FEDERAL REGISTER

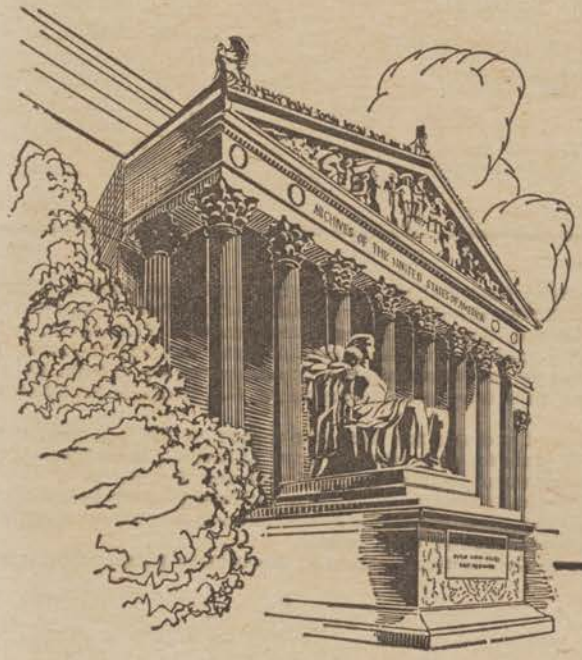
VOLUME 35 • NUMBER 140

Tuesday, July 21, 1970 • Washington, D.C.

Pages 11609–11670

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER
Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
July 2, 1910 (see PLO 4867) 11632
Jan. 24, 1914 (revoked in part by PLO 4866) 11631
July 8, 1914 (see PLO 4867) 11632
Dec. 2, 1918 (revoked in part by PLO 4866) 11631

7 CFR

20 11613
908 11613
910 11613

9 CFR

76 (2 documents) 11614
78 11616
PROPOSED RULES:
201 11634

12 CFR

523 11616

14 CFR

39 11616
71 (3 documents) 11617, 11618
135 11618
PROPOSED RULES:
39 (2 documents) 11637
71 (2 documents) 11637, 11638

16 CFR

PROPOSED RULES:
425 11640

18 CFR

PROPOSED RULES:
2 11638

19 CFR

1 11619

21 CFR

3 11620
121 11621
141c 11622
146c 11622

26 CFR

31 11626

29 CFR

210 11618

32 CFR

103 11628
136 11629
173 11630

42 CFR

PROPOSED RULES:
81 (2 documents) 11636

43 CFR

PUBLIC LAND ORDERS:
2103 (see PLO 4866) 11631
4582 (modified by PLO 4865) 11631
4689 (modified by PLO 4868) 11632
4865 11631
4866 11631
4867 11632
4868 11632

50 CFR

1 11632
2 11633
11 11633
16 11633
29 11633
32 11633

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 1]

PART 20—LIMITATION ON IMPORTS OF MEAT

Subpart—Section 204 Import Regulations

RESTRICTION ON IMPORTATION OF MEAT FROM HONDURAS

Section 20.3 is amended by adding a new paragraph prohibiting the importation of meat in excess of 15.3 million pounds from Honduras during the calendar year 1970. This regulation is issued with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations to carry out a bilateral agreement negotiated with the Government of Honduras pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854). Since the action taken herewith has been determined to involve foreign affairs functions of the United States, this amendment and the request to the Commissioner of Customs, being necessary to the implementation of such action, fall within the foreign affairs exception to the notice and effective date provision of 5 U.S.C. 553 (Supp. V, 1970).

The Subpart—Section 204 Import Regulations of Part 20, Subtitle A of Title 7 (35 F.R. 10837), is amended as follows:

Section 20.3 is amended by inserting "(a) *Transshipment.*" before the first paragraph and by adding the following paragraph:

§ 20.3 Restrictions.

* * * * *

(b) *Imports from Honduras.* No more than 15.3 million pounds of meat which is the product of Honduras may be entered, or withdrawn from warehouse, for consumption in the United States during the calendar year 1970. Appendix B hereto sets forth a letter to the Commissioner of Customs dated July 17, 1970, from the Secretary of Agriculture, concurred in by the Secretary of State and the Special Representative for Trade Negotiations, requesting this limitation be placed in effect.

Effective date. The regulation contained in the amendment shall become effective upon publication in the FEDERAL REGISTER, but shall not apply to meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date.

(Sec. 204, Agricultural Act of 1956, as amended (7 U.S.C. 1854); E.O. 11539)

Issued at Washington, D.C., this 17th day of July 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

APPENDIX B

Hon. MYLES J. AMBROSE,
Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20220.

JULY 17, 1970.

DEAR MR. AMBROSE: A bilateral agreement has been negotiated with the Government of Honduras pursuant to section 204 of the Agricultural Act of 1956, limiting the export from Honduras and the importation into the United States of fresh, chilled, or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States) and fresh, chilled, or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States), during the calendar year 1970. In accordance with the authority delegated by E.O. 11539, dated June 30, 1970, I am, with the concurrence of the Secretary of State and the Special Representatives for Trade Negotiations, issuing a regulation to assist in carrying out this bilateral agreement.

This regulation provides that no more than 15.3 million pounds of meat of the above description, the product of Honduras, may be entered, or withdrawn from warehouse, for consumption in the United States during the calendar year 1970. This regulation will constitute amendment 1 to the section 204 Import Regulation (35 F.R. 10837). A copy of this regulation, which will be published in the FEDERAL REGISTER, is enclosed.

In accordance with E.O. 11539, you are requested to take such action as is necessary to implement this regulation. This request is made with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-9378; Filed, July 20, 1970; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 321, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 908.621 (Valencia Orange Regulation 321, 35 F.R. 11013) are hereby amended to read as follows:

§ 908.621 Valencia Orange Regulation 321.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 299,000 cartons;

(ii) District 2: 351,000 cartons.

* * * * *

(Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 16, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-9316; Filed, July 20, 1970; 8:48 a.m.]

[Lemon Reg. 435, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this

amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.735 (Lemon Regulation 435, 35 F.R. 11165) are hereby amended to read as follows:

§ 910.735 Lemon Regulation 435.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 311,550 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 16, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-9315; Filed, July 20, 1970; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Tennessee; paragraph (f) is amended by deleting the name of the State of Tennessee; and a new paragraph (e)(17) relating to the State of Tennessee is added to read:

(17) *Tennessee.* That portion of Weakley County bounded by a line beginning at the junction of State Highway 118 and the North Fork of the Obion River; thence, following the south bank of the North Fork of the Obion River in a generally southwesterly direction to Federal Highway 45 E (also State Highway 43); thence, following Federal Highway 45 E (also State Highway 43) in a generally southerly direction to State Highway 22; thence, following State Highway 22 in a generally southeasterly direction to State Highway 118; thence, following State Highway 118 in a northerly direction to its junction with the North Fork of the Obion River.

2. In § 76.2, the introductory portion of paragraph (e) is amended by deleting therefrom the name of the State of Pennsylvania and paragraph (e)(10) relating to the State of Pennsylvania is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Weakley County, Tenn., because of the existence of hog cholera. This action action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such county. Further, the amendments delete the State of Tennessee from the list of hog cholera eradication States as set forth in § 76.2(f).

The amendments also exclude a portion of Chester County, Pennsylvania from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of July 1970.

GEORGE W. IRVING, Jr.,
Administrator, Agricultural Research Service.

[F.R. Doc. 70-9312; Filed, July 20, 1970; 8:48 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Standards for Approved Stockyards and Livestock Markets

On June 3, 1970, there was published in the FEDERAL REGISTER (35 F.R. 8571–8572) a notice of proposed rule making with respect to proposed amendments of the hog cholera regulations as contained in Part 76, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), § 76.16(b) of said Part 76 is hereby amended to read as follows:

§ 76.16 Approval of stockyards and livestock markets; approval of modified live virus vaccines.

* * * * *

(b) The Director of Division is authorized to approve any stockyard or livestock market for the purposes of the regulations in this part and efforts in cooperation with the States for the control and eradication of hog cholera, when he determines that the operator of such stockyard or livestock market has executed an appropriate agreement as set forth in subparagraph (1) or (2) of this paragraph and that the stockyard or livestock market meets the standards specified in the applicable subparagraph. Request for such approval may be made to the Veterinarian-in-Charge, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture in the State in which the stockyard or livestock market is located, and the executed agreement shall be filed with said Veterinarian-in-Charge. The director is authorized to promulgate notices listing approved stockyards and livestock markets in accordance with paragraph (a) of this section. The director may withdraw approval and remove any stockyard or livestock market from such list when he determines that such stockyard or livestock market no longer meets the standards as specified in subparagraph (1) or (2) of this paragraph that are applicable to its operations, or that the operator has terminated his agreement.

(1) AGREEMENT FOR APPROVAL OF STOCKYARD OR LIVESTOCK MARKET TO HANDLE INTERSTATE SHIPMENTS OF ANY CLASSES OF SWINE

To: Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture:

The undersigned operator of the (stockyard) (livestock market)[1] known as _____, located at
(Name)
_____, hereby
(Address)
requests approval to handle interstate shipments of feeder or breeder and/or slaughter swine in accordance with the regulations in

[1] Delete inapplicable term.

9 CFR Part 76, (from any State) (from hog cholera eradication States currently listed in § 76.2(f) or free States currently listed in § 76.2(g) of the regulations).[1] Said operator agrees to:

1. Provide said Division with a schedule of sale days and cooperate with the Division in obtaining compliance by livestock shippers with applicable State and Federal regulations.

2. Provide well-constructed and well-lighted imperviously surfaced pens, alleys, docks, scales, and sales rings for holding, inspecting and otherwise handling swine.

3. Require all swine received at the (stockyard) (livestock market)[1] to be given an inspection by a Division or State inspector or an accredited veterinarian, and refuse to sell any swine that show any signs of any infectious, contagious, or communicable disease upon such inspection except as authorized by a Division or State inspector or an accredited veterinarian.

4. Separate, from other swine, all swine found upon inspection to be, or suspected of being, affected with any contagious, infectious, or communicable disease and immediately notify a Division or State inspector, or an accredited veterinarian of the presence of such swine at the (stockyard) (livestock market).[1]

5. Maintain feeder and breeder swine separately from slaughter swine; and if these two classes of swine are yarded in adjoining pens, separate the classes by solid partitions with no drainage from the slaughter swine pens into the feeder and breeder swine pens.[2]

6. Sell feeder and breeder swine before the sales ring is used for slaughter swine if the sales ring is used for both these purposes on the same day.[2]

7. Permit no feeder or breeder swine to remain in the (stockyard) (livestock market)[1] for more than 72 hours, under normal operating conditions.

8. Issue no releases for removal of feeder or breeder swine from the (stockyard) (livestock market)[1] until the swine are identified [2] in accordance with any applicable requirements of the Federal or State regulations and have been inspected by a Division or State inspector, or an accredited veterinarian, and certified in accordance with applicable Federal or State regulations.

9. Issue no releases for removal of slaughter swine from the (stockyard) (livestock market)[1] unless consigned for immediate slaughter; and identify the consignee on the (stockyard's) (market's)[1] release document.

10. Clean pens, alleys, sales rings, docks and scales before each day's sale of feeder or breeder swine and disinfect such facilities when required under § 71.4 or § 76.32, with a disinfectant specified in § 76.33 of the regulations.[2]

11. Provide facilities and service for cleaning and disinfecting cars, trucks, and other vehicles as prescribed in §§ 76.9, 76.30, and 76.31.

12. Permit no swine to be inoculated at the (stockyard) (livestock market)[1] with any modified live virus hog cholera vaccine or any virulent hog cholera virus.

13. Maintain for 1 year after the transaction involved, a record of the origin and destination of all swine, and identification [2] as required in § 76.9 of all swine other than slaughter swine handled through the (stockyard) (livestock market)[1] and afford Federal and State inspectors access to such records.

Name of Operator of (Stockyard) (Livestock Market)[1]

(Address)

(Signature and Title)

(Date)

The Director, Animal Health Division, ARS, has approved this application effective----------.

(Date)

(Veterinarian-in-Charge)

(Address)

(Date)

(2) AGREEMENT FOR APPROVAL OF STOCKYARD OR LIVESTOCK MARKET TO HANDLE INTERSTATE SHIPMENTS OF SLAUGHTER SWINE ONLY

To: Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture:

The undersigned operator of the (stockyard) (livestock market)[1] known as ---------- located at ---------- (Name) (Address) hereby requests approval to handle interstate shipments of slaughter swine only, in accordance with the regulations in 9 CFR Part 76. Said operator agrees to:

1. Provide said Division with a schedule of sale days and cooperate with the Division in obtaining compliance by livestock shippers with applicable State and Federal regulations.

2. Separate from other swine, all swine suspected of being affected with any contagious, infectious, or communicable disease and immediately notify a Division or State inspector, or an accredited veterinarian of the presence of such swine at the (stockyard) (livestock market).[1]

3. Issue no releases for removal of any swine from the (stockyard) (livestock market)[1] unless consigned for immediate slaughter; and identify the consignee on the (stockyard's) (livestock market's)[1] release document.

4. Permit no swine to be inoculated at the (stockyard) (livestock market)[1] with any modified live virus hog cholera vaccine or any virulent hog cholera virus.

5. Maintain for 1 year after the transaction involved, a record of the origin and destination of all swine handled through the (stockyard) (livestock market)[1] and afford Federal and State inspectors access to such records.

Name of Operator of (Stockyard) (Livestock Market)[1]

(Address)

(Signature and Title)

(Date)

The Director, Animal Health Division, ARS, has approved this application effective ----------.

(Date)

(Veterinarian-in-Charge)

(Address)

(Date)

The Federal-State cooperative program for the eradication of hog cholera has progressed to its final stages. However, isolated foci of infection remain a hazard to the successful completion of the program. The movement of exposed swine through market channels is known to be the principal method by which hog cholera is being spread. Seventy-five percent of the known incidence of the disease is currently related to such movement. Therefore, the purpose of this amendment is to set forth in the regulations standards for facilities and operations of approved swine markets so as to reduce the probability of exposure to hog cholera while swine are in market channels. All previously approved stockyards and livestock markets must obtain approval in accordance with the new provisions contained in this amendment in order to maintain their status as approved facilities.

The foregoing amendments are substantially the same as the proposals set forth in the notice of rule making except that they impose less stringent requirements for approval of stockyards and livestock markets in three respects. Under the proposal, inspections of all swine required could be made only by a Division inspector or an accredited veterinarian or a State employed veterinarian, whereas, in the amendments such inspections can be made by any Division or State inspector or an accredited veterinarian; and, the requirement that all slaughter swine handled through approved stockyards and livestock markets be identified and that records of identification be maintained for a period of 1 year after the transaction involved has been deleted. Further, the amendments make some of the conditions for approval inapplicable for stockyards and livestock markets located in hog cholera eradication or free States that receive swine only from hog cholera eradication or free States.

These changes were made in response to comments received from interested parties during the period provided for public comment, and are deemed consistent with the objectives of the regulations.

A period of 30 days from the date of publication of these amendments in the FEDERAL REGISTER is provided to enable operators of stockyards and livestock markets to be approved to comply with the standards set forth herein. Therefore, under the administrative procedure provision of 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are unnecessary.

NOTE: The record keeping and/or reporting requirements contained herein have been

[1] Delete inapplicable term.

[2] The requirements of paragraphs 5, 6, and 10 and the identification requirements of paragraphs 8 and 13 do not apply to stockyards or livestock markets that are located in a hog cholera eradication or free State and that receive swine only from eradication or free States. If any stockyard or livestock market is approved to handle swine under the lesser requirements provided by this footnote on the basis of being located in, and handling only swine from, a hog cholera eradication or free State and if any such State involved loses its status as an eradication or free State all of the requirements of this agreement shall apply to such stockyard or livestock market until the State regains its status as an eradication or free State.

[1] Delete inapplicable term.

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. The amendments shall become effective 30 days after publication.

Done at Washington, D.C., this 15th day of July 1970.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 70-9313; Filed, July 20, 1970; 8:48 a.m.]

PART 78—BRUCELLOSIS

Movement of Official Vaccinates

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 123–126, 134b–134h) Part 78, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

Section 78.12(c)(2)(ii)(*a*) is amended to read as follows:

§ 78.12 Movement of cattle not known to be affected with brucellosis.[3] [4]

* * * * *

(c) *Movement of cattle for feeding, breeding, or other purposes.* * * *

(2) * * *

(ii) * * *

(*a*) Official vaccinates of the beef breeds under 24 months of age and of other breeds under 20 months of age at the time of interstate movement which originate in qualified herds may be moved interstate into any area when accompanied by a certificate as defined in § 78.1(q).

* * * * *

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended; 33 F.R. 15485)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment lowers the age at which officially vaccinated animals from qualified herds in noncertified areas may be moved interstate on the basis of an official certificate of compliance with § 78.12. The age is lowered from 30 months to 20 months for cattle of other than beef breeds, and from 30 months to 24 months for cattle of beef breeds. Evidence has been accumulated which shows that the possibility that vaccinated cattle under 30 months of age may be infected with brucellosis is greater in the case of cattle of the beef breeds over 24 months and cattle of other breeds over 20 months than in the case of younger cattle. Therefore, the decrease in the ages at which such official vaccinates may be moved interstate under such a certificate is deemed necessary to prevent the interstate spread of brucellosis.

The foregoing amendment should be made effective promptly in order to facilitate the Federal-State cooperative brucellosis eradication program. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary; and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of July 1970.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 70-9346; Filed, July 20, 1970; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 70-47]

PART 523—MEMBERS OF BANKS

Federal Home Loan Bank Membership

JULY 14, 1970.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the advisability of amending Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) for the purpose of providing for automatic Board approval of Bank membership in certain cases where a member is removed from membership by operation of law pursuant to section 407(i) of the National Housing Act, as amended, hereby amends said Part 523 by adding a new § 523.3–1, immediately after § 523.3 thereof, to read as follows, effective August 1, 1970.

§ 523.3–1 Automatic Board approval in certain cases.

A member which is removed from membership by operation of law pursuant to section 407(i) of the National Housing Act, as amended, solely because of the termination of its status as an institution whose accounts are insured under said Act, resulting from its conversion to an institution whose accounts are insured by the Federal Deposit Insurance Corporation, shall be deemed, as of the effective date of such conversion, to be automatically approved by the Board as a member, provided that such institution, acting by its board of directors or board of trustees, has made written requests to the Bank of the district in which it is located for such membership and such Bank has approved such request. In case of automatic approval under this section, all loan, deposit, stock, and other relationships existing between such member and such Bank at the time of such conversion may continue without interruption.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendment relates to Board procedure, notice and public procedure are not required pursuant to the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the above amendment is not a substantive amendment or rule, publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment is likewise not required; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70-9327; Filed, July 20, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10294; Amdt. 39-1045]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Dart Models 506, 510, 511, 514, 525, 526, 528, 529, and 532 Engines Having Dart Modification 827 or 1224 Fuel Washed Burners Installed

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) requiring replacement of Dart Modification 827 or 1224 fuel washed burners on certain Rolls Royce Dart engines with Dart Modification 1155, 1226, or 1536 fuel washed burners was published in the FEDERAL REGISTER, 35 F.R. 7185.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, the applicability clause of the AD has been changed to make it clear that the subject engines are also installed on Fairchild Hiller Model FH–227D airplanes. Also, the parenthetical phrase "(burner can)" is being deleted from the AD, since it has been determined that clarity does not require its use.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROLLS ROYCE, LIMITED. Applies to all series Rolls Royce Dart Models 506, 510, 511, 514, 525, 526, 528, 529, and 532 engines having Dart Modification 827 or 1224 fuel washed burners installed. These engines are installed on, but not necessarily limited to, the following type aircraft: Hawker Siddeley, Argosy AW.650; Fairchild Hiller F-27, F-27A, F-27B, F-27F, F-27G, F-27J, FH-227, FH-227B, FH-227C, FH-227D, FH-227E; Fokker F.27, all marks; British Aircraft Corporation Visount 744, 745D, and 810; and Grumman G-159.

