted on magnetic tape. After reviewing the comments filed by the parties, we have determined that although this method would be extremely valuable to the Commission for administrative purposes, the problems involved outweigh the benefits. Therefore, we will not require filing on magnetic tape, but we do

encourage producers to do so if possible. Instead, Commission personnel will undertake to computerize the forms as they are filed.

The only objection not dealt with above is the assertion that the Commission does not need information on pipeline-incurred gas treating and quality improvement costs to bring gas to pipeline quality. We will obtain such information from the pipelines' books and records when and as required. Therefore, treating costs will not be required. However, since the determination of gas quality standards is left to individual contract negotiations in the Commission's national rates,² it is important in our view to maintain records of the actual quality of gas being sold. Because of its specific reference to ratemaking and the general need to know the actual quality of gas being sold, the form will continue to require that these items be submitted.

The information to be submitted on the proposed form is necessary for the Commission to satisfy its regulatory responsibilities under the Natural Gas Act. In most instances we have revised our proposed form to reflect the comments of the respondents, when those amendments were in the public interest. The remaining objections we have discussed and dealt with previously. Therefore, on the basis of the entire record in this proceeding, it is determined that Form No. 108, as modified herein, should be adopted.

The promulgation of this form will eliminate the need to comply with all or portions of the following Commission Regulations, which are herewith deleted or amended to conform to this order: (a) Section 154.94(f) and alternative FPC Form No. 280, (b) Section 154.91(b)(3), (c) Sections 157.24 and 250.5, (d) Section 209.5, and (e) Section 260.6.

Once operational, the Form No. 108 program will enable the Commission to perform rate impact studies on the following bases: (a) nationally, (b) by consuming area, (c) on a particular pipeline, (d) on a particular producer, (e) by contract date, (f) by contract type, (g) by production area or state. Other anticipated purposes include a detailed delineation of producer refund obligations on the same criteria as set out above, the ability to monitor changes in contract and gas quality conditions in contracts

² Opinion Nos. 699, et al., 51 FPC 2212 (1974), *aff'd*, *Shell Oil Company v. Federal Power Commission*, 520 F.2d 1061 (5th Cir. 1975), cert. denied, sub nom., *California Company, et al. v. F.P.C.*, Nos. 75-1289, et al.; Opinion And Order Establishing Just And Reasonable Rates, Opinion No. 749, Docket No. R-278, FPC (December 31, 1975), Interim Order Granting Rehearing for Purposes of Further Consideration, Revising Filing Requirements, Correcting Omissions, And Staying Refund Disbursements, Opinion No. 749-A, Docket No. R-478, FPC (February 27, 1976), Order Granting Reconsideration And Modifying Opinion No. 749-A, Opinion No. 749-B, Docket No. R-478, FPC (March 31, 1976).

and the effect of those changes on consumers, and a decrease in the time required to process producer applications.

Several of the parties that filed comments on the proposed rulemaking requested a conference with the Staff to discuss the proposed form. Because of the elimination of Schedule 506 as it appeared in the Notice, the fact that the form collects information that is now being filed with the Commission on existing forms, and the modifications to the instructions and format made at the suggestion of the respondents, a conference would not serve any useful purpose. Therefore, the requests for a conference are denied.

Pursuant to the requirements of 44 U.S.C. 3512, Form No. 108 was submitted to the Comptroller General for clearance on August 19, 1976. By letter dated October 5, 1976, the Commission received conditional acceptance of the form. We have reviewed the comments of the General Accounting Office (GAO) and we have amended our procedures to conform thereto. Therefore, we now consider the GAO clearance to be unconditional.

The Commission finds: (1) The notice and opportunity to participate in this proceeding with respect to the matter presently before the Commission through the submissions in writing are consistent and in accordance with all procedural requirements as prescribed in Section 553, Title 5 of the United States Code.

(2) The amendments to Part 260 of the Commission's Statements and Reports to add amended § 260.6, to Part 154 of the Commission's Rate Schedules and Tariffs to add new § 154.92(e), and to Part 3 of the Commission's Organization; operation; information and requests; miscellaneous charges; ethical standards to substitute for the present § 3.170(a)(17) a revised version are necessary and appropriate for the administration of the Natural Gas Act.

(3) Sections 154.94(f), 154.91(b)(3), 157.24, 250.5, and 260.5 shall be amended pursuant to the provisions of the instant order.

