

immediate family members and corporations or organizations having specified relations with principal security holders. This disclosure was required prior to the 1985 amendments but was inadvertently deleted from the regulation when the format was changed in 1985. The OCC has continued to require this disclosure as material to shareholders and investors.

Section 11.844(c), Instruction D is amended to clarify that for purposes of determining whether indebtedness of a director, nominee or principal shareholder exceeds 10 percent of equity capital, the indebtedness shall be aggregated with that of a trust, immediate family member or affiliated corporation or organization, related to such person. Aggregation was required prior to the 1985 amendments. Since the time of the 1985 amendments the OCC has continued to require aggregation.

#### Regulatory Impact Analysis

Pursuant to Executive Order 12291, the OCC has determined that these amendments do not constitute a major rule. Therefore, a regulatory impact analysis is not required.

#### Regulatory Flexibility Act

The Comptroller of the Currency has certified that this final rule will not have a significant impact on a substantial number of small banks or other small entities.

#### Adoption Without Notice and Comment and Reason for Immediate Effective Date

The OCC has found that notice and comment procedures and a thirty day delayed effective date concerning this final rulemaking are unnecessary. This final rule is technical in nature and has no substantive effect.

#### List of Subjects in 12 CFR Part 11

National Bank, Banking, Securities disclosure rules.

For reasons set out in the preamble, Part 11 of Chapter I of Title 12 of the Code of Federal Regulations is amended to read as follows:

#### PART 11—[AMENDED]

1. The authority citation for 12 CFR Part 11 continues to read as follows:

Authority: 15 U.S.C. 781, 78m, 78n, 78p, 78w.

#### § 11.410 [Amended]

2. Section 11.410(e)(2) is amended by inserting the clause "shall be deemed to be beneficial owners of the securities" between the words "securities" and "subject".

3. Section 11.590, Item 5, paragraph (h) is added to read as follows:

#### § 11.590 Form for proxy and information statement (Form F-5).

Item 5. \* \* \*

(h) Furnish the information required by § 11.844(a) for persons described in § 11.844(a)(3) and any member of the immediate family of persons described in § 11.844(a)(3).

4. Section 11.590, Item 6, paragraph (b) is revised to read as follows:

#### § 11.590 Form for proxy and information statement (Form F-5).

Item 6. \* \* \*

(b) The information required by § 11.844(a) for persons described in § 11.844(a)(1) and (2) and any member of the immediate family of persons described in § 11.844(a)(1) and (2).

#### § 11.844 [Amended]

5. Section 11.844(c)(1)(iv)(D) is amended by changing the phrase "persons specified in § 11.844(c)(1)(iv)(A) or § 11.844(c)(1)(iv)(B)" to read "persons specified in paragraph (c)(1)(iv) (A), (B) or (C)."

6. Section 11.844(c)(1)(iv)(E) is amended by changing the phrase "persons specified in paragraph (c)(1)(iv) (A) and (B)" to "persons specified in paragraph (c)(1)(iv) (A), (B) or (C)."

7. Section 11.844(c)(1)(iv)(F) is amended by changing the phrase "persons specified in paragraph (c)(1)(iv) (A) and (B)" to "persons specified in paragraph (c)(1)(iv) (A), (B) or (C)."

8. Section 11.844(c), Instructions to Paragraph (C) of § 11.844, Instruction 2.D., is amended by changing the phrase "to a person specified in (A), (B), (C), (D), (E) or (F) of this paragraph" to read "by the bank to a person specified in (A), (B) or (C) of this paragraph, together with extensions of credit by the bank to related persons or entities specified in (D), (E) or (F) of this paragraph."

Date: October 24, 1988.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 88-25011 Filed 10-27-88; 8:45 am]

BILLING CODE 4810-33-M

#### FEDERAL RESERVE SYSTEM

#### 12 CFR Parts 207, 220, 221 and 224

#### Regulations G, T, U and X; Securities Credit Transactions; List of Marginable OTC Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

**SUMMARY:** The List of Marginable OTC Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published four times a year by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List effective August 8, 1988 and will serve to give notice to the public about the changed status of certain stocks.