To prevent cracking of the fuel-washed burners, within the next 300 hours' time in service after the effective date of this AD, unless already accomplished, replace Dart Modification 827 and 1224 fuel-washed burners with burners incorporating Rolls Royce Dart Modification 1155, 1226, or 1536, in accordance with Rolls Royce Dart Aero Engine Alert Service Bulletin Number Da 73-A.54, Revision 3, dated February 16, 1970, or later ARB-approved issue or an FAA-approved equivalent.

This amendment becomes effective August 20, 1970.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 14, 1970.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-9305; Filed, July 20, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SW-24]

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

Designation, Alteration, and Revocation of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe, alter, revoke, and designate controlled airspace within the State of Texas and its coastal waters.

On May 21, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7817) stating the Federal Aviation Administration proposed to designate the Texas transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

TEXAS

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Texas including the airspace within 3 nautical miles of and parallel to the shoreline of Texas, that airspace south of Beaumont, Tex., bounded on the north by a line 3 nautical miles from and parallel to the shoreline, on the east by the Louisiana/Texas State line and on the south by the arc of a 25-mile radius circle centered at lat. 29°54'40" N., long. 94°02'40" W., that airspace east of Corpus Christi, Tex., bounded by a line 3 nautical miles from and parallel to the shoreline and a line beginning at a point 3 nautical miles from the shoreline at lat. 27°49'00' N., thence to lat. 27°45'30" N., long. 96°51'00" W., to lat. 27°28'20" N., long. 96°45'30" W., to lat. 27°14'30" N., long. 96°55'30" W., to lat. 27°23'00" N., long. 97°06'00" W., to a point 3 nautical miles from the shoreline at lat. 27°11'20" N., excluding that airspace in the vicinity of Matagorda Island south and east of a line beginning at a point 3 nautical miles from the shoreline at lat. 28°22'00" N., thence to lat. 28°22'00" N., long. 96°30'00" W., to lat. 28°14'00" N., long. 96°46'00" W., thence along long. 96°46'00" W., to a point 3 nautical miles from the shoreline, and excluding that airspace bounded by a line beginning at the United States/Mexican Border, thence counterclockwise along the arc of a 95-mile radius circle centered at lat. 31°48'35" N., long. 106°22'55" W., to and along the south boundary of V-198 to long. 103°16'00" W., thence to lat. 30°37'00" N., long. 102°40'00" W., thence to the south boundary of V-198 at long. 102°30'00" W., thence along the south boundary of V-198 to and along long. 101°00'00" W., to and counterclockwise along the arc of a 60-mile radius circle centered at lat. 29°21'35" N. long. 100°46'35" W., to and along the United States/Mexican Border to the point of beginning.

In § 71.181 (35 F.R. 2134), the 1,200-foot portions of the following transition areas are revoked:

Alexandria, La.	Junction, Tex.
Austin, Tex.	Killeen, Tex.
Beaumont, Tex.	Lake Charles, La.
Beeville, Tex.	Lufkin, Tex.
Brownsville, Tex.	Paris, Tex.
Cotulla, Tex.	Pecos, Tex.
Dalhart, Tex.	Perryton, Tex.
Dallas-Fort Worth, Tex.	San Angelo, Tex.
	Shreveport, La.
Fort Stockton, Tex.	Tyler, Tex.
Guthrie, Tex.	Uvalde, Tex.
Houston, Tex.	Waco, Tex.

In § 71.181 (35 F.R. 2134), the 1,200-foot portions of the following transition areas are amended by changing the last period to a comma and adding "excluding the portion within the State of Texas." thereto:

Childress, Tex.	Midland, Tex.
Clovis, N. Mex.	Sherman, Tex.
Gage, Okla.	Wichita Falls, Tex.
Hobbs, N. Mex.	Wink, Tex.

In § 71.181 (35 F.R. 308, 2134), the 1,200-foot portion of the Carlsbad, N. Mex., transition area is amended in part by deleting "to 33 miles southeast of the VOR." and substituting "to 33 miles southeast of the VOR, excluding the portion within the State of Texas." therefor.

In § 71.181 (35 F.R. 2134), the following transition areas are amended in part as follows:

1. Corpus Christi, Tex.: All after "12 miles southeast of the TACAN" is deleted.

2. El Paso, Tex.: "to point of beginning" at the end of the 1,200-foot portion is deleted and "to point of beginning, excluding the portion within the State of Texas" is substituted therefor. All after "lat. 32°05'45" N., long. 104°48'00" W.; to point of beginning;" is deleted from the 2,000-foot portion.

3. Hobart, Okla.: "to point of beginning" in both the 1,200- and 8,000-foot portions is deleted and "to point of beginning, excluding the portion within the State of Texas" is substituted therefor.

4. Laredo, Tex.: All after "15 miles north of the TACAN, excluding those portions outside the United States" is deleted.

5. Lubbock, Tex.: "excluding that airspace within the Childress, Tex., transition area." is deleted and "excluding the portion within the State of Texas." is substituted therefor.

6. Texarkana, Ark.: "to point of beginning" is deleted and "to point of beginning, excluding the portions within the State of Texas and the State of Arkansas" is substituted therefor.

In § 71.181 (35 F.R. 2134), the following transition areas are amended to read:

ABILENE, TEX.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of lat. 32°25'10" N., long. 99°51'15" W., and within 8 miles east and 5 miles west of the Abilene ILS localizer south course extending from the OM to 12 miles south.

AMARILLO, TEX.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Amarillo Air Terminal (lat. 35°13'10" N., long. 101°42'40" W.).

BIG SPRING, TEX.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of lat. 32°12'55" N., long. 101°31'06" W.

DEL RIO, TEX.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of lat. 29°23'00" N., long. 100°50'15" W., and within 5 miles southwest and 8 miles northeast of the Laughlin VOR 148° and 330° radials extending from 12 miles southeast of the VOR to 12 miles northwest of the VOR, excluding the portion outside the United States.

(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 Forth Worth, Tex., on July 9, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-9306; Filed, July 20, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SW-27]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Harrison, Ark., control zone and transition area.

On May 15, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7585) stating the Federal Aviation Administration proposed to alter controlled airspace in the Harrison, Ark., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

(1) In § 71.171 (35 F.R. 2054), the Harrison, Ark., control zone is amended to read:

HARRISON, ARK.

Within a 5-mile radius of Boone County Airport (lat. 36°15'55" N., long. 93°09'14" W.), within a 7.5-mile radius of the airport extending from the Harrison VOR 165° radial clockwise to the 230° radial, and within 1.5 miles each side of the Harrison VOR 140° radial extending from the 5-mile radius zone to the VOR.

(2) In § 71.181 (35 F.R. 2134), the Harrison, Ark., transition area is amended to read:

HARRISON, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Boone County Airport (lat. 36°15'-55" N., long. 93°09'14" W.), within a 12.5-mile radius of the airport extending from the Harrison VOR 140° radial clockwise to the 320° radial, and within 3.5 miles each side of the Harrison VOR 320° radial extending from the 6.5-mile radius area to 11.5 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-72, on the east by V-71, and on the south by the Arkansas/Missouri State line excluding the portion within the Point Lookout, Mo., transition area.

(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 Fort Worth, Tex., on July 9, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-9307; Filed, July 20, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-41]

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

Alteration of Transition Area

On May 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8370), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Pine Mountain, Ga., transition area.

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

Subsequent to publication of the notice, Coast and Geodetic Survey refined the final approach bearing for the NDB (ADF) RWY 9 instrument approach procedure from the 270° to the 264° bearing from Pine Mountain Radio Beacon. It is necessary to alter the description to reflect this refinement. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken therein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Pine Mountain, Ga., transition area is amended to read:

PINE MOUNTAIN, GA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gardens-Harris County Airport (lat. 32°50'30" N., long. 84°52'55" W.); within 3 miles each side of the 264° bearing from Pine Mountain RBN (lat. 32°50'30" N., long. 84°52'36" W.), extending from the 8-mile radius area to 8.5 miles west of the RBN.

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

Issued in East Point, Ga., on July 7, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-9308; Filed, July 20, 1970; 8:47 a.m.]

[Docket No. 9323; Amdt. 135-20]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Additional Airworthiness Standards for Airplanes With 10 or More Passenger Seats; Extension of Type Certification Date

The purpose of this amendment to § 135.144(c) is to extend the date for type certification under SFAR No. 23 from July 1, 1970, to July 19, 1970.

Amendment 135-18 (35 F.R. 10098) becomes effective July 19, 1970. Under that amendment airplanes may be operated in Part 135 operations if they are type certificated under SFAR No. 23 before July 1, 1970. That date was selected on the basis of an FAA review of airplanes currently undergoing type certification in the normal category and in accordance with SFAR No. 23, which indicated that date would afford sufficient time for completion of such programs. However, it appears that one manufacturer whose type certification program was reasonably scheduled for completion by July 1, 1970, and was in the final stages of flight testing by the FAA, is unable to obtain a type certificate as originally scheduled. This inability to meet the schedule was due to circumstances beyond the control of the manufacturer. However, it is anticipated that the type certificate can be issued by July 19, 1970.

In view of the foregoing, adequate reasons exist to extend the date in § 135.144 (c) from July 1, 1970, to July 19, 1970.

Since this amendment is minor and relaxatory in nature, I find that public notice and procedure hereon are unnecessary, and that it may be made effective in less than 30 days.

In consideration of the foregoing, § 135.144(c) of the Federal Aviation Regulations as prescribed in Amendment 135-18 is hereby amended, effective July 19, 1970, by striking out "July 1, 1970," and inserting "July 19, 1970," in place thereof.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on July 17, 1970.

K. M. SMITH,
Acting Administrator.

[F.R. Doc. 70-9457; Filed, July 20, 1970; 10:40 a.m.]

Title 29—LABOR

Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor

PART 210—INTERPRETATIONS

Pursuant to authority in section 6(d) of Executive Order No. 11491 (34 F.R. 17605), there is hereby added to Chapter II of Title 29 of the Code of Federal Regulations a new Part 210 entitled "Interpretations", to read as set forth below.

As these new sections contain only interpretative rules and are not substantive, subsections (b), (c), and (d) of 5 U.S.C. 553 do not apply. I do not believe that either general notice of proposed rule making and public participation therein or delay in effective date would serve a useful purpose here. Accordingly, these rules shall be effective immediately.

The new Part 210 reads as follows:

Sec.
210.1 Purpose of this part.

SUPERVISORS

210.20 Supervisors acting as delegates to labor organization conventions held prior to December 31, 1970.

AUTHORITY: The provisions of this Part 210 issued under Executive Order No. 11491 (34 F.R. 17605).

§ 210.1 Purpose of this part.

It is the purpose of this part to make available interpretations under the provisions of Executive Order No. 11491 which will guide the Assistant Secretary of Labor for Labor-Management Relations in the performance of his duties under the Order unless or until he shall subsequently determine that the interpretation is incorrect.

SUPERVISORS

§ 210.20 Supervisors acting as delegates to labor organization conventions held prior to December 31, 1970.

Under the principles stated in section 1(b) of Executive Order 11491, supervisors are not authorized to participate in the management of a labor organization or to act as a representative of such an organization, except as provided in section 24 of the Order. Section 24(d) of Executive Order 11491 provides that supervisors shall be excluded from units of formal and exclusive recognition by December 31, 1970, except as provided in section 24(a). The Executive Order specifically recognizes a transitional period between Executive Order 10988 and Executive Order 11491 as stated in section 24(d). Therefore, the fact that a supervisor may be a delegate to a labor organization convention held prior to December 31, 1970, will not, in and of itself, violate section 1(b) of Executive Order 11491.

Signed at Washington, D.C., this 15th day of July 1970.

W. J. USERY, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 70-9324; Filed, July 20, 1970; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-159]

PART 1—GENERAL PROVISIONS

Reorganization of Customs Agency Service

To provide maximum use of Customs Agency Service personnel and facilities, it has been determined that existing Customs Agency Service regions should be discontinued and that districts and suboffices within each district should be established.

To establish the districts, define the geographical jurisdiction of each, and establish a headquarters office for each district and suboffices within each district, § 1.5, Customs Regulations, is amended to read:

§ 1.5 Customs Agency Service districts.

Customs Agency Service districts,[8] the areas of jurisdiction of such districts, headquarters offices and suboffices, and the titles of the officers in charge of such offices are as follows:

[8] Customs Agency Service district numbers do not correspond to customs district numbers.

CUSTOMS AGENCY SERVICE DISTRICTS AND SUBOFFICES

District No.	Headquarters	Area of Jurisdiction	Suboffices
1	Special Agent in Charge, Boston, Mass.	The States of Maine, New Hampshire, Massachusetts, and Rhode Island, and that part of the State of Connecticut east of a straight line (running north and south) midway between Bridgeport and New Haven.	Resident Special Agent, Houlton, Maine. Resident Special Agent, Portland, Maine. Resident Special Agent, Jackman, Maine. Resident Special Agent, Bangor, Maine.
2	Special Agent in Charge, New York, N.Y.	That part of the State of Connecticut west of a straight line (running north and south) midway between Bridgeport and New Haven; that part of the State of New York lying south of 42° north latitude; and that part of the State of New Jersey bounded by and including Hunterdon, Morris, Somerset, Middlesex, and Monmouth Counties on the south.	Resident Special Agent, John F Kennedy International Airport. Resident Special Agent, Newark, N.J.
3	Special Agent in Charge, Baltimore, Md.	That part of the State of New Jersey south of but including the counties of Mercer and Ocean; that part of the State of Pennsylvania lying east of 78° west longitude; the States of Maryland, Delaware, and Virginia; that part of the State of North Carolina lying north of 36° north latitude; and the District of Columbia.	Resident Special Agent, Philadelphia, Pa. Resident Special Agent, Washington, D.C. Resident Special Agent, Norfolk, Va.
4	Special Agent in Charge, Atlanta, Ga.	That part of the State of North Carolina lying south of 36° north latitude; that part of the State of Tennessee lying east of the east bank of the Tennessee River; the States of South Carolina and Georgia; and that part of the State of Florida lying north of 29° north latitude and east of the east bank of the Ochlockonee River.	Resident Special Agent, Wilmington, N.C. Resident Special Agent, Charleston, S.C. Resident Special Agent, Jacksonville, Fla. Resident Special Agent, Savannah, Ga.
5	Special Agent in Charge, Miami, Fla.	That part of the State of Florida lying south of 29° north latitude; Puerto Rico; and the Virgin Islands.	Resident Special Agent, Tampa, Fla. Resident Special Agent West Palm Beach, Fla. Resident Special Agent, San Juan, P.R. Resident Special Agent, Ponce, P.R. Resident Special Agent, St. Thomas, V.I.
6	Special Agent in Charge, New Orleans, La.	That part of the State of Tennessee lying west of the east bank of the Tennessee River; the States of Arkansas, Mississippi, and Alabama; that part of the State of Florida west of the east bank of the Ochlockonee River; and the State of Louisiana except Cameron and Calcasieu parishes.	Resident Special Agent, Mobile, Ala.
7	Special Agent in Charge, Houston, Tex.	That part of the State of Oklahoma east of 99° west longitude; that part of the State of Texas east of 99° west longitude, then south to 30° north latitude, then east to 98° west longitude, thence south to Mexico, including all of Hidalgo County; and Cameron and Calcasieu parishes in the State of Louisiana.	Resident Special Agent, Brownsville, Tex. Resident Special Agent, McAllen, Tex. Resident Special Agent, Dallas, Tex. Resident Special Agent, Beaumont, Tex. Resident Special Agent, Corpus Christi, Tex.
8	Special Agent in Charge, San Antonio, Tex.	That part of the State of Oklahoma west of 99° west longitude; that part of the State of Texas east of the Pecos River and west of 99° west longitude, south to 30° north latitude, then east to 98° west longitude, then south to Mexico by the northern and western borders of Hidalgo County.	Resident Special Agent, Laredo, Tex. Resident Special Agent, Falcon Heights, Tex. Resident Special Agent, Eagle Pass, Tex. Resident Special Agent, Del Rio, Tex. Resident Special Agent, Lubbock, Tex.
9	Special Agent in Charge, El Paso, Tex.	That part of the State of Texas west of the Pecos River; the States of New Mexico and Colorado; and that part of the State of Wyoming south of 42° north latitude.	Resident Special Agent, Alpine, Tex. Resident Special Agent, Deming, N. Mex. Resident Special Agent, Albuquerque, N. Mex. Resident Special Agent, Denver, Colo.
10	Special Agent in Charge, Nogales, Ariz.	The State of Arizona except for that part west of 114° west longitude and south of an imaginary line intersecting the northern boundary of Imperial County, Calif., and 114° west longitude.	Resident Special Agent, Douglas, Ariz. Resident Special Agent, Lukeville, Ariz. Resident Special Agent, Tucson, Ariz. Resident Special Agent, Phoenix, Ariz.
11	Special Agent in Charge, San Ysidro, Calif.	That part of the State of California comprising San Diego and Imperial Counties; and that part of the State of Arizona west of 114° west longitude and south of an imaginary line intersecting the northern boundary of Imperial County, Calif., and 114° west longitude.	Resident Special Agent, San Diego, Calif. Resident Special Agent, Tecate, Calif. Resident Special Agent, Calexico, Calif. Resident Special Agent, Andrade, Calif. Resident Special Agent, San Luis, Luis, Ariz.
12	Special Agent in Charge, Los Angeles, Calif.	That part of the State of California bounded on the north by the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties and on the south by the southern boundaries of Orange and Riverside Counties; and that part of the State of Nevada comprising Clark County.	Resident Special Agent, Los Angeles International Airport. Resident Special Agent, Las Vegas, Nev.

CUSTOMS AGENCY SERVICE DISTRICTS AND SUBOFFICES—Continued

District No.	Headquarters	Area of Jurisdiction	Suboffices
13	Special Agent in Charge, Honolulu, Hawaii.	The State of Hawaii	
14	Special Agent in Charge, San Francisco, Calif.	That part of the State of California north of the southern boundaries of Monterey, Kings, Tulare, and Inyo Counties; the State of Nevada except for Clark County; and the State of Utah.	Resident Special Agent, Sacramento, Calif. Resident Special Agent, Eureka Calif.
15	Special Agent in Charge, Seattle, Wash.	The States of Washington, Oregon, Montana, and Idaho; and that part of the State of Wyoming north of 42° north latitude.	Resident Special Agent, Blaine, Wash. Resident Special Agent, Spokane, Wash. Resident Special Agent, Portland, Oreg. Resident Special Agent, Great Falls, Mont.
16	Special Agent in Charge, Anchorage, Alaska.	The State of Alaska	
17	Special Agent in Charge, Duluth, Minn.	The States of North Dakota, South Dakota, and Minnesota; that part of the State of Wisconsin north of 44° north latitude; and that part of the State of Michigan (Lake Superior) west of 87° west longitude.	Resident Special Agent, Williston, N. Dak. Resident Special Agent, Pembina, N. Dak. Resident Special Agent, International Falls, Minn. Resident Special Agent, Minneapolis, Minn.
18	Special Agent in Charge, Chicago, Ill.	The States of Nebraska, Kansas, Iowa, Missouri, Illinois, and Indiana; that part of the State of Wisconsin south of 44° north latitude; and that part of Lake Michigan south of 45° north latitude.	Resident Special Agent, Milwaukee, Wis. Resident Special Agent, St. Louis, Mo. Resident Special Agent, Kansas, City, Mo.
19	Special Agent in Charge, Detroit, Mich.	The States of Ohio, Kentucky, and West Virginia; the State of Michigan and Lake Superior except those parts west of 87° west longitude; that part of the State of Pennsylvania west of 78° west longitude; and that part of the State of New York west of 77° west longitude.	Resident Special Agent, Cleveland, Ohio. Resident Special Agent, Buffalo, N.Y. Resident Special Agent, Sault Ste. Marie, Mich. Resident Special Agent, Pittsburgh, Pa.
20	Special Agent in Charge, Rouses Point, N.Y.	The State of Vermont and that part of the State of New York east of 77° west longitude and north of 42° north latitude.	Resident Special Agent, Ogdensburg, N.Y. Resident Special Agent, Newport, Vt.
21	Customs Attache, Rome, Italy.	Europe, Africa, and the Near East	Senior Customs Representative, Frankfurt, Germany. Senior Customs Representative, Paris, France. Senior Customs Representative, London, England.
22	Customs Attache, Tokyo, Japan.	All of the Far East, including Australia	Senior Customs Representative, Hong Kong, B.C.C.