The Commission orders: (A) The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Sections 8, 10, 14, 15, and 16 thereof (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o) hereby orders the following amendments to its Rules and Regulations, effective January 1, 1977:

(a) Subparts (a) and (b) of § 260.6 of Part 260, Statements and Reports are deleted in their entirety. Substituted therefor is a new § 260.6, which would read as set forth below:

PART 3—ORGANIZATIONS; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

(1) Part 3, Organization; operation information and requests; miscellaneous charges; ethical standards; Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by deleting in its entirety § 3.170(a)(17) and substituting therefor:

§ 3.170(a)(17) Form No. 108³, rate schedule analysis on a continuing current basis.

(B) As of January 1, 1977, the following sections of the Commission's Regulations are amended as noted:

PART 154—RATE SCHEDULES AND TARIFFS

(2) Part 154, Rate Schedules and Tariffs in § 154.92—Filings of rate schedules by independent producer, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding a new subsection (e), which would read as follows:

§ 154.92 Filing of rate schedules by independent producer.

(e) Any jurisdictional natural gas company that maintains a rate schedule on file with the Commission or makes application to have a rate schedule approved by this Commission or modifies any existing or proposed rate schedule must, in addition to the requirements of this or any other section, complete and submit Form No. 108, or applicable schedules thereof, pursuant to the direction of § 260.6 of this chapter.

(13) FPC Form 280, an alternative to § 154.94(f), is no longer in effect. Section 154.94(f) is amended as follows:

§ 154.94 Changes in rate schedules.

(f) Notice of change in rate level. (1) An independent producer who is proposing a contractual change in rates, charges, etc., shall file the information called for in Schedule 507 of Form No. 108.

§ 154.91 [Removed]

(4) Section 154.91(b)(3) is deleted in its entirety.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

§ 157.24 [Amended]

(5) Section 157.24(a) is amended as follows:

(a) Every application for a certificate of public convenience and necessity required under § 157.23 shall be filed with the Commission. If the application is filed by an assignee seeking authority, as successor in interest, only to render service previously authorized by the Commission or to initiate service resulting from a farmout agreement, he shall describe the service to be continued (1) under the original F.P.C. Docket No(s), granting authorization to the assignor and (2) the proposed disposition of the assignor's F.P.C. Gas Rate Schedule(s), and, if applicable, in addition to the refund obligations required by § 154.92 (d)(3) indicate if the assignor intends to file bond or undertaking to assure

³ Form No. 108 is filed as a part of the original document.

total refund from the date increased rate of assignor becomes effective subject to refund or from date operation commenced under assignor's temporary certificate containing a refund condition, as the case may be. In addition, the application shall set forth in the order indicated the following:

PART 250—FARMS

§ 250.5 [Removed]

(6) Section 250.5 is deleted in its entirety.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

§ 260.5 [Removed]

(7) Section 260.5 is deleted in its entirety.

Subparts (a) and (b) of § 260.6 are deleted in their entirety. Substituted therefor is a new § 260.6, which reads as follows:

§ 260.6 Rate schedule analysis on a continuing current basis.

(a) The form of Rate Schedule Analysis Report as FPC Form No. 108 is prescribed for natural gas companies commencing January 1, 1977.

(b) Each person found by the Commission to be a natural gas company as defined by the Natural Gas Act, as amended, 52 Stat. 821, that is required to submit a rate schedule to the Commission pursuant to § 154.92 of the Regulations shall prepare and file with the Commission an original and 3 copies of the Rate Schedule Analysis Report, FPC Form No. 108, or the applicable schedules thereof, each and every time a rate schedule is either submitted to the Commission for the first time or a rate schedule presently on file with the Commission is proposed to be amended.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35071 Filed 11-29-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 76C-0464]

PART 8—COLOR ADDITIVES

Listing of Guaiazulene for Use in Externally Applied Cosmetics

The Food and Drug Administration (FDA) is "permanently" listing guai-azulene for use in externally applied cosmetics; effective January 3, 1977, objections by December 30, 1976.

A notice published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200) stated that a petition (CAP 8C0070) for the "permanent" listing of azulene as a color additive for use in externally applied cosmetics had been filed by the Cosmetic, Toiletry and Fragrance Association (CTFA) (1133 15th St. NW., Washington, DC 20005), c/o Hazleton Labora-

tories, Inc., PO Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

The Commissioner has evaluated the data in the petition and concludes that the color additive is safe under the conditions set forth below for use in coloring externally applied cosmetics and that certification is not necessary for the protection of the public health. This order "permanently" lists the color additive as guaiazulene, the nomenclature that more properly identifies the color additive that was the subject of the petition, for use in externally applied cosmetics under new § 8.8010 (21 CFR 8.8010). The provisional listing of azulene for use in externally applied cosmetics under § 8.501 (g) (21 CFR 8.501(g)), which was extended to December 31, 1976 by regulation published in the FEDERAL REGISTER of September 23, 1976 (41 FR 41856) will be deleted when this order becomes effective on January 3, 1977 unless this order is stayed by the timely filing of objections, in which case the provisional listing will continue until December 31, 1976 unless terminated or extended by regulation.