**EFFECTIVE DATE:** November 14, 1988.

**FOR FURTHER INFORMATION CONTACT:** Peggy Wolfrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452-2781. For the hearing impaired only, Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TTD) (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:** Set forth below are stocks representing additions to or deletions from the Board's List of Marginable OTC Stocks. This supersedes the last List which was effective August 8, 1988. Additions and deletions for that List were published at 53 FR 28188, July 27, 1988. A copy of the complete List incorporating these additions and deletions is available from the Federal Reserve Banks.

The List of Marginable OTC Stocks includes those stocks that meet the criteria specified by the Board of Governors in Regulations G, T, U and X (12 CFR Parts 207, 220, 221 and 224, respectively). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The List also includes any stock designated under an SEC rule as qualified for trading in the national market system (NMS Security). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable at broker-dealers upon the effective date of their NMS designation. The names of these stocks are available at the Board and the Securities and Exchange Commission and will be incorporated into the Board's next quarterly List.



The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the List specified in 12 CFR 207.6 (a) and (b), 220.17 (a) and (b), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the List is effective.

#### List of Subjects

##### 12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

##### 12 CFR Part 220

Banks, Banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

##### 12 CFR Part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

##### 12 CFR Part 224

Banks, Banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. §§ 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6(c) (Regulation G), 12 CFR 220.2(s) and 220.17(c) (Regulation T), and 12 CFR 221.2(j) and 221.7(c) (Regulation U), there is set forth below a listing of deletions from and additions to the Board's List:

#### Deletions From List

##### Stocks Removed for Failing Continued Listing Requirements

Alaska Bancorporation

\$.01 par common  
Amco Energy Corporation  
\$.01 par common  
American First Corporation  
\$1.00 par common  
American Health Companies, Inc.  
\$.01 par common  
American Telemedia Network, Inc.  
No par common  
Anchor Financial Corporation  
\$6.00 par common  
Bancoklahoma Corporation  
\$2.00 par common  
Bercor, Inc.  
No par common  
Bildner, J. Sons, Inc.  
\$.01 par common  
Bioplasty, Inc.  
\$.01 par common  
Butler, John O., Company  
\$.01 par common  
Calstar, Inc.  
\$.10 par common  
Camera Platforms International, Inc.  
\$.005 par common  
CCA Industries, Inc.  
Class A, warrants (expire 06-30-89)  
Chief Automotive Systems, Inc.  
\$.10 par common  
Coated Sales, Inc.  
\$.01 par common  
Computer Microfilm Corporation  
\$.25 par common  
Corvus Systems  
No par common  
Crazy Eddie, Inc.  
6% convertible subordinated debentures  
Decor Corporation  
\$.01 par common  
Dewey Electronics Corporation  
\$.01 par common  
DNA Plant Technology Corp.  
Warrants (expire 01-17-90)  
Eagle Telephonics, Inc.  
Class A, warrants (expire 10-12-88)  
Empire Insurance Company  
\$1.00 par common  
Endotronics, Inc.  
No par common  
Finest Hour, Inc.  
No par common  
First World Cheese, Inc.  
Warrants (expire 06-05-91)  
Fountain Powerboat Industries Inc.  
Warrants (expire 12-15-91)  
Gateway Medical Systems, Inc.  
\$.10 par common  
Gemcraft, Inc.  
\$.10 par common  
General Physics Corporation  
\$.025 par common  
Geneve Capital Group, Inc.  
\$.10 par common  
Healthways Systems, Inc.  
\$.01 par common  
Hitk Corporation  
\$.001 par common  
Infinity Broadcasting Corp.