Offices are also maintained at Montreal, P.Q., Canada, and Mexico City, D.F., Mexico, unrelated to any particular Customs Agency Service district, with Senior Customs Representatives detached from the Bureau of Customs Headquarters, Washington, D.C. The Montreal office will have jurisdiction over all of Canada, and the Mexico City office will have jurisdiction over all of Mexico.

(R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

Effective date. This amendment shall be effective as of July 1, 1970.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 9, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-9260; Filed, July 20, 1970; 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 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Combinations of Nutritive and Nonnutritive Sweeteners in Canned Fruits

In the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6595), the Commissioner of Food and Drugs proposed a statement of policy permitting the use of nutritive and nonnutritive sweeteners in canned fruits for a period of 1 year during which time regulatory action would not be recommended on the ground that such canned fruits failed to comply with the standards for canned fruits and artificially sweetened canned fruits.

In response thereto, four comments have been received. The Sugar Association, Inc., opposed combinations of nutritive and nonnutritive sweeteners and questioned the legality of the proposal itself and the propriety of the use of saccharin in canned fruits. The Commissioner concludes that there is authority to permit the temporary marketing of canned fruits which contain nutritive and nonnutritive sweeteners if the product is useful in calorie restricted diets and is properly labeled. Saccharin is listed as "generally recognized as safe" in the food additive regulations (21 CFR 121.101(d)(4)).

The Federal Trade Commission commented that the 50 percent reduction of the caloric value is ambiguous without defining the comparable product; that the food should be compared to the fruit canned in heavy syrup, if the consumer is not to be misled; but that artificial sweetener should not be authorized if the caloric reduction is not at least 50 percent when compared to the fruit canned in extra heavy syrup. The National Canners Association commented that the 50 percent caloric reduction requirement is unreasonable as to the needs of the American population and is unattainable as to most of the canned fruits covered by the statement of policy.

The Commissioner concludes that the most commonly used canning medium is heavy syrup and that this should be the basis for formulation of the product. Some canned fruits can meet the 50 percent reduction in calories and they should do so. If this figure is unattainable for other fruits, these will be considered on a product by product basis, but in no event will the product be permitted if a 25 percent reduction based on heavy syrup cannot be achieved.

The Federal Trade Commission commented that the statement of policy as written implies that the standardized names "artificially sweetened (name of fruit)" would be permitted and objected to this as misleading. The National Canners Association gave an example of the reformulated product's name as "sliced peaches in water sweetened with sugar and saccharin." The Commissioner concludes that the product name should be "(name of fruit) in water sweetened with saccharin and (name of nutritive sweetener)."

The Federal Trade Commission commented that the word "new" should be restricted to brand names or deleted from paragraph (c) of the statement of policy and that the language of this paragraph implies that canned fruits have previously been packed without calories. Paragraph (c) has been revised to delete

the implication. Also, since the name of the product has been spelled out, the use of the word "new" will not be misleading.

The National Canners Association objected to the requirement that the mandatory labeling statements appear on the principal display panel. They proposed that these statements be permitted to be placed on an adjacent panel which they call the "information panel." This requirement has been modified to require that the name of the food and the diabetic warning statement must appear on the principal display panel while the other statements may appear either on the principal display panel or on an adjacent panel.

Both the National Canners Association and Federal Trade Commission have objected to the label declaration on a "per ounce" basis instead of a one-half cup serving basis. This has been changed accordingly.

Pfizer commented that the word "sugar(s)" used in the diabetic warning should be changed to include sweeteners such as sorbitol. This statement has been changed to require the listing of the specific nutritive sweetener used.

The Federal Trade Commission pointed out that no provision has been made for the declaration of the percent of protein and fat as required by the special dietary food regulations (21 CFR Part 125). The Commissioner concludes that since available data show that canned fruits contain less than 1 percent total of fat plus protein and that most canned fruits contain only about 0.5 percent total of fat plus protein, this amount is insufficient to require this information to appear on the label. The information is not required but the Food and Drug Administration would not object to a truthful declaration on the label of canned fruits that they contain negligible amount of fat and protein. The Commissioner also concludes that for the labels of these products to be fully informative to consumers they should bear a statement of the carbohydrate and caloric content of the product as compared to the product canned in extra heavy syrup.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 401, 403, 409, 701(a), 52 Stat. 1046–48, as amended, 1055, 72 Stat. 1784–88, as amended; 21 U.S.C. 321(s), 341, 343, 348, 371(a) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 3:

§ 3.78 Combinations of nutritive and nonnutritive sweeteners in canned fruits.

Due to the ban on the use of cyclamates in foods by the order published in the FEDERAL REGISTER of October 21, 1969 (34 F.R. 17063), canners are seeking to provide palatable, calorie reduced, canned fruits sweetened by a combination of nutritive and nonnutritive sweeteners, including saccharin or its salts. The Commissioner has received inquiry as to the application of the Federal Food, Drug, and Cosmetic Act to canned fruits containing combinations of nutritive and nonnutritive sweeteners pending the establishment of standards of identity. Established identity standards in Part 27 of this chapter for artificially sweetened canned fruits do not permit the use of a combination of nutritive and nonnutritive sweeteners. The Commissioner concludes that pending amendment of the standards for artificially sweetened canned fruits to permit use of nutritive and nonnutritive sweeteners, the Food and Drug Administration will not recommend regulatory action against canned fruits sweetened in part with saccharin and in part with sugar, sorbitol, mannitol, and other nutritive sweeteners, provided that:

(a) The product is so formulated that its caloric value is at least 50 percent less than the same product formulated with heavy syrup; except that if a canned fruit cannot be so formulated as to result in a 50 percent caloric reduction, all pertinent data may be submitted to the Food and Drug Administration for a decision on a product basis. In no case will a product be permitted unless its caloric value has been reduced by at least 25 percent when compared to the same product canned in heavy syrup.

(b) The name of the product is "(name of fruit) in water sweetened with saccharrin and (name of nutritive sweetener)."

(c) If the product is to be marketed under a name heretofore used on a product represented to have a few calories per serving, the name shall be modified by the word "new" for at least 1 year following the time such product is introduced in a given market.

(d) The label bears in a prominent place on the principal display panel or on an adjacent panel:

(1) A statement of the percentage of saccharin or saccharin salt used and the statement "Contains_____mg. saccharin (or saccharin salt), a nonnutritive sweetener, per serving."

(2) A statement of the carbohydrate content per serving.

(3) A statement of the caloric content per serving.

(4) A statement of the carbohydrates and calories contained in a serving of this product as compared to the carbohydrates and calories contained in the product prepared in extra heavy syrup.

(e) The label bears in a prominent place on the principal display panel, in addition to the name of the food, the statements "Contains sugar" or "Contains (common or usual name of nutritive sweetener used)" and "Not for use by diabetics without advice of a physician" to avoid injury through inadvertent use by diabetics in the belief that the product does not contain carbohydrates.

For the purposes of this section, a serving shall be stated in terms of a household unit, which is normally considered to be one-half cup. For the purposes of paragraphs (a) and (d) of this section, the caloric values for "extra heavy syrup" and "heavy syrup" shall be that given in USDA Handbook Number 8. The policy set forth in this section will remain in effect not longer than 1 year after the date this section is published in the FEDERAL REGISTER unless extended for good reason.

(Secs. 201(s), 401, 403, 409, 701(a), 52 Stat. 1046–48, as amended, 1055, 72 Stat. 1784–88, as amended; 21 U.S.C. 321(s), 341, 343, 348, 371(a))

Dated: July 14, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-9276; Filed, July 20, 1970; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2478) filed by Wyandotte Chemicals Corp., 1609 Biddel Avenue, Wyandotte, Mich. 48192, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of additional reactants and optional adjuvant substances, as set forth below, in the production of polyurethane resins to be used in contact with dry bulk foods. Therefore, pursuant to 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), § 121.2522 is amended by alphabetically inserting new items in the lists of substances in paragraphs (a)(2) and (b), as follows:

§ 121.2522 Polyurethane resins.

* * * * *

(a) * * *

(2) List of substances:

* * * * *

α,α'-(Isopropylidenedi-*p*-phenylene)bis[*omega*-hydroxypoly(oxypropylene)(3–4 moles)], average molecular weight 675.

* * * * *

α,α',α''-1,2,3-Propanetriyltris[*omega*-hydroxypoly(oxypropylene)(15–18 moles)], average molecular weight 3,000.

* * * * *

α,α',α''-[Propylidynetris(methylene)]tris[*omega*-hydroxypoly(oxypropylene)(3–9 moles)], molecular weight range 680–1,635.

α-[*p*-(1,1,3,3-Tetramethylbutyl)-phenyl]-*omega*-hydroxypoly(oxyethylene)(5 moles), average molecular weight 425.

* * * * *

(b) * * *

List of substances	Limitations
1-[(2-Aminoethyl)amino]-2-propanol	As a curing agent.
1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride.	As a preservative.
* * *	* * *
α,α'-[Isopropylidenebis[p-phenyleneoxy(2-hydroxytrimethylene)]]bis[*omega*-hydroxypoly(oxyethylene) (136–170 moles)], average molecular weight 15,000.	As a stabilizer.
* * *	* * *
1,1',1''-Nitrilotri-2-propanol	As a curing agent.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto 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 its date of publication in the FEDERAL REGISTER.

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

Dated: July 6, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9275; Filed, July 20, 1970; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline With Oleandomycin or Triacetyloleandomycin; Final Order Ruling on Pfizer's Objections and Request for Hearing, Repealing Regulations, and Revoking Certification

An order was published in the FEDERAL REGISTER of January 30, 1970 (35 F.R. 1234), to become effective in 40 days, amending Parts 141c and 146c of the antibiotic drug regulations by repealing provisions for certification of combination drugs containing tetracycline and oleandomycin (or triacetyloleandomycin). Thirty days were allowed for filing proper objections to the order, and a showing of reasonable grounds for a hearing.

In describing what would be considered reasonable grounds, reference was made to the order promulgated September 19, 1969 (34 F.R. 14596), which established the rules applicable to requests for hearing (21 CFR 130.12(a)(5), 130.14(b), 146 (d), (g)). On January 16, 1970, the Honorable James L. Latchum, Judge of the U.S. District Court for the District of Delaware, filed an opinion holding that the September 19, 1969, regulations were null and void because of the failure of the Department to afford advance notice of proposed rulemaking and an opportunity for interested persons to comment. The Commissioner of Food and Drugs republished the regulations as a proposal in the FEDERAL REGISTER of February 17, 1970 (35 F.R. 3073), announcing his intention to repromulgate them. After considering the comments received from all interested persons, a final order was published on May 8, 1970 (35 F.R. 7520), repromulgating the interpretive and procedural regulations.

While this was underway, the Commissioner published on March 27, 1970 (35 F.R. 5174), an extension of time for Pfizer to file its objections and its grounds for a hearing. And on June 25, 1970 (35 F.R. 10359), the time was further postponed until 30 days from June 17, 1970, to allow for the completion of the review of the material and the objections filed by Chas. Pfizer, Inc.

(a) *Pfizer's objections.* 1. The NAS-NRC panel was in error (a) in relying upon references published before the Signemycin products were approved by the Food and Drug Administration; (b) in stating that oleandomycin is present in insufficient amounts for effective treatment and that, if sufficient oleandomycin were administered for effective treatment, tetracycline overdosage results; (c) in stating that it was unaware of infections caused by bacteria more sensitive to this combination than to either of its components, as this failed to take into account reports that demonstrate that the combination of tetracycline and oleandomycin exhibits more activity than either component alone; (d) in relying upon early investigators who expressed fear that widespread use of antibiotic combinations would result in increased bacterial resistance resulting from exposure to antibiotic combinations; (e) in stating that it has not been shown that each of the components of Signemycin contributes to the effect as claimed; and (f) in stating that establishing efficacy involves demonstrating that the clinical response to the combination is greater than to either component alone.

2. The Commissioner erroneously relied upon the report of the NAS-NRC panel.

3. Pfizer stated that there is substantial evidence for use of Signemycin, more specifically that Signemycin has been used successfully by practicing physicians under a wide variety of circumstances, against many forms of infectious diseases throughout the world, referring to summaries of and references to literature listed in parts b and c of the objections.

4. Pfizer stated that it has submitted to the Food and Drug Administration three adequate and well-controlled studies which demonstrate the efficacy of Signemycin.

5. Finally, Pfizer objected to the order on the grounds that (a) the Federal Food, Drug, and Cosmetic Act does not provide for the removal of antibiotic drugs from the market prior to an evidentairy hearing into their safety and efficacy; (b) the Commissioner is without legal authority to revoke existing certificates for antibiotic drugs and to remove such drugs from the market prior to an evidentiary hearing, absent a finding by the Secretary that the drug presents an imminent hazard to health; and (c) there is no legal basis for applying a test of "substantial evidence" of efficacy and requiring adequate and well-controlled clinical investigations to demonstrate the safety and efficacy of antibiotic drugs such as Signemycin, which were subject to certification requirements prior to the 1962 Drug Amendments.

The objections of Chas. Pfizer, Inc., did not comply with the procedural regulations by offering a factual analysis of any of the lists of published data on which the Company relied for evidence for effectiveness. However, in their submission of February 26, 1970, the Company provided reprints, abstracts, and translations of 21 literature references as the basis of their "scientific position with regard to the antibiotic combination Signemycin".

Findings and conclusions. The Commissioner finds as follows:

I. *Composition of the drugs.* a. Signemycin Syrup contains tetracycline and triacetyloleandomycin.

b. Sigmamycin Syrup contains tetracycline and triacetyloleandomycin.

c. Signemycin Pediatric Drops contain tetracycline and triacetyloleandomycin.

d. Sigmamycin Pediatric Drops contain tetracycline and triacetyloleandomycin.

e. Signemycin Capsules contain tetracycline hydrochloride and triacetyloleandomycin.

f. Sigmamycin Capsules contain tetracycline and oleandomycin phosphate.

The amount of tetracycline and triacetyloleandomycin available per unit dose in these dosage forms varies from 67 to 250 mg. tetracycline and from 33 to 125 mg. triacetyloleandomycin, stated in the package insert to be two parts of tetracycline to one part of oleandomycin as triacetyloleandomycin.

II. *Rationale and claims.* The claimed rationale for these combination drugs is that they broaden and improve the activity of tetracycline by improving the spectrum of therapeutic usefulness of that obtained by tetracycline or oleandomycin alone. The prescribing information in the package insert for the Signemycin products states that Signemycin is indicated in the therapy of acute severe infections caused by susceptible organisms and primarily by bacteria more sensitive to the combination than to either component alone. The insert states that favorable clinical response to Signemycin has been observed in infections of the respiratory tract and related structures, infections of the genitourinary system, surgical infections, and miscellaneous infections such as amebiasis, lymphogranuloma venereum, and dental infections.

III. *Pfizer's objections—(a) Objections to the NAS-NRC panel reports.* (1) Pfizer objects that the NAS-NRC panel cited references published before the Signemycin products were first approved by FDA. The Commissioner agrees that the references cited by the Panel were dated either 1956 or 1957. Signemycin was first approved by FDA in October 1956. And Pfizer itself relies upon references from that time period. This is borne out by the 21 references, the text of which were submitted to FDA on February 26, 1970; 15 were published in 1957 or earlier and the remaining six were published prior to 1960.

More recent scientific literature also substantiate the Panel's findings that Signemycin products are ineffective. A 1968 report from the Research Foundation, Children's Hospital of the District of Columbia, concludes:

> Signemycin cannot be regarded as an important addition to the antibiotic armamentarium in pediatrics, since it curtails latitude and flexibility of choice of antibiotics. Laboratory and clinical evidence clearly indicates that this combination is not synergistic in its effect; the preparation has no advantage over its components. Its use in pediatric infections is indeed limited. (S. Ross, Ped. Clin. of North Amer. 15:119, 1968)

In 1964, the Medical Letter on Drugs and Therapeutics stated in a lead article on Signemycin: "A broad antibacterial spectrum can be advantageous in the treatment of severe infections before the responsible bacteria are identified and tested for susceptibility. In the initial treatment of severe infections, however, parenteral formulations are preferred to oral, and Signemycin is available only in oral formulations. Even parenterally, this would not be a first-choice combination for any infection * * *. Many clinicians would exclude triacetyloleandomycin entirely from the list of useful antibiotics. If it is used at all, it should be based on clear-cut superiority in susceptibility tests. Apart from the relative merits of the antibiotics in Signemycin, this preparation displays the usual faults of fixed ratio combination drugs * * *. There are few indications for therapy with a combination of antibiotics, and for these, full dosage of each agent is mandatory; if amounts of Signemycin large enough to provide effective doses of each component were employed, the chances of side effects would be increased * * * A combination of two drugs, each capable of causing liver injury, is difficult to justify, especially since the combination offers no real therapeutic advantage." (Medical Letter 6:14, July 3, 1964)

Dr. Dowling, Chairman of the Department of Medicine, University of Illinois School of Medicine, wrote, in 1965:

> The first strong promotional effort to persuade the profession to prescribe a fixed combination of antibiotics was the marketing of a combination of tetracycline and oleandomycin as sigmamycin (later Signemycin). A report of the purported synergistic action of these two antibiotics in vitro was made in August 1956 [9], and was followed by an editorial by Welch [10] hailing this combination as synergistic and calling the increased interest in combinations a "third era in antibiotic therapy". This was soon answered by several editorials [11–14] by investigators in the field of antibacterial therapy, pointing out that the clinical trials offered in proof of the synergistic action of tetracycline and oleandomycin were woefully lacking in controls. Many reports of patients treated with this combination appeared in the volumes of the Antibiotics Annual that were published in 1958, 1959, and 1960 (and disappeared only when this publication was succeeded by another under different sponsorship). Not a single one of these clinical reports offered any real evidence that this combination was more effective than either agent used alone. (Am. J. Med. 39:796–803 (1965))

(2) Pfizer objects that the NAS-NRC panel stated that oleandomycin is present in these products in insufficient amounts for effective treatment and that, if sufficient oleandomycin is administered for effective treatment, tetracycline overdosage results. In support, Pfizer cites certain studies, in particular the study by Arachi, A., and Gherardi, F., Quaderni di Urologia 9:156, 1959, to show that the dosage of triacetyloleandomycin in Signemycin makes a substantial therapeutic contribution to the combination. This study is not designed to demonstrate the contribution of each component to the efficacy of the combination in that there is no way of comparing the effect of fixed combination treatment with treatment by triacetyloleandomycin alone or tetracycline alone.

This was a clinical study of 37 cases of chronic aseptic urethritis which had resisted previous therapies. There were no controls. The patients had had the disease for various lengths of time, ranging from 2 months to 12 years, making it likely that these were recurrent or new rather than chronic infections. All the patients were treated for 10 days with the Signemycin combination and 34 showed a clinical cure, according to the authors. It is not stated or demonstrated that they were bacteriologically cured. The history of the response of these patients prior to Signemycin treatment cannot be said to constitute a "valid historical control," as Pfizer contends, since no data is supplied about such treatment except the name(s) of the drug(s). Prior treatment could have been inappropriate or inadequate.

Two new studies were also cited by Pfizer as further evidence of the therapeutic contribution made by triacetyloleandomycin to the combination.