Cosmetic labeling is required, under § 701.3 (21 CFR 701.3), to list the name of each color additive present as an ingredient in the finished cosmetic. Cosmetic labeling listing the color additive guaiazulene under its formerly accepted name "azulene" may be used until current supplies are exhausted or until January 3, 1978. In a separate action published in the FEDERAL REGISTER of September 23, 1976 (41 FR 41855) terminating provisional listing for 10 color additives, the Commissioner concluded that 1 year would be sufficient time to permit the depletion of cosmetic labeling improperly identifying the substances as color additives. The Commissioner concludes that 1 year should also be sufficient time for depletion of existing stocks of labels declaring guaiazulene as "azulene."

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 8 of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

§ 8.501 [Amended]

1. In paragraph (g) of § 8.501 *Provisional lists of color additives*, the entry for azulene for use in externally applied cosmetics is deleted.

2. In Subpart H, new § 8.8010 is added to read as follows:

§ 8.8010 Guaiazulene.

(a) *Identity.* (1) The color additive, guaiazulene, is principally 1,4-dimethyl-7-isopropyl-azulene.

(2) Color additive mixtures of guaiazulene for cosmetic use may contain the following diluent:

Polyethylene glycol-40 castor oil (PEG-40 castor oil).

Saponification No., 60 to 70.

Hydroxyl No., 63 to 78.

Acid No., <3.

Specific gravity, 1.05 to 1.07.

(b) *Specifications.* Guaiazulene shall conform to the following specifications and shall be free from impurities, other than those named, to the extent that such other impurities may be avoided by good manufacturing practice.

Melting point, 30.5° C to 31.5° C.

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color, not less than 99 percent.

(c) *Uses and restrictions.* Guaiazulene may be safely used in externally applied cosmetics in amounts consistent with good manufacturing practice.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive for the prescribed use is not necessary for the protection of the public health and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time on or before December 30, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 8.19 (21 CFR 8.19). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This order shall become effective January 3, 1977, 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.

(Sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d)); Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note).)

Dated: November 23, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.76-35126 Filed 11-29-76;8:45 am]

[Docket No. 76C-0044]

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

Listing of D&C Blue No. 4 for Use in Externally Applied Drugs and Cosmetics

The Food and Drug Administration (FDA) is "permanently" listing D&C Blue No. 4 for use in externally applied drugs and cosmetics; effective January 3, 1977; objections by December 30, 1976.

A notice published in the FEDERAL REGISTER of March 5, 1976 (41 FR 9584) stated that a petition (CAP 9C0095) for the "permanent" listing of D&C Blue No. 4 as a color additive for use in externally applied drugs and cosmetics had been filed by the Cosmetic, Toiletry and Fragrance Association, Inc. (1133 15th St. NW., Washington, DC 20005), c/o Hazleton Laboratories, Inc., PO Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

The Commissioner has evaluated the data in the petition and concludes that D&C Blue No. 4 is safe under the conditions set forth below for use in coloring externally applied drugs and cosmetics and that certification is necessary for the protection of the public health. This order "permanently" lists D&C Blue No. 4 for use in externally applied drugs and cosmetics under new §§ 8.4023 and 8.7034 (21 CFR 8.4023 and 8.7034). The provisional listing of D&C Blue No. 4 for use in externally applied drugs and cosmetics under § 8.501(b) (21 CFR 8.501(b)), which was extended to December 31, 1976, by regulation published in the FEDERAL REGISTER of September 23, 1976 (41 FR 41856), will be deleted when this order becomes effective on January 3, 1977, unless this order is stayed by the timely filing of objections, in which case the provisional listing will continue until December 31, 1976 unless terminated or extended by regulation.

This order does not list D&C Blue No. 4 for use in lakes as requested in the petition. The Commissioner notes that proposed regulations related to the use of color additives in lakes were published in the FEDERAL REGISTER of May 11, 1965 (30 FR 6490). The Commissioner advises that new proposed regulations governing the use of color additives in lakes will be published in the FEDERAL REGISTER in the near future and concludes that the listing of colors for use in lakes can best be implemented by general regulations. D&C Blue No. 4 will, therefore, continue to be approved for use in lakes for coloring externally applied drugs and cosmetics under the general provisional listing