Class A, \$.01 par common  
Intel Corporation  
Warrants (expire 08-15-88)  
International Robomation/Intelligence  
No par common  
Invention, Design, Engineering Associates, Inc.  
\$.01 par common  
Knutson Mortgage Corporation  
\$.01 par common  
Medmaster Systems, Inc.  
Warrants (expire 07-10-91)  
Memory Metals, Inc.  
\$.01 par common  
Microwave Filter Company, Inc.  
\$.10 par common  
North American Holding Corp.  
\$.01 par common, Class A, non-voting, \$.001 par common  
Pay ' Save, Inc.  
\$1.00 par common  
Precision Target Marketing, Inc.  
\$.01 par common  
Warrants (expire 08-23-89)  
Quality Systems, Inc.  
\$.01 par common  
Ramtek Corporation  
\$.01 par common  
Ritzy's G. D., Inc.  
No par common  
Saratoga Standardbreds, Inc.  
\$.01 par common  
Scientific Micro Systems, Inc.  
\$.01 par common  
Sooner Defense of Florida, Inc.  
\$.01 par common  
Southern Hospitality Corporation  
\$.08-1/2 par common  
Thermal Profiles, Inc.  
\$.01 par common  
Trans World Airlines, Inc.  
\$6.00 par cumulative exchangeable preferred  
United Financial Group, Inc.  
No par common  
Vanzetti Systems Inc.  
\$.01 par common  
Vega Biotechnologies, Inc.  
\$.01 par common  
Virgin Group, PLC  
American Depository Receipts  
Webb, Del E., Corporation  
Warrants (expire 02-01-90)  
Wessex Corp.  
\$.01 par common  
  
*Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition*  
Albany International Corp.  
Class A, \$.001 par common  
Amcast Industrial Corporation  
No par common  
Baker, Fentress & Company  
\$1.00 par common  
Bear Automotive Service Equipment Co.  
\$.01 par common  
Berkline Corporation, The



\$1.00 par common	\$0.01 par common	No par common
Beverly Savings Bank (Massachusetts)	Micom Systems, Inc.	Asiamerica Equities, Inc.
\$1.00 par common	\$0.01 par common	\$1.00 par common
BIW Cable Systems, Inc.	Middleby Corporation, The	Assix International, Inc.
\$0.40 par common	\$0.01 par common	\$0.001 par common, Warrants (expire 07-19-91)
Brougher Insurance Group, Inc.	National Guardian Corporation	Associated Natural Gas Corporation
No par common	\$1.00 par common	\$1.00 par common
Capital Wire & Cable Corporation	Norton Enterprises, Inc.	B & H Bulk Carriers, Ltd.
No par common	\$0.01 par common	\$0.01 par common
Central Pacific Corporation	P&C Foods, Inc.	Babbage's, Inc.
No par common	\$0.01 par common	\$1.00 par common
Century Communications Corp.	Photronics Corporation	Bailey Corporation
Class A, \$0.01 par common	\$1.00 par common	\$1.00 par common
Century Papers, Inc.	Shoney's South, Inc.	BI Incorporated
\$1.00 par common	\$0.05 par common	No par common
Command Airways, Inc.	Silicon Systems, Inc.	Biogen, Inc.
\$0.01 par common	\$0.01 par common	Warrants (expire 06-30-94)
Comprehensive Care Corporation	Simmons Airlines, Inc.	BMC Software, Inc.
\$1.00 par common	No par common	\$0.01 par common
Concurrent Computer Corporation	Southold Savings Bank, The (New York)	Candela Laser Corporation
\$0.01 par common	\$1.00 par common	\$0.01 par common
Crosby, Philip Associates, Inc.	Southstate Bank for Savings	Casual Male Corporation, The
\$0.01 par common	\$1.00 par common	\$0.01 par common
Crystal Oil Company	Sovran Financial Corporation	Cellular, Inc.
\$0.01 par common	\$5.00 par common	\$0.001 par common
\$0.01 par convertible preferred	Spectramed, Inc.	Centennial Beneficial Corp.
Cyprus Minerals Company	\$0.01 par common	No par common
No par common	SPI Pharmaceuticals, Inc.	Ceramics Process Systems Corporation
Datametrics Corporation	\$0.01 par common	\$0.01 par common
No par common	System Industries, Inc.	Charter Federal Savings Bank (New Jersey)
Daxor Corporation	\$0.01 par common	\$0.01 par common
\$0.01 par common	Taunton Savings Bank	Chemex Pharmaceuticals, Inc.
Diagnostic Products Corporation	\$1.00 par common	Class 1—warrants (expire 05-20-90)
No par common	TCBY Enterprises, Inc.	Chemical Financial Corp.
Diasonics, Inc.	\$1.00 par common	\$10.00 par common
No par common	Total Erickson Resources, Ltd.	Cliffs Drilling Company
Dresher, Inc.	\$0.01 par common	No par convertible exchangeable preferred stock
\$0.01 par common	Unicare Financial Corp.	Coloroc Corporation
Energas Company	No par common	Class C, warrants (expire 03-31-89)
No par common	USP Real Estate Investment Trust	Class D, warrants (expire 10-25-88)
EPSCO, Inc.	\$1.00 par shares of beneficial interest	Concord Camera Corp.
\$1.00 par common	Welbilt Corporation	No par common
Farm Fresh, Inc.	\$1.00 par common	Constar International, Inc.
\$0.01 par common	Wellman, Inc.	Warrants (expire 11-13-89)
First Kentucky National Corporation	\$0.001 par common	Convergent Solutions, Inc.
No par common	Western Federal Savings and Loan Association (California)	\$0.01 par common, Warrants (expire 05-15-92)
First Union Corporation	\$1.00 par common	Coral Gold Corporation
\$3.33-1/3 par common	Wings West Airlines, Inc.	No par common
Freedom Federal Savings Bank (Illinois)	No par common	Cornucopia Resources Ltd.
\$0.01 par common	Wyse Technology	No par common
Frozen Food Express Industries, Inc.	No par common	Corporate Data Sciences, Inc.
\$1.50 par common	Xidex Corporation	No par common
Gartner Group, Inc., The	\$0.0875 par common	Critical Industries, Inc.
\$0.01 par common	Warrants (expire 04-16-93)	\$0.001 par common
Grandview Resources, Inc.	Zondervan Corporation, The	Dekalb Genetics Corporation
No par common	\$1.00 par common	Class B, no par common
Hooper Holmes, Inc.		DFSoutheastern, Inc.
\$0.01 par common		\$1.00 par common
Hunter-Melnor, Inc.		Eagle Bancorp, Inc.
\$0.01 par common		\$1.00 par common
IEC Electronics Corporation		Eastland Financial Corp.
\$0.05 par common		\$0.01 par common
Josephson International, Inc.		Environmental Control Group, Inc.
\$0.05 par common		\$1.00 par common
Lancer Corporation		
\$0.01 par common		
Lewis, Palmer G., Company, Inc.		
\$1.00 par common		
Matrix Science Corporation		