The first was a study by Thomas and Burchell, done recently at St. Vincent's Hospital, New York, N.Y., which has been submitted to FDA as part of a notice of Claimed Investigational New Drug Exemption (IND 6798), and as part of Pfizer's objections. Forty-two subjects who carried staphylococcus in the nose or pharynx, were treated with tetracycline, 1 gram for 7 days. The remaining carriers, minus 8 dropouts, were treated with triacetyloleandomycin, 0.5 grams daily for 7 days. Those still carrying staphylococcus, minus 3 dropouts, were treated with Signemycin (1.5 grams daily) for 7 days and all cleared.

A study of drug effect in volunteers who are well, but are staphylococcus nasal carriers, is not a valid clinical trial applicable to the therapeutic claims made for Signemycin. Moreover, such carriers are notoriously recalcitrant to treatment. A single, negative, nasal culture immediately after antibiotic treatement is not sufficient and followup cultures might well show persistance of the carrier state. No conclusion can be drawn from this study, since the three groups were not tested simultaneously.

The second study, that of Cullen and Isenberg at Connecticut State Prison involved 138 nasal staphylococcus carriers. The three groups were treated for a week, one group with triacetyloleandomycin, one with tetracycline, and one with Signemycin. Results showed therapeutic failures in 7 of 46 triacetyloleandomycin subjects, 13 of 42 tetracycline subjects, and 3 of 50 Signemycin subjects. Pfizer states this study is being expanded by enlarging each group to 85 subjects. This preliminary study, although an interesting model, does not involve a valid therapeutic situation, and has little or no relationship to the effectiveness of the drugs in the treatment of acute severe infections caused primarily by bacteria more sensitive to the combination than to either component alone, which are the conditions of use for which Signemycin is represented in its labeling.

(3) Pfizer objects to the NAS-NRC panel's statement that it was unaware of infections caused by bacteria more sensitive to the combination than to either of its components. In support, Pfizer cites four references to show that the combination exhibits more activity than either component alone. All are in vitro studies. None is correlated with clinical studies.

(a) English, A. R. et al., Antibiotics and Chemotherapy 7:511, 1956.

In this study, seven strains of various organisms and 21 strains of *Staphylococcus aureus* were tested in vitro against Signemycin and its two components separately. In each instance, the minimum

inhibitory concentration was less with the combination. Different concentrations were used to start with in a twofold dilution test. Jones and Finland, New Eng. J. Med., 257:481, 1951. In mice tests, the percentage of mice protected by Signemycin from experimental staphylococcus infections was greater than the sum of those protected by the components alone. This animal study has little relevancy to the issue of Signemycin effectiveness in treating clinical disease.

(b) McFadden, H. W., and Schelhard, D., Antibiotics Annual, P. 514, 1957–58.

In this in vitro study involving tests of 140 strains of Staphylococcus aureus and 5 strains of Staphylococcus albus, in 55 strains the combination of Signemycin was more active than its components, in 34 strains equally active, and in 56 strains less active. This does not establish synergistic actuality in the combination.

(c) Cimmino, A., et al., Antibiotics Annual, p. 703, 1957–58.

This is an in vitro study of 332 strains of staphylococcus aureus at Rome University from 1949–56. The authors conclude that the combination of oleandomycin-tetracycline exhibited a greater activity than would be expected from a simple additive effect; however, examination of the authors' tables shows: In table 1, 89 out of 134 strains of staphylococcus were as susceptible to one or the other ingredient as to the combination; in table 2, 81 out of 173 strains were as susceptible to one or the other ingredient as to the combination; in table 3, tetracycline-resistant strains of staphylococcus were all shown to be less susceptible to the combination than to oleandomycin alone; in table 4, of seven strains of staphylococcus sensitive to oleandomycin, five were equally but no more sensitive to the combination; and in table 5, four strains showed lower activity of the combination than of oleandomycin and four showed greater.

In the same issue of the journal in which this study was published, Foulke, C. W., and Romansky, M. J., p. 732, Antibiotics Annual 1957–58, reported on an in vitro study of the Signemycin mixture against 103 strains of staphylococcus aureus, and concluded that "The effect of oleandomycin-tetracycline mixture was in most cases (97.4 percent) due to the constitutent oleandomycin." In view of these results, the Commissioner cannot conclude that the combination, even in vitro, exerts a greater activity against staphylococcus than either of its components.

(d) Acocella, M. et al., Giornale Italiano de Chemiotherapia 4:546, 1956–57.

This is an in vitro study of 153 strains of Staphylococcus aureus. A synergistic effect of Signemycin was demonstrated on 49 strains (32 percent). The authors also found that when the strains were resistant to both antibiotics, they remained resistant to Signemycin as well.

Pfizer also cited a 1968 study, Cimmino, A., Antibiotica 6:4 in support of their contention that Signemycin shows synergism. This is an Italian study with a difficult-to-understand translation supplied. The in vitro part of the study showed that of 17 strains of staphylococcus sensitive to both tetracycline and 17 strains of staphylococcus sensitive to both tetracycline and oleandomycin, the combination showed greater antibacterial activity than either of its components against 3 strains, equal against 10, and less activity than one or the other component against 4 strains. Of 26 strains of staphylococcus resistant to either tetracycline or oleandomycin, the combination had greater antibacterial activity than either component against 5, but less than one or the other component against 8 strains. Of 14 gram-negative strains of bacteria, all insensitive to oleandomycin, 3 strains showed greater activity of the combination than of its tetracycline component (by 1 tube dilution only), but 11 strains showed that the combination had less activity than tetracycline. The most that can be concluded is that this test demonstrates synergistic activity in vitro against some strains and antagonistic activity in vitro against even more strains. As to the in vivo mouse studies done by Cimmino, the language is so obscure that no conclusion can be reached.

(4) Pfizer objected to the NAS-NRC Panel's reliance upon early investigators who expressed fear that widespread use of antibiotic combinations would result in increased bacterial resistance from exposure to antibiotic combinations, and asserts that in fact the combination delays the emergence of resistance.

Pfizer cited Fairbrother, Lancet, 2:974, 1957, to show that the combination delays emergence of resistance strains of Staphylococcus aureaus. This in vitro study of 165 staphylococcal strains found no significant synergism when tetracycline and oleandomycin were used in combination, and the authors state that, although they found resistance to be delayed, the practical value is "uncertain." The Commissioner agrees that the results of these in vitro studies cannot be extrapolated to the clinical situation.

Concomitant use of two antibiotics against organism like the tuberculosis mycobacteria which cause chronic disease requiring treatment continuously for months in the same patient, and which may become resistant to one drug given alone, is a practical means of delaying the emergence of resistant bacteria. However, in acute infections for which antibiotics are given, such as the infections for which Signamycin is recommended, for only a few days at a time, the emergence of resistant strains is not a problem, provided the antibiotics are used in full therapeutic doses. The unnecessary use of an antibiotic, in a fixed combination dosage form, when one or the other component would suffice, favors the emergence in the environment of resistant microorganisms. E. Jawetz, Antimicrobial Agents and Chemotherapy, 1967, p. 205.

(5) Pfizer objected to the NAS-NRC Panel's statement that it has not been shown that each of the components of Signemycin contributes to the claimed effect. Pfizer does not identify any specific support for its objection other than "[a]s demonstrated above and below." The Commissioner finds that the in vitro studies previously discussed do not establish this, and in any event are incapable of extrapolation to the clinical situation. There is no in vivo evidence that tetracycline and triacetyloleandomycin both contribute to the effectiveness of the combination in treating severe acute infections caused by organisms more susceptible to the combination than to either component alone.

Actually this labeling claim, from a practical point of view, is meaningless to a physician. The usual test of susceptibility of a bacterial strain to an antibiotic drug is performed with antibiotic sensitivity discs. See United States v. Bacto-Unidisc, 394 U.S. 784 (1969). No Signemycin discs are manufactured. In order to determine whether tetracycline and triacetyloleandomycin, mixed in a 2:1 combination, would have more or less antibacterial effect than either component alone, would require highly technical laboratory tests, tests not done by most hospital laboratories.

The range of use of tetracycline is recognized as being wide. Triacetyloleandomycin, however is an antibiotic of very limited usefulness. The NAS-NRC Panel which reviewed the efficacy of triacetyloleandomycin reported that "For each of the bacterial infections (caused by the Staphylococcus, Pneumococcus, and Streptococcus) mentioned specifically under "Indications" for which there are data to suggest chemotherapeutic activity in man, there are several other antimicrobial drugs that the Panel would recommend preferentially to triacetyloleandomycin. It is dangerously misleading to list triacetyloleandomycin without qualification as the drug to be used for any infection."

Although Pfizer has never done a controlled comparative study in this country, a recent clinical study in India compared the use of tetracycline-oleandomycin in combination with tetracycline alone in acute pharyngo-tonsillar infections. Forty-seven patients were involved in this double blind study. Of the patients on tetracycline alone, 22 percent showed an excellent or good clinical response; 21 percent of patients on the combination showed an excellent or good response. The authors concluded that "tetracycline-oleandomycin combination is as effective clinically as tetracycline." (Indian J. Med. Sc. 22:687–695, October 1968)

(b) *Pfizer's claim that the medical rationale for the continued use of Signemycin is well substantiated by valid clinical data.* 1. Pfizer asserts that Signemycin has been used successfully by physicians generally, under a wide variety of circumstances, against many forms of infectious diseases throughout the world. On February 27, 1970, in The Upjohn Co. v. Finch, the U.S. Court of Appeals for the Sixth Circuit held that the record of commercial acceptance of a drug and its widespread use by practitioners do not, standing alone, meet the criteria of the statute that there be

substantial evidence of effectiveness of an antibiotic drug derived from adequate and well-controlled clinical investigations. The same conclusion is applicable to Signemycin.

2. Pfizer submitted two lists of references, and a summary compiled from them to demonstrate the claimed effectiveness of Signemycin.

The first list is of 121 literature references alleged to demonstrate the effectiveness of the drug. Many of these references are foreign. Pfizer did not provide reprints, translations, abstracts, or analyses of this list of papers. In one of the cited references, Eichenwald, H. F. and Shinefield, H. R., Pediat. Clin. North Am. 8:509–523, 1961, the authors did not conclude that the combination was effective, but stated that clinical evidence clearly indicates that the combination is not synergistic in its effect; that the preparation has no advantage over its component parts when used in clinical medicine; and, that the combination represents "only a sales gimmick." This does not support the efficacy of Signemycin. The Commissioner is unable to comment on the content of the remainder of these references in the absence of the original articles and translations, other than to note that Pfizer does not represent these to be controlled studies.

The second list is of 185 literature references, again with no reprints, translations, abstracts, or analyses supplied. Subsequently, Pfizer submitted nine reprints and, later 20 reprints and translations, some of them duplicates of the first submission. These do not include any controlled clinical studies.

The firm also submitted a 13-page "Summary of 8,937 cases," said to be derived from the 185 papers listed. This 13-page summary "pools" the clinical cases of all the authors without regard to the dosage, competence of the investigator, comfirmatory bacteriologic labwork, and many other vital details. Pfizer does not contend that any of these studies were controlled studies. The Commissioner finds that neither the literature references, nor the retrospective summary provided contain the results of adequate and well-controlled clinical investigations on the basis of which it could fairly and responsibly be concluded that Signemycin would have the effectiveness claimed for it.

3. Pfizer asserts that the effectiveness of Signemycin is shown by substantial evidence, particularly the two studies of Thomas Burchess and Cullen and Isenberg previously discussed, and a third study conducted by Gerald Ente, M.D., comparing Signemycin and ampicillin in the treatment of Group A beta hemolytic streptococcal upper respiratory infections.

The Commissioner finds that the Ente study was not designed to answer the question whether Signemycin is more effective than either of its components alone, as claimed in the product labeling. 100 cases of beta hemolytic streptococcal upper respiratory infections confirmed by bacteriolocal laboratory tests were treated. The protocol states the study was to be double-blind; Pfizer's objections call it a single-blind study; subsequent discussion with Dr. Ente by FDA personnel discloses it was neither. Fifty-one of the patients were treated with Signemycin, 49 with ampicillin. The identity of the medication was known to doctor and patient. Results were reported to be equally good, after 9–10 days treatment. However, Dr. Ente advised FDA personnel that the only culture plates involved in the study which were shown to a qualified microbiologist were those which Dr. Ente himself considered positive, and all plates regarded as negative were based upon Dr. Ente's own conclusion, without verification by a qualified microbiologist. This was not a controlled study.

Thus, in response to the FDA request for substantial evidence of efficacy consisting of well-controlled clinical studies to show that the response to the combination is greater than to either component alone, Pfizer has presented:

(a) A 1959 Italian study of chronic aseptic urethritis. The study was not controlled.

(b) Two recent studies of nasal staphylococcus carriers. Presence of nasal staphylococcus is not a disease state and is not one of the indications for use of Signemycin ("Signemycin is indicated in the therapy of acute severe infections caused by susceptible organisms and primarily by bacteria more sensitive to the combination than to either component alone."—Pfizer's package insert for signemycin)

(c) A recent study comparing Signemycin and ampicillin in the treatment of streptococcal sore throats. This study was not controlled and is not relevant to the question of the efficacy of Signemycin compared to its components.

These data clearly do not represent well-controlled clinical studies which support the efficacy of Signemycin as a fixed combination.

The deficiencies in Pfizer's data have been discussed with their representatives in detail; first, at a meeting on June 19, 1970, with Pfizer representatives Mr. John J. Powers, Jr., Chairman of the Board and President of Chas. Pfizer & Co., Inc., Sheldon G. Gilgore, M.D., Vice President and Medical Director, Pfizer Pharmaceuticals, Gerald Laubach, Ph. D., President, Pfizer Pharmaceuticals, and Mr. Charles Hagan, Assistant General Counsel, Chas. Pfizer & Co. Inc., and more recently in a letter to Dr. Gilgore.

In addition to this lack of substantial evidence of effectiveness, it is recognized that both components of the fixed combination drug have adverse effects which must be taken into account.

Adverse effects due to tetracyclines, some of which may be serious and fatal, include permanent discoloration of the teeth, when given to children under 8 years, hypersensitivity, gastrointestinal disturbances, rashes including photosensitivity, overgrowth especially of fungi, blood dyscrasias, and renal and hepatic toxicity. The liver toxicity of tetracycline was first observed in 1951. Patients with tetracycline-induced hepatotoxicity may develop jaundice, azotemia, acidosis and terminal shock. Although most such severe reactions occur in parenterally administered tetracyclines, it may also occur with oral administration of the drug. (Goodman & Gilman 3d Ed., p. 1249.)

Jaundice is also associated with the use of triacetyloleandomycin. The manufacturer's package insert for triacetyloleandomycin has for many years carried the caution:

> Use of this agent for longer than 10 days may produce alterations in liver function tests and, rarely, jaundice.

Liver biopsies in patients with clinical evidence of hepatic dysfunction reveal both cholestatic and hepatocellular changes, and a return to normal requires 4 to 5 weeks. When triacetyloleandomycin was given for 2 weeks or longer, hepatic dysfunction was observed in greater than 50 percent of cases. Two triacetyloleandomycin studies performed with institutionalized patients showed that the liver abnormality becomes biochemically apparent between 8 and 14 days after onset of administration. (Ticktin, H. E., and Robinson, M. M., Ann. N.Y. Acad. Sci. 104; 1080–1092, 1963.)

Cases of jaundice associated with Signemycin have been reported to us by Pfizer and are documented in the medical literature. Unfortunately, such adverse reactions are grossly underreported, even when recognized to be due to drugs.

(c) *Pfizer's legal objections.* Pfizer's legal objections to the repeal of the regulations are that (1) the Act does not provide for the removal of antibiotic drugs from the market prior to an evidentiary hearing into their safety and efficacy; (2) the Commissioner is without legal authority to revoke existing certificates for antibiotic drugs and to remove such drugs from the market prior to an evidentiary hearing absent a finding by the Secretary that the drug presents an imminent hazard to health; and (3) there is no legal basis for applying a test of substantial evidence of efficacy and requiring adequate well-controlled clinical investigations to demonstrate the safety and efficacy of antibiotic drugs such as Signemycin which were subject to certification requirements prior to the 1962 Amendments to the Act.

The resolution of these legal issues does not require an evidentiary hearing. To the contrary, each of these contentions have been considered and rejected by the U.S. Court of Appeals for the Sixth Circuit in The Upjohn Co. v. Finch. The Commissioner will follow that decision with respect to Signemycin.

Accordingly, the Commissioner concludes that no substantial evidence of effectiveness of these drugs as fixed combinations exists and that Pfiser, Inc., has failed to show reasonable grounds for an evidentiary hearing.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 502, 507, 52 Stat. 1050–1, as amended, 59 Stat. 463, as amended; 76 Stat. 780, 781, 785–787; 21 U.S.C. 352, 357), and under authority delegated to the Commissioner (21 CFR 2.120), the

request for an evidentiary hearing is denied. Parts 141c and 146c are amended by repealing §§ 141c.216, 141c.233, 141c.235, 141c.240, 141c.243, 141c.245, 146c.216, 146c.231, 146c.233, 146c.235, 146c.240, 146c.243, and 146c.245, and all antibiotic certificates of safety and effectiveness issued under those regulations are revoked.

Effective date. This order shall become effective on July 31, 1970.

Dated: July 14, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-9331; Filed, July 20, 1970; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7053]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Alternative Methods of Computing Amount To Be Withheld Upon Wages as Income Tax Collected at Source

On May 6, 1970, notice of proposed rule making with respect to the amendment of the Employment Tax Regulations (26 CFR Part 31) under section 3402 of the Internal Revenue Code of 1954, as amended by section 805(d) of the Tax Reform Act of 1969 (83 Stat. 705), relating to income tax collected at source on wages, and under section 6001 of such Code, relating to records, statements, and special returns, was published in the FEDERAL REGISTER (35 F.R. 7125). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of regulations is hereby adopted as proposed, except that so much of paragraph (a) of § 31.3402(h)(3)-1 as precedes step (1), as set forth in paragraph 1 of the notice of proposed rule making, is revised.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: July 16, 1970.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Employment Tax Regulations (26 CFR Part 31) under sections 3402 and 6001 of the Internal Revenue Code of 1954 to section 805(d) of the Tax Reform Act of 1969 (83 Stat. 705), such regulations are amended as follows:

PARAGRAPH 1. Subpart E is amended by striking out §§ 31.3402(h) and 31.3402(h)-1 and by adding after section 3402(g)-3 the following new sections:

§ 31.3402(h)(1) Statutory provisions; income tax collected at source; alternative methods of computing amount to be withheld; withholding on basis of average wages.

SEC. 3402. *Income tax collected at source.* * * *

(h) *Alternative methods of computing amount to be withheld.* The Secretary or his delegate may, under regulations prescribed by him, authorize—

(1) *Withholding on basis of average wages.* An employer—

(A) To estimate the wages which will be paid to any employee in any quarter of the calendar year,

(B) To determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid, and

(C) To deduct and withhold upon any payment of wages to such employee during such quarter (and, in the case of tips referred to in subsection (k), within 30 days thereafter) such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount required to be deducted and withheld during such quarter without regard to this subsection.

[Sec. 3402(h)(1) as amended by sec. 313(d)(4), Social Security Amendments 1965 (79 Stat. 384); sec. 805(d), Tax Reform Act 1969 (83 Stat. 705)]

§ 31.3402(h)(1)-1 Withholding on basis of average wages.

(a) *In general.* An employer may determine the amount of tax to be deducted and withheld upon a payment of wages to an employee on the basis of the employee's average estimated wages, with necessary adjustments, for any quarter. This paragraph applies only where the method desired to be used includes wages other than tips (whether or not tips are also included).

(b) *Withholding on the basis of average estimated tips*—(1) *In general.* Subject to certain limitations and conditions, an employer may, at his discretion, withhold the tax under section 3402 in respect of tips reported by an employee to the employer on an estimated basis. An employer who elects to make withholding of the tax on an estimated basis shall:

(i) In respect of each employee, make an estimate of the amount of tips that will be reported, pursuant to section 6053, by the employee to the employer in a calendar quarter.

(ii) Determine the amount which must be deducted and withheld upon each payment of wages (exclusive of tips) which are under the control of the employer to be made during the quarter by the employer to the employee. The total amount which must be deducted and withheld shall be determined by assuming that the estimated tips for the quarter represent the amount of wages to be paid to the employee in the form of tips in the quarter and that such tips will be ratably (in terms of pay periods) paid during the quarter.

(iii) Deduct and withhold from any payment of wages (exclusive of tips) which are under the control of the employer, or from funds referred to in section 3402(k) (see §§ 31.3402(k) and 31.3402(k)-1), such amount as may be necessary to adjust the amount of tax withheld on the estimated basis to conform to the amount required to be withheld in respect of tips reported by the employee to the employer during the calendar quarter in written statements furnished to the employer pursuant to section 6053(a). If an adjustment is required, the additional tax required to be withheld may be deducted upon any payment of wages (exclusive of tips) which are under the control of the employer during the quarter and within the first 30 days following the quarter or from funds turned over by the employee to the employer for such purpose within such period. For provisions relating to the repayment to an employee, or other disposition, of amounts deducted from an employee's remuneration in excess of the correct amount of tax, see § 31.6413(a)-1.

(2) *Estimating tips employee will report*—(i) *Initial estimate.* The initial estimate of the amount of tips that will be reported by a particular employee in a calendar quarter shall be made on the basis of the facts and circumstances surrounding the employment of that employee. However, if a number of employees are employed under substantially the same circumstances and working conditions, the initial estimate established for one such employee may be used as the initial estimate for other employees in that group.

(ii) *Adjusting estimate.* If the quarterly estimate of tips in respect of a particular employee continues to differ substantially from the amount of tips reported by the employee and there are no unusual factors involved (for example, an extended absence from work due to illness) the employer shall make an appropriate adjustment of his estimate of the amount of tips that will be reported by the employee.

(iii) *Reasonableness of estimate.* The employer must be prepared, upon request of the district director, to disclose the factors upon which he relied in making the estimate, and his reasons for believing that the estimate is reasonable.

§ 31.3402(h)(2) Statutory provisions; income tax collected at source; alternative methods of computing amount to be withheld; withholding on basis of annualized wages.

SEC. 3402. *Income tax collected at source.* * * *

(h) *Alternative methods of computing amount to be withheld.* The Secretary or his delegate may, under regulations prescribed by him, authorize—

* * * * *

(2) *Withholding on basis of annualized wages.* An employer to determine the amount of tax to be deducted and withheld upon a payment of wages to an employee for a payroll period by—

(A) Multiplying the amount of an employee's wages for a payroll period by the number of such payroll periods in the calendar year,

(B) Determining the amount of tax which would be required to be deducted and withheld upon the amount determined under subparagraph (A) if such amount constituted the actual wages for the calendar year and the payroll period of the employee were an annual payroll period, and

(C) Dividing the amount of tax determined under subparagraph (B) by the number of payroll periods (described in subparagraph (A)) in the calendar year.

[Sec. 3402(h)(2) as amended by sec. 805(d), Tax Reform Act 1969 (83 Stat. 705)]

§ 31.3402(h)(2)–1 Withholding on basis of annualized wages.

An employer may determine the amount of tax to be deducted and withheld upon a payment of wages to an employee by taking the following steps:

Step 1. Multiply the amount of the employee's wages for the payroll period by the number of such periods in the calendar year.

Step 2. Determine the amount of tax which would be required to be deducted and withheld upon the amount determined in Step 1 if that amount constituted the actual wages for the calendar year and the payroll period of the employee were an annual payroll period.

Step 3. Divide the amount of tax determined in Step 2 by the number of periods by which the employee's wages were multiplied in Step 1.

Example. On July 1, 1970, A, a single person who is on a weekly payroll period and claims one exemption, receives wages of $100 from X Co., his employer. X Co. multiplies the weekly wage of $100 by 52 weeks to determine an annual wage of $5,200. It then subtracts $650 for A's withholding exemption and arrives at a balance of $4,550. The applicable table in section 3402(a) for annual payroll periods indicates that the amount of tax to be withheld thereon is $376 plus $314.50 (17 percent of excess over $2,700), or a total of $690.50. The annual tax of $690.50, when divided by 52 to arrive at the portion thereof attributable to the weekly payroll period, equals $13.28. X Co. may, if it chooses, withhold $13.28 rather than the amount specified in section 3402 (a) or (c) for a weekly payroll period.

§ 31.3402(h)(3) Statutory provisions; income tax collected at source; alternative methods of computing amount to be withheld; withholding on basis of cumulative wages.

SEC. 3402. *Income tax collected at source.* * * *

(h) *Alternative methods of computing amount to be withheld.* The Secretary or his delegate may, under regulations prescribed by him, authorize—

* * * * *

(3) *Withholding on basis of cumulative wages.* An employer, in the case of any employee who requests to have the amount of tax to be withheld from his wages computed on the basis of his cumulative wages, to—

(A) Add the amount of the wages to be paid to the employee for the payroll period to the total amount of wages paid by the employer to the employee during the calendar year,

(B) Divide the aggregate amount of wages computed under subparagraph (A) by the number of payroll periods to which such aggregate amount of wages relates,

(C) Compute the total amount of tax that would have been required to be deducted and withheld under subsection (a) if the average amount of wages (as computed under subparagraph (B)) had been paid to the employee for the number of payroll periods to which the aggregate amount of wages (computed under subparagraph (A)) relates,

(D) Determine the excess, if any, of the amount of tax computed under subparagraph (C) over the total amount of tax deducted and withheld by the employer from wages paid to the employee during the calendar year, and

(E) Deduct and withhold upon the payment of wages (referred to in subparagraph (A)) to the employee an amount equal to the excess (if any) computed under subparagraph (D).

[Sec. 3402(h)(3) as amended by sec. 805(d), Tax Reform Act 1969 (83 Stat. 705)]

§ 31.3402(h)(3)–1 Withholding on basis of cumulative wages.

(a) *In general.* In the case of an employee who has in effect a request that the amount of tax to be withheld from his wages be computed on the basis of his cumulative wages, and whose wages since the beginning of the current calendar year have been paid with respect to the same category of payroll period (e.g., weekly or semimonthly), the employer may determine the amount of tax to be deducted and withheld upon a payment of wages made to the employee after December 31, 1969, by taking the following steps:

Step 1. Add the amount of the wages to be paid the employee for the payroll period to the total amount of wages paid by the employer to the employee during the calendar year.

Step 2. Divide the aggregate amount of wages computed in Step 1 by the number of payroll periods to which that amount relates.

Step 3. Compute the total amount of tax that would have been required to be deducted and withheld under section 3402(a) if the average amount of wages (as computed in Step 2) had been paid to the employee for the number of payroll periods to which the aggregate amount of wages (computed in Step 1) relates.

Step 4. Determine the excess, if any, of the amount of tax computed in Step 3 over the total amount of tax already deducted and withheld by the employer from wages paid to the employee during the calendar year.

Example. On July 1, 1970, Y Co. employs B, a single person claiming one exemption. Y Co. pays B the following amounts of wages on the basis of a biweekly payroll period on the following pay days:

July 20	$1,000
August 3	300
August 17	300
August 31	300
September 14	300
September 28	300

On October 5, B requests that Y Co. withhold on the basis of his cumulative wages with respect to his wages to be paid on October 12 and thereafter. Y Co. adds the $300 in wages to be paid to B on October 12 to the payments of wages already made to B during the calendar year, and determines that the aggregate amount of wages is $2,800. The average amount of wages for the 7 biweekly payroll periods is $400. The total amount of tax required to be deducted and withheld for payments of $400 for each of 7 biweekly payroll periods is $485.87 under section 3402(a). Since the total amount of tax which has been deducted and withheld by Y Co. through September 28 is $484.86, Y Co. may, if it chooses, deduct and withhold $1.01 (the amount by which $485.87 exceeds the total amount already withheld by Y Co.) from the payment of wages to B on October 12 rather than the amount specified in section 3402 (a) or (c).

(b) *Employee's request and revocation of request.* An employee's request that his employer withhold on the basis of his cumulative wages and a notice of revocation of such request shall be in writing and in such form as the employer may prescribe. An employee's request furnished to his employer pursuant to this section shall be effective, and may be acted upon by his employer, after the furnishing of such request and before a revocation thereof is effective. A revocation of such request may be made at any time by the employee furnishing his employer with a notice of revocation. The employer may give immediate effect to a revocation, but, in any event, a revocation shall be effective with respect to payments of wages made on or after the first "status determination date" (see section 3402(f)(3)(B)) which occurs at least 30 days after the date on which such notice is furnished.

§ 31.3402(h)(4) Statutory provisions; income tax collected at source; alternative methods of computing amount to be withheld; other methods.

SEC. 3402. *Income tax collected at source.* * * *

(h) *Alternative methods of computing amount to be withheld.* The Secretary or his delegate may, under regulations prescribed by him, authorize—

* * * * *

(4) *Other methods.* An employer to determine the amount of tax to be deducted and withheld upon the wages paid to an employee by any other method which will require the employer to deduct and withhold upon such wages substantially the same amount as would be required to be deducted and withheld by applying subsection (a) or (c), either with respect to a payroll period or with respect to the entire taxable year.

[Sec. 3402(h)(4) as amended by sec. 805(d), Tax Reform Act 1969 (83 Stat. 705)]

§ 31.3402(h)(4)–1 Other methods.

(a) An employer may use any other method of withholding under which the employer will deduct and withhold upon wages paid to an employee after December 31, 1969, for a payroll period substantially the same amount as would be required to be deducted and withheld by applying section 3402(a) with respect to the payroll period. For purposes of section 3402(h)(4) and this section, an amount is substantially the same as the amount required to be deducted and withheld under section 3402(a) if its deviation from the latter amount is not greater than the maximum permissible deviation prescribed in this paragraph. The maximum permissible deviation under this paragraph is determined by annualizing wages as provided in Step 1 of § 31.3402(h)(2)–1 and applying the following table to the amount of tax required to be deducted and withheld under section 3402(a) with respect to such annualized wages, as determined under Step 2 of § 31.3402(h)(2)–1:

If the tax required to be withheld under the annual percentage rate schedule is—	The maximum permissible annual deviation is—
$10 to $100	$10, plus 10 percent of excess over $10.
$100 to $1,000	$19, plus 3 percent of excess over $100.
$1,000 or over	$46, plus 1 percent of excess over $1,000.

In any case, an amount which is less than $10 more or less per year than the amount required to be deducted and withheld under section 3402(a) is substantially the same as the latter amount. If any method produces results which are not greater than the prescribed maximum deviations only with respect to some of his employees, the employer may use such method only with respect to such employees. An employer should thoroughly test any method which he contemplates using to ascertain whether it meets the tolerances prescribed by this paragraph. An employer may not use any method, one of the principal purposes of which is to consistently produce amounts to be deducted and withheld which are less (though substantially the same) than the amount required to be deducted and withheld by applying section 3402(a).

(b) In addition to the methods authorized by paragraph (a) of this section, an employer may determine the amount of tax to be deducted and withheld under section 3402 upon a payment of wages to an employee by using tables prescribed by the Commissioner which combine the amounts of tax to be deducted under sections 3102 and 3402. Such tables shall provide for the deduction of the sum of such amounts, computed on the basis of the midpoints of the wage brackets in the tables prescribed under section 3402(c). The portion of such sum which is to be treated as the tax deducted and withheld under section 3402 shall be the amount obtained by subtracting from such sum the amount of tax required to be deducted by section 3102. Such tables may be used only with respect to payments which are wages under both sections 3121(a) and 3401(a).

PAR. 2. Paragraph (c)(1)(iii) of § 31.3402(k)–1 is amended to read as follows:

§ 31.3402(k)–1 Special rule for tips.

* * * * *

(c) *Priority of tax collection*—(1) *In general.* * * *

(iii) Any tax under section 3402 which, at the time of the payment of the wages, the employer is required to collect—

(*a*) In respect of tips reported by the employee to the employer in a written statement furnished to the employer pursuant to section 6053(a), or

(*b*) By reason of the employer's election to make collection of the tax under section 3402 in respect of tips on an estimated basis,

but which has not been collected by the employer and which cannot be deducted from funds turned over by the employee to the employer for such purpose. For provisions relating to the withholding of tax on the basis of average estimated tips, see paragraph (b) of § 31.3402(h)(1)–1.

PAR. 3. Section 31.6001–5(a) is amended by adding new subparagraph (17) immediately after subparagraph (16):

§ 31.6001–5 Additional records in connection with collection of income tax at source on wages.

(a) * * *

(17) Any request of an employee under section 3402(h)(3) and § 31.3402(h)(3)–1 to have the amount of tax to be withheld from his wages computed on the basis of his cumulative wages, and any notice of revocation thereof.

* * * * *

[F.R. Doc. 70–9326; Filed, July 20, 1970; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 103—ENLISTMENT, APPOINTMENT AND ASSIGNMENT OF INDIVIDUALS IN RESERVE COMPONENTS

The Deputy Secretary of Defense approved the following revision to Part 103 on March 13, 1970:

Sec.
103.1 Purpose and applicability.
103.2 Policy.

AUTHORITY: The provisions of this Part 103 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 103.1 Purpose and applicability.

This part provides standards procedures, and priority guidelines for enlistment, assignment or appointment of individuals in units of the Reserve Components of the Military Departments.

§ 103.2 Policy.

(a) Physical and mental standards for male personnel enlisted in the basic enlistment pay grade will not be higher than those prescribed by the Military Selective Service Act of 1967, or DOD Directive 1145.1,[1] "Qualitative Distribution of Military Manpower," September 13, 1967, which establish minimum standards for acceptability into the regular services. Higher physical and mental standards may be specified by the appropriate Secretary for initial enlistment in a grade higher than the basic enlistment pay grade or for enlistment in a program leading to a commission.

(b) The appropriate Secretary shall, except as otherwise provided by law, prescribe physical, mental, moral, academic attainment, professional and age qualifications for appointment of reserve members of the Armed Forces of the United States.

(c) The enlistment of individuals under the provisions of section 511(d) of title 10, United States Code, and the assignment of applicants to units of the Ready Reserve shall normally be in accordance with the order of priorities listed below. Within each priority category, it shall be normal practice to accept the earliest applicant who meets the minimum qualifications for a vacancy. Nonprior service applicants who are accepted on Reserve unit enlistment waiting lists will be retained in their original priority groups. However, exceptions to these policies may be made when, in the best judgment of those responsible for the procurement of Reserve personnel, an applicant's prior military service or significant civilian training or experience in the occupational skill concerned is considered to warrant it. In such cases, notation as to the basis of the exception shall be made in the individual's service record.

(1) Members of the Selected Reserve who desire to reenlist.

(2) Members of Selected Reserve units applying for transfer from another locality.

(3) Members of the Selected Reserve who were relieved from assignment to units due to reorganization, inactivation, or relocation of their units.

(4) Members of the Ready Reserve Pool.

(5) Prior service applicants.

(6) Nonprior service individuals who are:

(i) Age 19 and under and have not undergone random selection for induction.

(ii) Over age 26 and whose 26th birthday was prior to January 1, 1970.

(7) Nonprior service individuals who are age 19 or over and have undergone random selection for induction.

(d) In conjunction with the policies in paragraph (c) of this section, the Secretaries of the Military Departments will require their Reserve Components to actively recruit qualified individuals of all races, creeds, and ethnic groups toward the end that all units shall generally reflect the character of the population in the unit's recruiting area.

(e) Prior to enlisting a draft-liable individual in one of the Reserve Components, the applicant shall be required to sign a written statement to the effect that he has not received orders to report for induction, that any subsequent receipt of such orders will be reported to his unit commander, and that he understands he is subject to an induction order if issued before he enlists.

(f) An individual who enlists in a Reserve Component and who subsequently receives orders to report for induction, the issuing date of which precedes his date of enlistment, shall be discharged from his Reserve Component for the purpose of induction into the Armed Forces. The discharge should be effected concurrently with the induction so as to continue the individual's military obligation consistent with § 50.2(d) of this subchapter. The date of issuance of orders to report for induction shall be considered to be the date of mailing of such orders by appropriate authority in the Selective Service System.

(g) Individual applicants for assignment or enlistment in the Reserve components shall not be accepted unless there is reasonable assurance that they will be available and able to participate satisfactorily in the unit concerned. In this respect careful consideration shall be given to the geographical location,

---

[1] See footnote at end of document.

future plans, and possible conflicts with the civilian occupation of the individual applicant. Individuals who are engaged in or preparing for a skill listed in the Department of Labor "List of Critical Occupations for Screening the Ready Reserve" shall not be enlisted unless there is an overriding military necessity for their skill consistent with DOD Directive 1200.7.[1]

(h) Reserve members who have enlisted under the provisions of section 511(d) of title 10, United States Code, and who thereafter incur either a bona fide, temporary, nonmilitary obligation requiring overseas residency outside the United States, or a bona fide, temporary, religious missionary obligation which would conflict with their required participation in Reserve training, may, upon their request, be reenlisted under the provisions of section 511(a) of title 10, United States Code. Requests under the provisions of this paragraph, except those from members who incur a legitimate religious missionary obligation, will be approved by the Secretary of the military department concerned. Requests from members based on a religious missionary obligation may be approved by the local National Guard or Reserve component commander. Approval of all such requests are subject to the following requirements:

(1) Certification of the obligation is made by the employer, sponsor, or recognized church body as appropriate.

(2) Reserve members concerned have completed their initial period of active-duty-for-training.

(3) The approving authority concerned is satisfied that the request is bona fide.

(4) Reenlistment contracts for such individuals will include an agreement to serve for a period of time which will include the period of temporary, nonmilitary obligation (not to exceed 30 months) plus the remaining obligatory military service remaining under the original enlistment contract. Such reenlistment contracts will assure that each individual will serve a total of six (6) years of Reserve service as required by law.

(5) The individual reservists concerned will be carried as members of the inactive National Guard or the Ready Reserve Pool, as appropriate, during the period of nonmilitary obligation, and as such, will be subject to being involuntarily ordered to active duty as authorized by law (see § 100.3(c)(2) of this subchapter).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 70-9319; Filed, July 20, 1970; 8:48 a.m.]

[1] Filed as part of original. Copies may be obtained by writing the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention: Code 300.

PART 136—MANAGEMENT AND MOBILIZATION OF THE STANDBY RESERVE

Miscellaneous Amendments

Sections 136.3(a)(4) and 136.6 have been amended, § 136.3(a)(5) has been added, and footnote 1 has been changed. The revised and new paragraphs now read as follows:

§ 136.3 Policy.

(a) *Active status list, Standby Reserve.* * * *

(4) *Training.* Members of the Standby Reserve will not be permitted to participate in Reserve training and will not be assigned to any Reserve unit or to any mobilization position. However, members of the Standby Reserve on the active status list will be given the opportunity to participate voluntarily in Reserve training and earn training points, as provided in Part 102 of this subchapter at no cost to the Government.

(5) *Promotion.* Members of the Standby Reserve on the active status list are not eligible for promotion to flag or general officer grades.

* * * * *

§ 136.6 Addresses of State Directors, Selective Service System.