#### Additions To The List

ADT Limited  
 American Depository Receipts  
 All American Semiconductor, Inc.  
 \$0.01 par common  
 American Continental Corporation  
 \$1.00 per exchangeable preferred  
 American Power Conversion Corporation  
 \$0.01 par common  
 ARIX Corporation



Essex County Gas Company  
\$2.50 par common  
First Federal Savings Bank of Perry  
\$1.00 par common  
First of Long Island Corporation, The  
\$.10 par common  
Franklin First Financial Corporation  
\$.01 par common  
Genlyte Group Incorporated  
\$.01 par common  
GNI Group, Inc., The  
No par common  
Goodheart-Willcox Company, Inc.  
\$1.00 par common  
Gull Laboratories, Inc.  
\$.01 par common  
Healthwatch, Inc.  
No par common  
High Plains Corporation  
\$.10 par common  
Home Federal Savings Bank (South Carolina)  
\$1.00 par common  
Home Port Bancorp, Inc.  
\$.10 par common  
Imagine Films Entertainment, Inc.  
\$.01 par common  
Intercargo Corporation  
\$1.00 par common  
Intervoice, Inc.  
No par common  
Kinder-Care Learning Centers, Inc.  
\$.01 par common  
Kwik Products International Corporation  
No par common  
Landmark American Corporation  
\$.01 par common  
Landmark Graphics Corporation  
\$.05 par common  
Long Island City Financial Corporation, The  
\$.10 par common  
Mayflower Financial Corporation  
\$.01 par common  
Microamerica, Inc.  
\$.01 par common  
Nalcap Holdings, Inc.  
No par common  
National Media Corporation  
\$.10 par common  
Neorx Corporation  
\$.02 par common  
Novellus Systems, Inc.  
No par common  
Olympic Savings Bank (Washington)  
\$1.00 par common  
Pancretec, Inc.  
No par common  
Phoenix Technology Ltd.  
\$.001 par common  
Pride Petroleum Services, Inc.  
No par common  
Ratners Group, PLC  
American Depository Receipts  
Reliable Life Insurance Company, The  
Class A, \$1.00 par common  
Rock Financial Corporation  
\$3.33 par common