State code No.	State	Region	Address
1	Alabama	III	474 South Court St., Montgomery, Ala. 36104.
51	Alaska	VI	Room 248, Federal Bldg., 619 4th Ave., Anchorage, Alaska 99501.
2	Arizona	VI	Room 202, Post Office Bldg., 522 North Central Ave., Phoenix, Ariz. 85004.
3	Arkansas	IV	Federal Office Bldg., Little Rock, Ark. 72201.
4	California	VI	Federal Bldg., 805 Eye St., Sacramento, Calif. 95814.
56	Canal Zone	IV	Post Office Box No. 2014, Balboa Heights, C.Z., APO, New York, N.Y. 09825.
5	Colorado	V	Room 226, New Customhouse, 19th and California St., Denver, Colo. 80202.
6	Connecticut	I	Post Office Box No. 1558, Hartford, Conn. 06101.
7	Delaware	II	Prices Corner, 3202 Kirkwood Highway, Wilmington, Del. 19808.
49	District of Columbia	II	440 G St. NW., Washington, D.C. 20001.
8	Florida	III	19 McMillan St., Post Office Box 1988, St. Augustine, Fla. 32084.
9	Georgia	III	901 West Peachtree St. NE., Atlanta, Ga. 30309.
55	Guam	VI	Post Office Box No. 3036, Agana, Guam 96910.
52	Hawaii	VI	Post Office Box No. 4006, Honolulu, Hawaii 96812.
10	Idaho	VI	Room 492, Federal Bldg., U.S. Courthouse, 550 West Fort St., Boise, Idaho 83072.
11	Illinois	V	405 East Washington St., Springfield, Ill. 62701.
12	Indiana	V	Century Bldg., 36 South Pennsylvania St., Indianapolis, Ind. 46204.
13	Iowa	V	Bldg. 68, Fort Des Moines, Des Moines, Iowa 50315.
14	Kansas	V	Masonic Temple Bldg., 10th and Van Buren Sts., Topeka, Kans. 66612.
15	Kentucky	II	220 Steele St., Frankfort, Ky. 40601.
16	Louisiana	IV	Bldg. 601-5A, 4400 Dauphin St., New Orleans, La. 70140.
17	Maine	I	Federal Bldg., 40 Western Ave., Augusta, Maine 04330.
18	Maryland	II	5th Regiment Armory, Federal Bldg., Charles Center, 31 Hopkins Plaza, Room 1119, Baltimore, Md. 21201.
19	Massachusetts	I	John Fitzgerald Kennedy Federal Bldg., Government Center, Boston, Mass. 02203.
20	Michigan	V	Post Office Box No. 626, Lansing, Mich. 48903.
21	Minnesota	V	Room 1503, Post Office and Customhouse, 180 East Kellogg Blvd., St. Paul, Minn. 55101.
22	Mississippi	III	Cameron Walker Bldg., 4785 Interstate 55 North, Jackson, Miss. 39206.
23	Missouri	V	411 Madison St., Jefferson City, Mo. 65102.
24	Montana	VI	Post Office Box No. 1183, Helena, Mont. 59601.
25	Nebraska	V	Terminal Bldg., 10th Floor, 941 O St., Lincoln, Nebr. 68508.
26	Nevada	VI	Post Office Box No. 644, 1511 North Carson St., Carson City, Nev. 89701.
27	New Hampshire	I	Post Office Box No. 427, Concord, N.H. 03301.
28	New Jersey	I	402 East State St., Trenton, N.J. 08608.
29	New Mexico	IV	Post Office Box No. 5175, Santa Fe, N. Mex. 87501.
30	New York	I	Federal Bldg., 441 Broadway, Albany N.Y. 12207.
50	New York City.	I	Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007.
31	North Carolina.	III	Post Office Box No. 9513, Morgan St. Station, Raleigh, N.C. 27603.
32	North Dakota	V	Federal Bldg., Post Office Box No. 1417, Bismarck, N. Dak. 58501.
33	Ohio	II	Federal Bldg., 85 Marconi Blvd., Columbus, Ohio 43215.
34	Oklahoma	IV	417 Post Office, Courthouse Bldg., Oklahoma City, Okla. 73102.
35	Oregon	VI	Post Office Box No. 4288, Portland, Oreg. 97208.
36	Pennsylvania	II	Post Office Box No. 1266, Harrisburg, Pa. 1710.
53	Puerto Rico	III	Post Office Box No. 4031, San Juan, P.R. 00905.
37	Rhode Island	I	1 Washington Ave., Providence, R.I. 02905.
38	South Carolina	III	1801 Assembly St., Columbia, S.C. 29201.
39	South Dakota	V	Post Office Box No. 1872, Rapid City, S. Dak. 57701.
40	Tennessee	III	Room 500, 1717 West End Bldg. Nashville, Tenn. 37203.
41	Texas	IV	209 West 9th St., Austin, Tex. 78701.
42	Utah	VI	333 South Second East, Salt Lake City, Utah 84111.

State code No.	State	Region	Address
43	Vermont	I	Federal Bldg., Post Office Box 308, Montpelier, Vt. 05602.
44	Virginia	II	Federal Office Bldg., 400 North 8th St., Richmond, Va. 23240.
54	Virgin Islands	III	Post Office Box No. 360, Charlotte Amalie, St. Thomas, V.I. 00801.
45	Washington	VI	Washington National Guard Armory, South 10th and Yakima, Tacoma, Wash. 98405.
46	West Virginia	II	Federal Office Bldg., Charleston, W. Va. 25301.
47	Wisconsin	V	Post Office Box No. 2157, 1220 Capitol Court, Madison, Wis. 53701.
48	Wyoming	V	Post Office Box No. 2186, Cheyenne, Wyo. 82002.

Change footnote 1 to read:

[1] Filed as part of original document. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention: Code 300.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 70-9318; Filed, July 20, 1970; 8:48 a.m.]

SUBCHAPTER F—TRANSPORTATION

PART 173—SHIPMENT AND STORAGE OF PERSONAL PROPERTY

The Deputy Secretary of Defense approved the following revision of Part 173:

Sec.
173.1 Purpose.
173.2 Applicability and scope.
173.3 Terms.
173.4 Responsibilities and policies.

AUTHORITY: The provisions of this Part 173 issued under 5 U.S.C. 301, 37 U.S.C. 406.

§ 173.1 Purpose.

This part establishes traffic management policies governing the worldwide movement, storage and handling of personal property for military and civilian personnel.

§ 173.2 Applicability and scope.

The provisions of this part apply to all DOD components and cover personal property moving, storage, and handling services for DOD personnel, and also those same services for personnel of other Government agencies, either United States or foreign, when arranged by a DOD component with the prior approval of the Assistant Secretary of Defense (Installations and Logistics) or other competent authority.

§ 173.3 Terms.

The terms used in this part have the following meanings:

(a) *Personal property.* Household goods, unaccompanied baggage (personal effects), and house trailers (mobile homes) (see Joint Travel Regulations).

(b) *Traffic management.* Development, coordination and supervision of DOD-wide programs, procedures, reports, standards and criteria governing the procurement of services required to move, store, and handle personal property. It does not include policies and procedures of the program in the following areas: Entitlements, budgeting, funding, funding facilities, staffing, accounting, disbursing, and claims settlement.

(c) *Continental United States (CONUS).* The 48 contiguous States and the District of Columbia.

(d) *Satisfactory service.* Performance which meets the moving, handling, and storage standards of the Department of Defense.

(e) *Carrier.* Any carrier or forwarder of personal property that holds an appropriate certificate(s) or permit(s) issued by a Federal or State regulatory agency, or any overseas carrier or forwarder of personal property approved by the Department of Defense.

(f) *Military Traffic Management and Terminal Service (MTMTS).* The single manager operating agency for military traffic, land transportation, and common-user ocean terminals (DOD Directive 5160.53, published at 32 F.R. 6295).

(g) *Military transportation resources.* Airlift under the control of or arranged by the Military Airlift Command (MAC) and sealift under the control of or arranged by the Military Sea Transportation Service (MSTS).

§ 173.4 Responsibilities and policies.

(a) The Assistant Secretary of Defense (Installations and Logistics) is assigned overall policy responsibility for the DOD personal property movement and storage program (hereafter referred to as the Program).

(b) MTMTS is responsible, in collaboration with other appropriate DOD Components, for the development of standards for the Program consistent with the following:

(1) *Procurement of services.* Services will be procured from qualified carriers and storage firms.

(2) *Qualification of carriers and storage firms.* The qualification of carriers and storage firms will be based upon:

(i) Appropriate authority to provide the required services.

(ii) Evidence of ability to provide satisfactory service.

(iii) Evidence of satisfactory equipment and facilities, including compliance with established fire standards.

(iv) Evidence of appropriate financial responsibility, including a performance bond for those carriers participating in the overseas movement of personal property.

(3) *Carrier performance.* Carrier performance will be evaluated at least quarterly. Carriers which fail to continually meet the requirements of subparagraph (2) of this paragraph or fail to meet the established standards of satisfactory service, or commit unethical acts, shall be excluded as a qualified program participant, in accordance with criteria and procedures established by the MTMTS. Such carriers shall be provided an opportunity to (i) appeal the exclusion, and (ii) request requalification after correcting the deficiencies causing the exclusion. No carrier may be disqualified at an installation(s) for failing to meet the established standards of service, unless that disqualification is in accordance with procedures established pursuant to this paragraph.

(4) *Distribution of shipments to qualified carriers.* Shipments of personal property shall be distributed in such a manner as to reward carriers most fully meeting the standards of service established under the provisions of subparagraph (3) of this paragraph.

(5) *Carrier representation by agents.* (i) For household goods traffic originating and destined for delivery within CONUS, only three (3) carriers to a single destination state may be represented in an origin area by the same local agent. Of these three carriers, only one (1) may be a carrier that holds operating authority in all of CONUS. If an agent represents himself as a carrier to service a specified destination state(s), such agent may only represent two other carriers serving that state(s).

(ii) For household goods traffic originating within CONUS and destined for delivery outside CONUS, only three (3) carriers may be represented in an origin area by the same local agent. If an agent represents himself as a carrier, such agent may only represent two (2) other carriers.

(iii) For unaccompanied baggage traffic not originating in CONUS, only one (1) carrier to a single destination state or foreign country may be represented in an origin area by the same local agent. If an agent represents himself as a carrier to serve a specified destination state(s) or foreign country, such agent may represent no other carrier serving that state or country.

(6) *Use of storage facilities.* The use of storage facilities will be in accordance with the following provisions:

(i) *Temporary storage (storage in transit).* Qualified commercial storage facilities will be used by the carrier.

(ii) *Nontemporary storage.* Qualified commercial storage facilities will be used whenever they are available at less cost than available DOD storage facilities.

(7) *Use of military transportation resources.* Military transportation resources will be used to the maximum practicable extent for the movement of personal property.

(c) In addition, MTMTS is assigned responsibility for the technical direction and supervision of the traffic management aspects of the Program on a worldwide basis, subject to the overall guidance, policies, and programs established by ASD (I&L). In carrying out this function, MTMTS will:

(1) Conduct an annual review of standards and criteria developed under paragraph (b) of this section, which will include but not be limited to:

(i) Quality of service.

(ii) Cost evaluation.

(iii) Fire safety standards.

(iv) Financial and bonding requirements.

(v) Qualification and requalification of carriers.

(2) Maintain in a current status a list of qualified carriers.

(3) Publish and maintain in a current status:

(i) The "DOD Commercial Warehousing and Related Services for Household Goods of Military and Civilian Personnel" Manual.

(ii) A Personal Property Traffic Management Regulation for DOD-wide use by transportation officers in arranging for the movement, storage and handling of personal property.

(4) Develop and prescribe personal property container specifications. However, specifications for non-Government-owned containers shall not prescribe any length, height, or width.

(5) Determine the effectiveness of the performance of traffic management functions assigned to and performed at DOD installations.

(6) In conjunction with the DOD Component headquarters activities, provide for an annual evaluation of the DOD personal property moving and storage program to determine the efficiency, adequacy and economy of the Program at all levels and submit coordinated findings of such joint evaluation to the ASD (I&L).

(7) Furnish technical guidance and assistance including information concerning traffic management cost data and statistics, to DOD Components as required.

(8) In collaboration with the Military Services, recommend to the ASD (I&L) changes in programs and policies governing the management and operation of the DOD Program including, but not limtied to, such matters as the establishment of joint (multi-DOD Component) personal property shipping offices and the assignment of procurement responsibility for personal property services.

(9) Keep the ASD (I&L) and other appropriate DOD Components apprised, on a timely basis, of trends in the overall Program and make appropriate recommendations relative thereto.

(10) Establish and maintain a continuing program for developing improved methods of transportation, packaging (containerization), packing and warehousing.

(11) Collect and maintain statistical and other data as required for information, analysis and effective traffic management of the overall Program.

(12) Negotiate with carriers on all matters (including rates) incidental to the transportation of personal property within CONUS, between the points in CONUS and points outside CONUS, and intertheater.

(13) Analyze and determine the reasonableness of rates for transportation and related services which are submitted voluntarily or by bid.

(14) Establish and convene, in conjunction with appropriate DOD components, such joint committees or working groups as are required to assure effective operation of the Program.

(15) Consult with the Small Business Administration and appropriate representatives of the moving and storage industries on those portions of DOD-wide procedures, standards, criteria and regulations developed under this directive which directly affect them.

(16) Evaluate (as provided in DOD Instruction 7041.3,[1] Economic Analysis of Proposed DOD Investments) the cost and service effectiveness of the various methods or combinations of methods employed for the movement of personal property using the results thereof as the basis for recommendations to the ASD (I & L) regarding changes in or establishing of shipping policies and programs.

(17) In coordination with the DOD components concerned, establish CONUS and overseas field offices or designate representatives in overseas areas to provide effective support to shipping and receiving installations of the Military Services to carry out assigned responsibilities.

(d) In addition, MTMTS field or designated representatives in overseas areas will:

(1) Exercise traffic management responsibility for the personal property moving and storage program in overseas areas.

(2) Coordinate the traffic management aspects of the personal property moving and storage program of their assigned areas with MTMTS.

(3) Make appropriate recommendations with respect to the issuance or modification of policies to MTMTS.

(4) Provide traffic management information and data to MTMTS, as required.

(5) Receive, accept, and negotiate rates for intratheater movements of personal property as required by the MTMTS.

(6) Communicate directly with MTMTS on personal property traffic management aspects of the program.

(e) The Secretaries of the Military Departments, through the Headquarters, Military Services, will:

(1) Establish, operate, staff, support and supervise their personal property shipping offices, worldwide.

(2) Take timely and appropriate action to correct program deficiencies and discrepancies as reported by MTMTS.

(3) Furnish such information, including cost and claims data, as may be required by MTMTS, concerning services related to the DOD personal property moving and storage program.

(4) Provide representation on such committees or working groups as may be convened by MTMTS.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 70-9317; Filed, July 20, 1970; 8:48 a.m.]

[1] Filed as part of original. Copies may be obtained by writing the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 300.

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4865]

[Anchorage 5854]

ALASKA

Modification of Public Land Order No. 4582

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847, as amended, 43 U.S.C. sec. 141 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska, is hereby modified to the extent necessary to permit the issuance of a right of way to the Matanuska Electric Association, Inc., under appropriate authority for an electric transmission line across the SW¼SE¼, sec. 2, T. 14 N., R. 2 W, Seward Meridian, Alaska.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 15, 1970.

[F.R. Doc. 70-9297; Filed, July 20, 1970; 8:47 a.m.]

[Public Land Order 4866]

[Sacramento 079699]

CALIFORNIA

Powersite Restoration No. 638; Powersite Cancellation No. 229; Revocation of Powersite Reserves in Whole or in Part

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. sec. 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-1087-California, it is ordered as follows:

1. The Executive orders of January 24, 1914, and December 2, 1918, creating Powersite Reserves Nos. 416 and 700 respectively, and Departmental Order of March 5, 1926, creating Powersite Classification No. 133 are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

POWERSITE RESERVE NO. 416

T. 8 N., R. 11 E.,
Sec. 5, lot 3;
Sec. 6, SW¼SE¼.
T. 9 N., R. 11 E.,
Sec. 12, W½NW¼, N½SW¼;
Sec. 24, SW¼NW¼;
Sec. 27, NE¼, NE¼NW¼;

Sec. 28, W½NE¼, SE¼NE¼, NE¼SW¼, E½SE¼;
Sec. 32, E½SE¼.
T. 9 N., R. 12 E.,
Sec. 4, SW¼SW¼;
Sec. 5, SW¼SW¼, S½SE¼;
Sec. 6, lot 6, E½SW¼, N½SE¼.

POWERSITE RESERVE NO. 700

All portions of the following described land lying within 50 feet of the centerline of the transmission line location of the Western States Gas and Electric Co.:

T. 7 N., R. 10 E.,
Sec. 14, lots 3, 4, 13, 15, and 16;
Sec. 36, SW¼SE¼.
T. 9 N., R. 10 E.,
Sec. 1, lots 1 and 6 (lots 6, 11, 12, and por. M.S. 5869);
Sec. 12, lots 1 and 2, SE¼SW¼;
Sec. 13, lots 1 and 4, NE¼NW¼ (lots 1, 8, 15, and por. M.S. 5423 and 5552);
Sec. 14, lots 2, 3, and 5.
T. 4 N., R. 11 E.,
Sec. 6, SW¼SE¼.
T. 5 N., R. 11 E.,
Sec. 9, lot 3;
Sec. 10, lots 14 and 15.
T. 10 N., R. 11 E.,
Sec. 30, lot 8.
T. 11 N., R. 11 E.,
Sec. 32, NW¼NE¼.

POWERSITE CLASSIFICATION NO. 133

T. 9 N., R. 11 E.,
Sec. 15, SW¼SW¼;
Sec. 16, SE¼SE¼.
T. 9 N., R. 12 E.,
Sec. 5, S½NW¼, NW¼SW¼;
Sec. 8, NE¼NE¼.
T. 8 N., R. 13 E.,
Sec. 11, S½NE¼;
Sec. 12, NW¼SW¼.
T. 10 N., R. 13 E.,
Sec. 35, S½NE¼;
Sec. 36, SW¼NE¼, S½NW¼.
T. 9 N., R. 14 E.,
Sec. 4, NE¼SW¼, NW¼SE¼;
Sec. 5, lot 4, SE¼NE¼;
Sec. 6, lots 1 and 2;
Sec. 8, N½NE¼, SE¼NE¼;
Sec. 9, S½NE¼, SW¼NW¼.
T. 10 N., R. 14 E.,
Sec. 31, NW¼SE¼.

The areas described aggregate approximately 2,302 acres of private, public, and national forest lands in Amador, Calaveras and El Dorado Counties.

2. In its order of May 20, 1969 (DA–1087–California), the Federal Power Commission determined the lands described in paragraph 1 of this order are surplus to the needs of either existing or proposed projects or are adequately protected by withdrawals under the Federal Power Act.

The lands listed in paragraph 1 are either patented, included in other withdrawals for power and other purposes, or have been subject to the general determination of the Federal Power Commission issued April 17, 1922. Some of the lands have been restored by Public Land Order No. 2103 subject to the provisions of section 24. The effect of this order is to relieve the restored lands of the limitation prescribed by the said section 24.

The State of California has waived the preference right of application for highway rights of way or material sites as provided by section 24 of the Federal Power Act of June 10, 1920, supra.

3. At 10 a.m. on August 20, 1970, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 20, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on August 20, 1970, the national forest lands, not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made of such lands.

The public and national forest lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 15, 1970.

[F.R. Doc. 70–9298; Filed, July 20, 1970; 8:47 a.m.]

[Public Land Order 4867]

[Montana 14296]

MONTANA

Powersite Restoration No. 705; Partial Revocation of Powersite Reserve No. 10

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. sec. 818 (1964), and pursuant to the determination of the Federal Power Commission in DA–195–Montana, it is ordered as follows:

1. Departmental order of May 29, 1909, creating Powersite Reserve No. 10, as confirmed by Executive order of July 2, 1910, and as modified by Executive order of July 8, 1914, Interpretation No. 152, is hereby revoked so far as it affects the following described land:

PRINCIPAL MERIDIAN

T. 3 S., R. 1 E.,
Sec. 14 NW¼NW¼.

The area described contains 40 acres in Madison County.

The land lies within the steep, rocky portion of the Madison River Canyon. Vegetation consists of mixed grasses, sagebrush, and scattered noncommercial pine trees growing between numerous exposed rock outcroppings.

The State has waived its preference right of application for highway rights of way or highway material sites provided for by section 24 of the Federal Power Act of June 10, 1920, supra.

2. This revocation is made in furtherance of an exchange under section 8 of the Taylor Grazing Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. sec. 315g (1964), by which the offered land will benefit a Federal land program. Accordingly, the land described in paragraph 1 of this order is hereby classified, pursuant to section 7 of said Act, 43 U.S.C. sec. 315f (1964), as suitable for such exchange. The land, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification (43 CFR 2232.1–4).

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 15, 1970.

[F.R. Doc. 70–9299; Filed, July 20, 1970; 8:47 a.m.]

[Public Land Order 4868]

[Utah 12047]

UTAH

Modification of Public Land Order No. 4689 To Permit Grant of Right of Way

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4689 of September 15, 1969, withdrawing certain lands in Utah for use of the U.S. Bureau of Mines, as a metallurgy research center, is hereby modified to the extent necessary to permit the location of a right of way under section 2477, U.S. Revised Statutes, 43 U.S.C. sec. 932, by Salt Lake City Corporation, Utah, over the following described land, as delineated on a map filed with the Bureau of Land Management in Utah 12047, for the construction of a public road:

SALT LAKE MERIDIAN

T. 1 S., R. 1 E.,
Parcel No. 4 of Tract "D".

The right of way is more particularly described as:

Beginning at a point which is located by the following three courses and distances from the closing corner of sections 2 and 11, T. 1 S., R. 1 E.: (1) South 62°18'30" west 3193.81 feet; (2) south 89°58'04" west 538.21 feet; (3) north 350.00 feet. Thence from said point of beginning north along the west edge of Parcel No. 4 a distance of 969.199 feet; thence east along the north edge of Parcel No. 4 a distance of 18.00 feet; thence south a distance of 969.199 feet; thence west a distance of 18.72 feet to the true point of beginning.

The area described in the right of way aggregates approximately 0.4 acre in Salt Lake County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 15, 1970.

[F.R. Doc. 70–9300; Filed, July 20, 1970; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

MISCELLANEOUS AMENDMENTS TO CHAPTER

Effective upon publication in the FEDERAL REGISTER, the following amendments to this title relate a change in the field

organization of the Bureau of Sport Fisheries and Wildlife.

PART 1—DEFINITIONS

Part 1 of Chapter I is amended as follows:

1. Section 1.7 is revised to read:

§ 1.7 Regional or area director.

"Regional or area director" are synonymous and mean the officer in charge of a region or area of the Bureau of Sport Fisheries and Wildlife, or his authorized representative.

PART 2—FIELD ORGANIZATION

Part 2 of Chapter I is amended as follows:

1. Section 2.1 is revised to read:

§ 2.1 Regional or area offices.

The program operations of the Bureau of Sport Fisheries and Wildlife are performed in various types of field installations. They include national fish hatcheries, national wildlife refuges, game management agent districts, wildlife service districts and research laboratories. All field installations, except those engaged in research, are supervised by a regional or area director who has jurisdiction over Bureau activities in the State or States encompassed by his region or area. Unless otherwise stated for a particular matter in the regulations, all persons may secure from the regional or area offices information or make submittals or requests, as well as obtain forms and instructions as to the scope and contents of papers or reports required of the public.

2. Section 2.2 is revised to read:

§ 2.2 Locations of regional or area offices.

The geographic jurisdictions and addresses of the Bureau of Sport Fisheries and Wildlife regional or area offices are as follows:

(a) Alaska Area Office (comprising the State of Alaska), 6917 Seward Highway, Anchorage, Alaska 99502.

(b) Pacific Region (Region I—comprising the States of California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) Post Office Box 3737, Portland, Oreg. 97208.

PART 11—PROTECTION OF BALD EAGLES AND GOLDEN EAGLES

Part 11 of Chapter I is amended as follows:

1. Section 11.9 is revised to read:

§ 11.9 Jurisdiction and address of regional or area offices.

The geographic jurisdictions and addresses of the Bureau of Sport Fisheries and Wildlife regional or area offices are as follows:

(a) Alaska Area Office (comprising the State of Alaska), 6917 Seward Highway, Anchorage, Alaska 99502.

(b) Pacific Region (Region 1—comprising the States of California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) Post Office Box 3737, Portland, Oreg. 97208

PART 16—MIGRATORY BIRD PERMITS

Part 16 of Chapter I is amended as follows:

§ 16.10 Jurisdiction and address of regional or area offices.

Geographic jurisdictions and addresses of Bureau of Sport Fisheries and Wildlife regional or area offices are as follows:

(a) Alaska Area Office (comprising the State of Alaska), 6917 Seward Highway, Anchorage, Alaska 99502.

(b) Pacific Regional (Region 1—comprising the States of California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington), Post Office Box 3737, Portland, Oreg. 97208.

* * * * *

PART 29—LAND USE MANAGEMENT

Part 29 of Chapter I is amended as follows:

1. Section 29.21–2 is amended as follows:

§ 29.21–2 Application procedures.

* * * * *

(c) *Regional or Area Director's address.* (1) For the State of Alaska:

Area Director, Bureau of Sport Fisheries and Wildlife, 6917 Seward Highway, Anchorage, Alaska 99502.

(1a) For the States of California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington:

Regional Director, Bureau of Sport Fisheries and Wildlife, Box 3737, 730 Northeast Pacific Street, Portland, Oreg. 97208.

* * * * *

(R.S. 161; 5 U.S.C. 301)

A. V. TUNISON,
Acting Director,
Bureau of Sport Fisheries and Wildlife.

JULY 15, 1970.

[F.R. Doc. 70–9340; Filed, July 20, 1970; 8:50 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with bow and arrow on the Mark Twain National Wildlife Refuge, Ill., is permitted from October 24 through October 27, only on the area of the Gardner Division designated by signs as open to hunting. The open area, comprising 4,831 acres of the Gardner Division is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of white-tailed deer with bow and arrow subject to the following conditions:

(1) A Federal permit is required to enter the public hunting area. One thousand (1,000) permits will be issued beginning October 2. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

(2) Successful hunters will be required to check their deer through the check station on the division.

(3) Hunting will be from one-half hour before sunrise to 4 p.m.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 27, 1970.

JAMES F. GILLETT,
Refuge Manager,
Mark Twain National Wildlife Refuge.

JULY 13, 1970.

[F.R. Doc. 70–9293; Filed, July 20, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[9 CFR Part 201]

PACKERS AND LIVE POULTRY DEALERS AND HANDLERS

Business Dealings With Poultry Growers and Sellers

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the authority conferred by section 407 (a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228(a)), the Packers and Stockyards Administration is considering the amendment of the regulations under the Act (9 CFR Part 201) by the addition thereto of new §§ 201.100 through 201.110 pertaining to packers and live poultry dealers and handlers regarding their business dealings with poultry growers and sellers.

Statement of considerations. The marketing system for poultry has changed dramatically within the last 20 years. One important structural change has been vertical integration, resulting from a firm acquiring or controlling successive stages involved in the production of poultry. At present, nearly all broilers and half or more of all turkeys are produced by farmers under contracts with integrated firms. An estimated 40,000 farmers now produce poultry under various contractual arrangements with integrators.

Under the contractual arrangement, the contractor or integrator usually supplies the feed, newly hatched poultry, and medication and other variable inputs. The farmer or grower usually supplies land, housing, equipment, and labor. Poultry contracts have changed over time along with industry structure. In general, the evolution of broiler contracts has been from open account contracts to the profit sharing type and finally to a cost of production or efficiency related contract with a guaranteed minimum payment to the poultry farmer. There are still many turkey producing contracts under which the farmer and integrator share in the profits and risks.

Integrated firms, commonly called "integrators," vary greatly in size and complexity. The typical integrated poultry producing-marketing firm has its own hatchery, feedmill, and processing plant, as well as contract growers. This firm may be a local independent firm specializing in poultry, part of a national meat packing company, or a subsidiary of a national conglomerate.

The need for regulations pertaining to the business relationship between the packers or live poultry dealers or handlers and the poultry growers or sellers was discussed with the Packers and Stockyards Administration Poultry Advisory Committee June 18 and 19, 1968. This committee is composed of 22 members from the poultry industry representing poultry growers, chainstores, packers, live poultry dealers, and handlers. Following the committee meeting, a draft of proposed regulations was furnished each member of the committee inviting their views and comments. The Department is now considering the desirability of promulgating regulations setting forth certain requirements to be followed by packers and live poultry dealers and handlers in their dealings with poultry growers and sellers. These regulations will assist in the administration of the Act by providing guidelines for packers, live poultry dealers, and handlers in the areas of recordkeeping, contracting, weighting, and accounting to poultry growers and sellers for the production and/or marketing of live poultry thereby providing minimum safeguards to poultry growers and sellers delivering or selling live poultry to packers or live poultry dealers or handlers.

It is proposed to add new §§ 201.100 through 201.110 to the Packers and Stockyards Act regulations, to read as follows:

§ 201.100 Records to be furnished poultry growers and sellers.

(a) *Contracts; contents.* Each packer or live poultry dealer or handler who enters into a grow-out (feeding) contract with a poultry grower shall furnish the grower a true written copy of the grow-out (feeding) contract. The contract shall clearly specify:

(1) The duration of the contract and conditions for the termination of the contract by each of the parties;

(2) All terms relating to the payment to be made to the poultry grower, including among others, where applicable, the following:

(i) The party liable for condemnations, including those resulting from plant errors;

(ii) The method for figuring feed conversion ratios;

(iii) The formula or method used to convert condemnations to live weight;

(iv) The per unit charges for feed and other inputs furnished by each party;

(v) The factors to be used when grouping or ranking poultry growers; and

(3) The time at which final payment to the grower is to be made.

(b) *Settlement sheets; contents; supporting documents.* Each packer or live poultry dealer or handler, who acquires poultry pursuant to a contract with a poultry grower, shall prepare a true and accurate settlement sheet (final accounting) and furnish a copy thereof to the poultry grower at the time of settlement. The settlement sheet shall contain all information necessary to compute the payment due the poultry grower. For all contracts in which the weight of birds affects payment, the settlement sheet shall show, among other things, the number of live birds marketed, the total weight and the average weight of the birds, and the payment per pound.

(c) *Condemnation and grading certificates.* Each packer or live poultry dealer or handler, who acquires poultry pursuant to a contract with a poultry grower which provides that official U.S. Department of Agriculture condemnations or grades, or both, are a consideration affecting payment to the grower, shall obtain an official U.S. Department of Agriculture condemnation or grading certificate, or both, for the poultry and furnish a copy thereof to the poultry grower prior to or at the time of settlement.

(d) *Grouping or ranking sheets.* Where the contract between the packer or live poultry dealer or handler and the poultry grower provides for payment to the poultry grower based upon a grouping or ranking of poultry growers delivering poultry during a specified period, the packer or live poultry dealer or handler shall furnish the poultry grower, at the time of settlement, a copy of a grouping or ranking sheet which shows the grower's precise position in the grouping or ranking for that period. The grouping or ranking sheet need not show the names of other growers, but shall show the actual figures upon which the grouping or ranking is based for each grower grouped or ranked during the specified period.

(e) *Live poultry purchases.* Each packer or live poultry dealer or handler who purchases live poultry shall prepare and deliver a purchase invoice to the seller at time of settlement. The purchase invoice shall contain all information necessary to compute payment due the seller. When U.S. Department of Agriculture condemnations or U.S. Department of Agriculture grades, or both, of poultry purchased affect final payment, copies of official U.S. Department of Agriculture condemnation certificates or grading certificates, or both, shall be furnished to the seller at or prior to the time of settlement.

§ 201.101 Records; disposition.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, no packer or live poultry dealer or handler shall, without the consent in writing of the Administrator, destroy or dispose of any books, records, documents, or papers which contain, explain, or modify transactions in his business under the Act relating to poultry.

(b) The following categories of records relating to poultry, made or kept by a packer or live poultry dealer or handler, may be disposed of after they have

been retained for a period of two full calendar years:

Contracts.
Settlement sheets.
Ranking or grouping sheets.
Scale tickets.
Invoices for feed.
Invoices for medications.
Invoices for litter.
Invoices for chicks or poults.
Invoices for miscellaneous services or supplies.
Condemnation certificates.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Sales invoices.
Credit memos.
Receiving reports.
Scale test reports.
Invoices for equipment sold to growers.
Purchase invoices.
Invoices for catching and hauling.
Grading certificates.
Freight invoices and bills of lading.
Routine correspondence.
Servicemen's reports.

(c) The retention period specified in paragraph (b) of this section shall be extended, if necessary, to comply with any Federal, State, or local law, or if the packer or live poultry dealer or handler is notified in writing by the Administrator that specified records should be retained pending the completion of any investigation or proceeding under the Act.

§ 201.102 Live and dressed poultry market conditions and prices.

No packer or live poultry dealer or handler shall knowingly make, issue, or circulate any false or misleading report, record, or representation concerning live or dressed poultry market conditions, or the price of sale of any live or dressed poultry.

§ 201.103 Inspection of records and property of packers and live poultry dealers and handlers.

Each packer and live poultry dealer and handler shall, upon proper request during ordinary business hours, permit authorized representatives of the Secretary to enter his place of business and examine records requested pertaining to the business of the packer or live poultry dealer or handler as such, and to make copies thereof, and inspect such property of persons subject to the Act as is necessary to carry out the provisions of the Act and these regulations. Any necessary facilities for such examination of records and inspection of property shall be extended to authorized representatives of the Secretary by the packer or live poultry dealer or handler, his agents and employees.

§ 201.104 Packers, live poultry dealers, or handlers; information concerning business not to be divulged.

No agent or employee of the United States shall, without the consent of the packer, live poultry dealer, or handler concerned, divulge or make known in any manner, except to such other agent or employee of the United States as may be required to have such knowledge in the regular course of his official duties or except insofar as he may be directed by the Secretary or by a court of competent jurisdiction, any facts or information regarding the business of any packer, live poultry dealer, or handler which may come to the knowledge of such agent or employee through any examination or inspection of the business or records of the packer, live poultry dealer, or handler or through any information given by the packer, live poultry dealer, or handler pursuant to the act and regulations.

§ 201.105 Accurate weights.

All scales owned or controlled by packers and live poultry dealers and handlers and used for the purpose of weighing live poultry purchased, sold, or acquired by them shall be installed, maintained and operated so as to insure accurate weights.

§ 201.106 Scales: Testing, repairs, adjustments, replacement and use.

(a) Packers and live poultry dealers and handlers shall cause scales used by them to weigh live poultry which they purchase, acquire, or sell to be tested by a competent scale testing agency in accordance with instructions of the Administrator,[1] at least twice during each calendar year at intervals of approximately 6 months, and shall submit to the area supervisor a fully executed copy of a report of each of the tests on forms which will be furnished by the Administrator on request. Test and inspection forms used by State and other Governmental agencies will be acceptable provided they contain substantially the same information as that required by the official form referred to above. No scale shall be used by any packer or any live poultry dealer or handler to weigh live poultry for purposes of purchase, sale, acquisition or settlement unless it has been tested and meets the accuracy requirements prescribed by the Administrator.[2] If a scale is inaccurate, or if repairs, adjustments or replacements are made, it shall not be used until it has been retested and found to be accurate.

(b) All scales used to weigh live poultry shall be equipped with a type-registering weighbeam, a dial with a mechanical ticket printer, or a similar device for printing or stamping the weight values on scale tickets. Vehicle scales used in such transactions shall be of sufficient length and capacity to weigh an entire vehicle as a unit: *Provided*, That, a trailer may be uncoupled from a tractor and weighed as a single unit. The gross weight and tare weight of such a vehicle or unit shall be determined on the same scale or scales meeting the requirements specified in paragraphs (a) and (b) of this section.

[1] Instructions governing the testing of scales used to weigh live poultry for the purpose of purchase, sale, acquisition, or settlement will be issued, and will be made available to packers and live poultry dealers and handlers upon request to the Administrator.

[2] Accuracy requirements for scales used to weigh live poultry for the purpose of purchase, sale, acquisition, or settlement will be issued, and will be made available to packers and live poultry dealers and handlers upon request to the Administrator.

§ 201.107 Requirements regarding scale tickets evidencing weighing of live poultry.

(a) When live poultry is weighed for purposes of purchase, sale, acquisition, or settlement by a packer or live poultry dealer or handler, a scale ticket shall be issued which shall show: (1) The name of the agency performing the weighing service; (2) the name of the packer or live poultry dealer or handler; (3) the name and address of the grower, purchaser, or seller; (4) the name or initials of the person operating the scale when the weighing is done; (5) the location of the scale; (6) the gross weight, tare weight, and net weight; (7) the date and times that the gross weight and tare weight are determined; (8) the number of poultry weighed; (9) the weather conditions; (10) whether the driver was on or off truck at time of weighing; and (11) the license number of the truck or the truck number: *Provided*, That, when live poultry is weighed on a scale other than a vehicle scale, the scale ticket need not show the information specified in subparagraphs (9), (10), and (11) of this paragraph (a).

(b) Scale tickets issued under this section shall be at least in duplicate form and serially numbered. One copy shall be furnished to the grower, purchaser, or seller, and one copy shall be furnished to or retained by the packer or live poultry dealer or handler.

(c) The packer or live poultry dealer or handler shall be responsible for the accurate weighting of live poultry and the execution and issuance of scale tickets.

§ 201.108 Scale operators to be competent.

Packers and live poultry dealers and handlers shall employ only competent persons of good character and known integrity to operate scales for weighting live poultry for purposes of purchase, sale, acquisition or settlement and shall require such employees to operate the scales in accordance with instructions of the Administrator, copies of which will be furnished by the Administration to each packer and live poultry dealer and handler. Any agent, officer, or other person acting for or employed by any packer or live poultry dealer or handler found to be operating scales incorrectly, carelessly, in violation of weighting instructions, or in such a manner as to favor or injure any party through incorrect weighing or incorrect weight recording, shall be removed from his weighing duties.

§ 201.109 Reweighing.

Packers and live poultry dealers and handlers, or their employees, shall reweigh live poultry on request of duly authorized representatives of the Secretary.

§ 201.110 Time of weighing.

Whenever live poultry is weighed on a vehicle by a packer or live poultry dealer or handler, the gross weight shall be determined on the scale normally used for such purpose as promptly as

possible after the poultry is loaded on the vehicle.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days from the publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 16th day of July 1970.

DONALD A. CAMPBELL,
Administrator.

[F.R. Doc. 70-9347; Filed, July 20, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

EL PASO-LAS CRUCES-ALAMOGORDO INTERSTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region (Texas-New Mexico) as set forth in the following new § 81.82 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commisioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Texas and New Mexico and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., July 28, 1970, in the City Council Chamber, Second Floor, City-Council Building, 500 East San Antonio Avenue, El Paso, Tex. 79901.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.82 is proposed to be added to read as follows:

§ 81.82 El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region.

The El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region (Texas-New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:
El Paso County. Hudspeth County.

In the State of New Mexico:
Dona Ana County. Otero County.

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: July 15, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70-9311; Filed, July 20, 1970; 8:48 a.m.]

[42 CFR Part 81]

METROPOLITAN ALBUQUERQUE INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Albuquerque Intrastate Air Quality Control Region (New Mexico) as set forth in the following new § 81.83 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of New Mexico and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., July 29, 1970, in the City Commission Chambers, Albuquerque City Hall, 400 Marquette Avenue NW., Albuquerque, N. Mex. 87103.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.83 is proposed to be added to read as follows:

§ 81.83 Metropolitan Albuquerque Intrastate Air Quality Control Region.

The Metropolitan Albuquerque Intrastate Air Quality Control Region (New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

Bernalillo County in its entirety.

Those portions of Sandoval, Santa Fe, Socorro, and Valencia Counties included within the Middle Rio Grande Air Shed as defined in Air Shed Regulation No. 1 adopted by the New Mexico Board of Public Health, December 29, 1967.