Scientific Technologies, Incorporated  
No par common  
Selfix, Inc.  
\$.01 par common  
Showscan Film Corporation  
\$.001 par common  
Sierra On-Line, Inc.  
\$.01 par common  
Silk Greenhouse, Inc.  
\$.01 par common  
Smithfield Companies, Inc., The  
No par common  
Software Toolworks, Inc., The  
\$.01 par common  
Stake Technology Ltd.  
No par common  
Stotler Group Inc.  
\$1.00 par common  
Structofab, Inc.  
\$.02 par common  
Synoptics Communications, Inc.  
No par common  
Tele-Optics, Inc.  
\$.01 par common, Warrants (expire 08-11-89)  
Tons of Toys, Inc.  
\$.01 par common  
Tuscarora Plastics, Inc.  
No par common  
Unigene Laboratories, Inc.  
\$.01 par common, Warrants (expire 08-11-92)  
United National Bancorp  
\$2.50 par common  
Unitronix Corporation  
No par common  
VMS Mortgage Investors, L.P. III  
Depository units of limited partnership interest  
Washington Savings Bank, F.S.B. (Maryland)  
\$.01 par common  
Weitek Corporation  
No par common  
Wetterau Properties, Inc.  
\$.01 par common  
Wholesale Club, Inc., The  
No par convertible preferred  
By order of the Board of Governors of the Federal Reserve System, acting by its Staff Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(18)), October 24, 1988.  
William W. Wiles,  
Secretary of the Board.  
[FR Doc. 88-24916 Filed 10-27-88; 8:45 am]  
BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Social Security Administration

#### 20 CFR Part 404

#### Federal Old-Age Survivors and Disability Insurance (1950-)

##### CFR Correction

At 51 FR 10616, March 28, 1986, the Social Security Administration published an amendment to § 404.315(c) of Title 20 (Parts 400-499). The amendment to § 404.315(c) was published incorrectly. At 51 FR 16166, May 1, 1986, the cross reference in § 404.315 was corrected to read "§ 404.1505".

In the April 1987, revision of the Code of Federal Regulations, on page 76, column 2, paragraph (c), line 2, the cross reference was published incorrectly as "§ 404.1405". In the April 1988, revision of the Code of Federal Regulations on page 80, column 1, paragraph (c), line 2, the cross reference continued to be published incorrectly.

#### § 404.315 [Corrected]

The cross reference reading "§ 404.1405" should read "§ 404.1505" in the second line of paragraph (c) of § 404.315.

BILLING CODE 1505-01-D

### Food and Drug Administration

#### 21 CFR Parts 74, 81, and 82

[Docket No. 87N-0160]

#### Listing of Color Additives Subject to Certification; D&C Red No. 33; Confirmation of Effective Date and Partial Stay of Effectiveness

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date and partial stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of September 30, 1988, for the permanent listing of D&C Red No. 33 for use in drugs and cosmetics generally. Also, FDA is staying the removal of the section on the temporary tolerances insofar as is necessary to continue the temporary tolerance for D&C Red No. 36.

DATE: Effective date confirmed: September 30, 1988, except the provisions that are stayed that relate to a temporary tolerance for D&C Red No. 36.



**FOR FURTHER INFORMATION CONTACT:** Patricia J. McLaughlin, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5740.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of August 30, 1988 (53 FR 33110), FDA published a final rule permanently listing D&C Red No. 33 for general use in drugs and cosmetics, except for use in the area of the eye. The action was in response to a petition filed by the Cosmetic, Toiletry, and Fragrance Association; the Pharmaceutical Manufacturers Association; and the Certified Color Manufacturers Association, Inc., and to a petition filed by Procter and Gamble Co. That final rule amended 21 CFR Part 74 by adding new §§ 74.1333 and 74.2333. The rule also amended 21 CFR 81.1 and 81.27 by removing the entries for D&C Red No. 33 from those regulations. The rule revised 21 CFR 82.1333 to require that D&C Red No. 33 conform in identity and specifications to the requirements of 21 CFR 74.1333 and to require that all lakes of the color additive be manufactured from previously certified batches of the straight color additive.

The August 30, 1988, final rule also removed 21 CFR 81.25, which established temporary tolerances for D&C Red No. 33 and D&C Red No. 36, but FDA is staying the removal of that section as it applies to D&C Red No. 36 to allow continuity of use for D&C Red No. 36 while the agency considers an objection to the final rule on that color additive. (See the document published elsewhere in this issue of the Federal Register concerning D&C Red No. 36.) The temporary tolerance for D&C Red No. 33 is removed, effective September 30, 1988.

FDA stated that the final rule on D&C Red No. 33 would become effective September 30, 1988, except for any provisions that may be stayed by the filing of proper objections by September 29, 1988. FDA received one objection to the final rule. A manufacturer of the color additive objected to the description of the manufacturing process stated in 21 CFR 74.1333(a)(1), which says "To manufacture the additive, the product obtained from the nitrous acid diazotization of aniline is coupled with 4-hydroxy-5-amino-2,7-naphthalenedisulfonic acid in an alkaline aqueous medium. The color additive is isolated as the sodium salt." The manufacturing process outlined in the objection uses an acetyl derivative of the reactant described in the regulation, coupling the product

obtained from the nitrous acid diazotization of aniline with 4-hydroxy-5-acetylamino-2,7-naphthalenedisulfonic acid. The product of this coupling is then deacetylated and isolated as the sodium salt. The objector requested a period of 90 days to allow it to bring its manufacturing process into conformity with the regulation. The objection is on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857, under Docket No. 87N-0160.

The objection did not request a change in the regulation, and therefore does not provide a basis for not confirming the effective date of the final rule. However, to allow the objector to bring its process into conformity with the final rule, the agency will not take action against D&C Red No. 33 manufactured in accordance with the process described in that objection until after December 31, 1988. The color additive must meet the specifications in the final rule.

FDA is also partially staying the removal of § 81.25 so that the temporary tolerance on use of D&C Red No. 36 in ingested drugs can continue in effect while the objection on that use of that color additive is considered. The listing of D&C Red No. 33 in that section is removed.

#### List of Subjects

##### 21 CFR Part 74

Color additives, Cosmetics, Drugs.

##### 21 CFR Part 81

Color additives, Cosmetics, Drugs.

##### 21 CFR Part 82

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376)) and 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 of Food and Drugs (21 CFR 5.10), the effective date of September 30, 1988, for the amendments to Parts 74, 81, and 82 promulgated in the August 30, 1988, final rule (53 FR 33110) is confirmed, except that the removal of § 81.25 is partially stayed as set forth below.

#### PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

1. The authority citation for 21 CFR Part 81 continues to read as follows:

**Authority:** Secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376); Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note); 21 CFR 5.10.

##### § 81.25 [Amended]

2. The removal of paragraph (c)(1) in § 81.25 *Temporary tolerances*, except for the listing of D&C Red No. 33, is stayed.

Dated: October 25, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-25050 Filed 10-27-88; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Parts 74, 81, and 82

[Docket Nos. 76N-0366 and 87N-0182]

#### Listing of Color Additives Subject to Certification; D&C Red No. 36; Confirmation of Effective Date, Partial Stay of Effectiveness, and Postponement of Closing Date

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule; partial confirmation of effective date and partial stay of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date of September 2, 1988, for the permanent listing of D&C Red No. 36 for use in drugs and cosmetics generally. The agency is staying one provision to which an objection was made. The agency is also postponing the closing date of the provisional listing for D&C Red No. 36 and staying the termination of the temporary tolerance regulation for D&C Red No. 36.

**DATE:** *Effective date confirmed:* September 2, 1988, except those provisions that are stayed. The new closing date for the provisional listing is December 27, 1988.

**FOR FURTHER INFORMATION CONTACT:** Patricia J. McLaughlin, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5740.

#### SUPPLEMENTARY INFORMATION:

In the Federal Register of August 2, 1988 (53 FR 29024), FDA published a final rule permanently listing D&C Red