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: July 15, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70-9310; Filed, July 20, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10443]

DORNIER MODEL DO–28D–1 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Dornier Model Do–28D–1 airplanes. Cases have been reported of skin separating from the cabin door structure on these airplanes. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed airworthiness directive would require the installation of additional attachment screws to improve door skin security on the Dornier Model Do–28D–1 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 20, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DORNIER, AG. Applies to Model Do–28D–1 airplanes.

To prevent separation of the skin from the cabin door structure, within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, secure the door skin by installing additional screws in accordance with Dornier Service Bulletin No. 015–1206, dated October 1, 1969, or later LBA-approved issue or an FAA-approved equivalent.

Issued in Washington, D.C., on July 14, 1970.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70–9301; Filed, July 20, 1970; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 10444]

ENTWICKLUNGSGEMEINSCHAFT MODEL "PHOEBUS" A1, B1, AND C SAILPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Entwicklungsgemeinschaft Model "Phoebus" A1, B1, and C sailplanes. It has been determined that the back-slipping chute coupling may block the rudder surface on these airplanes. Since this condition is likely to exist or develop on other sailplanes of the same type design, the proposed airworthiness directive would require replacement of the existing chute coupling with a modified type coupling.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 20, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

ENTWICKLUNGSGEMEINSCHAFT. Applies to Model "Phoebus" A1, B1, and C sailplanes up to and including S.N 934 which have a brake chute installed.

Compliance is required as indicated.

To prevent the rudder from becoming blocked by the back-slipping chute coupling, within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, replace the chute coupling with a modified coupling in accordance with Messerschmitt-Bolkow-Blohm Service Bulletin No. Phoebus–1/70 dated April 1970, or later LBA-approved issue or an FAA-approved equivalent.

Issued in Washington, D.C., on July 14, 1970.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70–9302; Filed, July 20, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70–CE–56]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Eau Claire, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

New VOR/DME Runway 4, NDB (ADF) Runway 14 and amended NDB (ADF) Runway 22, VOR–1, and NDB (ADF)–2, instrument approach procedures have been developed for the Eau Claire, Wis., Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Eau Claire control zone and transition area to provide controlled airspace for the protection of aircraft executing the new and amended procedures and to comply with the new airspace criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

EAU CLAIRE, WIS.

Within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); within 2½ miles each side of the 304° bearing from Eau Claire Municipal Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport; within 2½ miles each side of the 041° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 274° bearing

from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles west of the airport.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within 11½-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); and within 2 miles each side of the 202° radial of the Eau Claire VORTAC extending from the 11½-mile radius area to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Eau Claire VORTAC; and that airspace extending upward from 4,000 feet MSL southwest of Eau Claire bounded on the east by V-129, on the southwest by V-2N, and on the north by V-26S.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 30, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-9303; Filed, July 20, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-57]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Newton, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Newton, Kans., a new public use instrument approach procedure has been developed for the Newton Municipal Airport. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Newton transition area to adequately protect aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

NEWTON, KANS.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Newton Municipal Airport (latitude 38°03'20" N., longitude 97°16'35" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 30, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-9304; Filed, July 20, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-389A]

INITIAL RATES FOR FUTURE SALES OF NATURAL GAS

Expansion of Investigation and Proposed Rule Making to Nationwide New Gas Sales and Statement on New Applications for Certificates for Sales From All Areas

JULY 17, 1970.

1. Notice is hereby given, that pursuant to the Administrative Procedure Act, 5 U.S.C. 551, et seq. (1967) and sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act (52 Stat. 822, 823, 824, 825, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717o) and upon an investigation to be conducted in this docket, the Commission desires to expand the scope of the investigation and proposed rule making set forth in its notice issued June 17, 1970, in Docket No. R-389, and, therefore, now proposes to issue rules fixing the terms and conditions under which it will issue permanent certificates for, and will otherwise regulate, new sales of natural gas subject to the Commission's jurisdiction nationwide, including but not limited to the Southern Louisiana, Permian, Other Southwest, Hugoton-Anadarko, Texas Gulf Coast, Appalachian, Rocky Mountain and all other areas (except Alaska and Hawaii), under contracts dated after June 17, 1970. The rates to be set pursuant to this rule making will be firm rates, not subject to refund obligation. However, any rate set will be subject to prospective modification at the conclusion of any area rate proceeding which has heretofore been instituted, or which may hereafter be instituted by separate order.

Data available to the Commission indicates that interstate pipelines are unable to procure contracts for new supplies of gas, on a spot or long-term basis, at the same relative rate as heretofore, and that this does not appear to represent any decline in the productivity of the areas below earlier estimates. Recently significant pipeline capacity for intrastate transportation and sales has been put into operation in a number of areas.

2. We do not propose any specific terms and conditions in this notice. Rather, we will rely in making that determination on the responses to be filed herein. We propose to amend § 2.56, *Area price levels for natural gas sales by independent producers*, as amended, in Part 2—General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations.

3. As an aid to interested parties (hereinafter "parties") in preparing responses, and as notice to those who may be examined in this investigation, we set forth specific areas of inquiry, the purpose of which is to determine the terms and conditions which will result in an adequate supply of natural gas for consumers at the lowest rate consistent with maintaining an industry structure capable of providing, and motivated to provide, service with its attendant risks. See Permian Basin Area Rate Cases, 390 U.S. 747 (1968) (hereinafter "Permian"); Austral Oil Co. v. F.P.C., ------ F. 2d ------ (Fifth Circuit 1970, slip opinion dated March 19, supplemental opinion reaffirming dated June 16, 1970, No. 27492, et al.) (hereinafter "Austral").

4. First, we call on all parties including staff to submit an estimate of the current, nationwide cost of finding and producing nonassociated natural gas. This estimate should be made using as far as possible the costing methods set forth in Commission Opinion Nos. 468 (34 FPC 191-207) and 546 (40 FPC 556-589). An explanation of the methods used in estimating current cost, together with all supporting calculations, shall be attached to the response. New gas cost estimates should be determined at the indicated 12 percent rate of return for purposes of responding to this paragraph 4. However, in their responses to the paragraph 5, the parties will have an opportunity to state any alternative rates of return which they deem more appropriate. The Bureau of Natural Gas has made a preliminary estimate which indicates cost increases in the range of 3-5¢ per Mcf exclusive of any modification in rate of return.

5. Second, we call on all parties to respond on rate of return and other factors discussed by the Supreme Court in Permian, supra, and the U.S. Court of

Appeals for the Fifth Circuit in Austral, supra.

6. Third, we call on parties to respond on the question of the weight to be given to gas contract prices, terms and inducements or commodity value, in considering producer rates and on the question of whether the market mechanism in the light of pipeline regulation will adequately protect consumer interests. See Permian, supra, p. 795. Any party responding to this issue should either include any information he may have concerning prices and other relevant terms applicable to contracts dated on or after January 1, 1966, for all intrastate sales of natural gas and any information he may have concerning prices and other relevant terms offered (or demanded), but not accepted, for contracts for interstate sale of natural gas in the aforementioned expanded areas (together with the factors believed to be the cause of the failure to contract) or state that no such information is available to him or state the reason or reasons why the information is withheld. Nothing herein shall limit investigation by the staff (pursuant to paragraph 11, infra), independent of any responses which may be filed.

7. Public hearings will be held in this expanded proceeding for the purpose of allowing a number of persons, such as small producers to state their views in lieu of filing written comments. These hearings will be held in Midland, Tex., on July 29, 1970, at the Midland High School Auditorium; in New Orleans, La., on August 10, 1970, at Room T 9007, 701 Loyola Avenue; in Denver, Colo., on August 13, 1970, at the U.S. Post Office Building, 1823 Stout Street; and Pittsburgh, Pa., on August 14, 1970, Room 2214, 1000 Liberty Avenue. Each of these hearings will commence at 10 a.m. local time and shall continue from day to day until recessed by an officer designated by paragraph 11, infra.

Any statements taken at a public hearing announced by the Commission or its Secretary will be reduced to written form and will be considered together with the filed comments in this docket. Any party who wishes to make an oral statement in lieu of filing written comments should file a request with the Secretary on or before July 28, 1970, respectively, if the party desires to appear at the New Orleans, or the Denver, or the Pittsburgh hearing. The request shall state the name, title, and mailing address of the person, the interest he has or represents in this proceeding, and a waiver of the right to file written comments pursuant to paragraph 10, infra. Denial of an oral presentation means only that the person should file written comments if he wishes to be heard. Persons whose request is granted will be notified by mail of the date and time allotted. Additional hearings may be held upon notice from the Secretary. Any additional requests to be heard in Midland will be considered if filed on or before July 24, 1970; those who filed on or before July 10 will have their requests considered without further action on their part.

8. The initial notice of investigation and proposed rule making covered only the Permian Basin area as geographically defined in Docket No. R–389. This expanded investigation and proposed rule making shall make the proceeding nationwide (except Alaska and Hawaii).

9. All statements and submittals in response to this notice shall be under oath, acknowledged by a notary public or comparable official, as follows:

---------- being duly
(Name)

sworn, deposes and says that he is (title and organization, if filing in a representative capacity); that he is authorized to verify and file this document, that he has examined the statements contained in the submittal and that all such statements are true and correct to the best of his knowledge, information, and belief.

10. Any interested person may become a party to this expanded proceeding by filing with the Secretary, on or before July 28, 1970, a notice of intention to respond in writing pursuant to this paragraph. (All requests to be heard orally pursuant to paragraph 7, supra, will be deemed to be notice pursuant to paragraph 10.) Persons who filed a notice of intention to respond or a request for oral hearing pursuant to R–389 before this amendment are parties to the expanded proceeding. The Secretary will thereupon prepare and publish a list of all parties. Parties shall certify that all other parties have been served with a copy of any subsequent filing. Responses in writing concerning this proposed rule making (hereinafter "original submittal") shall be filed with the Secretary at the Federal Power Commission, Washington, D.C. 20426, by August 21, 1970, instead of July 31, 1970, as previously scheduled. Any submittal shall state the name, title, mailing address of the person or persons to whom communications concerning this matter should be addressed, the interest in this proceeding, and whether the person filing them requests a conference at the Federal Power Commission. An original and 14 copies of all submittals shall be filed. Responses to the submittals may be filed not later than September 21, 1970, instead of September 1, 1970, as previously scheduled, in the same form and number as the original submittals (hereafter "reply submittals"). The Commission will consider all such written submittals, responses, and statements taken pursuant to paragraph 7, supra, and any report filed by an officer pursuant to paragraph 11, infra, before issuing an order in this proceeding.

11. For the purpose of the aforesaid investigation John W. Williams, E. B. Blackmon, and Paul L. Brady, staff attorneys, are each hereby designated an officer of this Commission and empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant and material to the inquiry, and to perform all other duties in connection therewith as prescribed by law. These officers, or any of them, will preside at hearings provided for in paragraph 7, supra, unless otherwise provided by Commission order. However, nothing in paragraph 7, supra, shall limit the investigatory power delegated in this paragraph 11 or require that all depositions or other information obtained by subpena duces tecum be publicly conducted or filed as a submittal in this docket. See 15 U.S.C. 717g. Any report to the Commission made by an officer prior to the Commission's decision in this rule making will be filed as a submittal pursuant to paragraph 10, supra.

12. Statement on New Applications for Certificates for Sale of Natural Gas. Effective on June 17, 1970, for the Permian area, and effective on the date of this notice for all other areas, the Commission will accept for consideration applications by independent producers requesting issuance of a certificate of public convenience and necessity for sales of natural gas notwithstanding that the stated rate may be in excess of the ceiling or guideline rates. Applications requesting issuance of certificates of public convenience and necessity authorized herein shall be processed in accordance with the procedural requirements, including those relating to notice, intervention and hearing, set out in Part 157 of the Commission's regulations under the Natural Gas Act.

Applicants shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held before the Commission without further notice on all applications for certificates in which no petition to intervene in opposition is filed within the time required if the Commission on its own review of the matter believes that a grant of a certificate is required by the public convenience and necessity. Where a petition for leave to intervene in opposition is timely filed or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

13. Notice of investigation, of rule making, and statement on New Applications for Certificates for sale of natural gas in this docket are separable. Termination or stay of any one by order of this Commission or otherwise shall not affect any other proceeding incorporated herein.

14. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

15. Due to the urgency of the national interest considerations involved here, it is considered necessary to expedite this matter. Therefore, good cause exists for shortening the notice requirements set forth in § 1.19 of our rules in this instance.

By direction of the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9414; Filed, July 20, 1970; 8:51 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 425]

USE OF NEGATIVE OPTION PLANS BY SELLERS IN COMMERCE

Notice of Postponement of Hearing Date and Extension of Time for Submitting Data, Views or Arguments

The Federal Trade Commission has postponed the public hearing for the consideration of the proposed Trade Regulation Rule relating to the use of negative option plans by sellers in commerce until November 16 and 17, 1970. The original public hearing had been scheduled for August 18 and 19, 1970, as announced in a public notice published in the FEDERAL REGISTER on May 13, 1970, page 7437.

The rescheduled hearing will take place on November 16 and 17, 1970, at 10 a.m., e.s.t., in Room 532 of the Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D.C. The hearing is being rescheduled at the request of several industry associations and corporations which have indicated a desire to appear at the public hearing but which will not be able to collect and prepare, by August 18, 1970, all the information they wish to present for the Commission's consideration.

Any person desiring to orally present his views at the hearing should so inform the Assistant Director, Division of Industry Guidance, Federal Trade Commission, Washington, D.C. 20580, not later than November 10, 1970 and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director, Division of Industry Guidance, on or before November 10, 1970. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

In addition, the Commission has extended from August 11, 1970, to November 10, 1970, the closing date for submission of written views on the proposed Trade Regulation Rule. Copies of the original notice of May 13, 1970, including the proposed Trade Regulation Rule may be obtained upon request to the Federal Trade Commission.

Issued: July 17, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-9328; Filed, July 20, 1970; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-3606]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple Use Management

JULY 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Part 2460, the public lands described below are hereby classified for multiple use management. These public lands are located southeast from Salmon, Idaho, and are known as the McFarland Campgrounds. Their principal public resource is for outdoor recreation. Publication of this notice has the effect of segregating the described lands from all forms of appropriation and entry under the public land laws, including the mining, but not the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. These lands are located about 34 miles southeast of Salmon, Idaho, on the Lemhi River. This area is known for its salmon and trout fishery, and excellent hunting is within a short distance. The topography is flat river bottom with a sandy, well-drained soil. The elevation is 5,374 feet above sea level.

3. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the Salmon District Office, Bureau of Land Management, Salmon, Idaho, and the Land Office, Bureau of Land Management, Federal Building, 550 West Fort Street, Boise, Idaho.

4. The lands included in this proposed classification are located in Lemhi County and are described as follows:

BOISE MERIDIAN, IDAHO

T. 17 N., R. 24 E.,
Sec. 14, a part of the NW¼SE¼ more particularly described as: Beginning at a point 1,843 feet west and 77.5 feet south of the east quarter corner of said sec. 14, thence by metes and bounds, S. 37° 48' E., 120.9 feet; S. 05°15' W., 106 feet; S. 25°36' E., 138.6 feet; S. 15°13' E., 132.1 feet; S. 44°23' W., 364 feet, more or less, to appoint on the northeasterly right-of-way line of the Idaho State Highway No. 28; N. 47°21'30" W., 561.1 feet along said right-of-way line; N. 56°41' E., 610 feet to the point of beginning.

The area described aggregates approximately 5.9 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box 430, Salmon, Idaho 83467.

CLAIR M. WHITLOCK,
Acting State Director.

[F.R. Doc. 70-9320; Filed, July 20, 1970; 8:48 a.m.]

Geological Survey

[Colorado No. 132]

COLORADO

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

NEW MEXICO PRINCIPAL MERIDIAN

COAL LANDS

T. 34 N., R. 14 W., North of Ute line,
Sec. 2, NW¼NE¼, S½NE¼, W½, SE¼, unsurveyed;
Secs. 3 to 11, inclusive, unsurveyed;
Sec. 12, lots 5, 6, and 11.

T. 35 N., R. 14 W.,
Sec. 7, SW¼NE¼, E½SW¼, SE¼;
Sec. 8, SW¼SW¼;
Sec. 13, SE¼SE¼;
Sec. 16, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 17, SE¼NE¼, W½, NE¼SE¼;
Sec. 18, lots 2, 3, and 4, NE¼, E½SW¼, S½SE¼;
Sec. 19;
Sec. 20, NE¼, S½NW¼; S½;
Sec. 21, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 22, SW¼, W½SE¼;
Sec. 24, E½NE¼, SE¼SW¼, SE¼;
Sec. 25, NE¼, E½W½, SE¼;
Sec. 27, W½NE¼, W½, SE¼;
Secs. 28 to 34, inclusive;
Sec. 35, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 36, N½NE¼, E½NW¼.

T. 34 N., R. 15 W., North of Ute line, unsurveyed,
Secs. 1 to 12, inclusive.

T. 35 N., R. 15 W.,
Sec. 13, SW¼, S½SE¼;
Sec. 14, SE¼SW¼, E½SE¼;
Sec. 15, SW¼SE¼;
Sec. 19, lot 4, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 20, SE¼NE¼, W½SW¼, SE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 21, E½NE¼, W½NW¼, S½;
Sec. 22, NE¼, SW¼NW¼, S½;
Secs. 23 to 36, inclusive.

T. 34 N., R. 16 W., North of Ute line,
Secs. 1 to 4, inclusive;
Sec. 5, lots 1, 2, and 3, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 8, lot 1, N½;
Secs. 9 to 12, inclusive.

T. 35 N., R. 16 W.,
Sec. 24, S½SW¼;
Sec. 25;
Sec. 26, NE¼, S½NW¼, S½;
Sec. 27, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 32, SE¼;
Sec. 33, NE¼NE¼, S½N½, S½;
Secs. 34 to 36, inclusive.

RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following lands as noncoal lands is hereby revoked and the lands are reclassified as coal lands.

T. 34 N., R. 14 W., North of Ute line,
Sec. 12, lots 7 and 10.
T. 35 N., R. 14 W.,
Sec. 7, SE¼NW¼.
T. 35 N., R. 16 W.,
Sec. 23, SE¼SE¼.

NONCOAL LANDS

T. 34 N., R. 14 W., North of Ute line,
Sec. 2, NE¼NE¼, unsurveyed.
T. 35 N., R. 14 W.,
Sec. 4, SW¼;
Sec. 5, S½;
Sec. 6, SE¼;
Sec. 7, lots 3 and 4, N½NE¼, SE¼NE¼;
Sec. 8, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 9, W½, SE¼;
Sec. 13, N½SE¼, SW¼SE¼;
Sec. 16, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 17, N½NE¼, SW¼NE¼, W½SE¼, SE¼SE¼;
Sec. 18, lot 1, E½NW¼, N½SE¼;
Sec. 20, N½NW¼;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼, E½SE¼;
Sec. 24, W½NE¼, N½SW¼, SW¼SW¼;
Sec. 25, W½W½;
Sec. 26, W½;
Sec. 27, E½NE¼;
Sec. 35, N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 36, SW¼NE¼, NW¼NW¼.

T. 35 N., R. 15 W.,
Sec. 13, N½SE¼;
Sec. 14, N½SW¼, SW¼SW¼, W½SE¼;
Sec. 15, SW¼, N½SE¼, SE¼SE¼;
Sec. 16, S½;
Sec. 19, lots 1 to 3, inclusive, NE¼, E½NW¼, NE¼SE¼;
Sec. 20, N½NE¼, SW¼NE¼, NW¼, NE¼SW¼, SW¼SE¼;
Sec. 21, W½NE¼, E½NW¼;
Sec. 22, N½NW¼, SE¼NW¼.

T. 34 N., R. 16 W., North of Ute line,
Sec. 5, lot 4, S½NW¼, NW¼SW¼;
Sec. 7;
Sec. 8, lot 2.

T. 35 N., R. 16 W.,
Sec. 24, N½SW¼;
Sec. 26, N½NW¼;
Sec. 27, N½NE¼, SW¼NE¼, NW¼SW¼;
Sec. 26, SE¼;
Sec. 32, N½, SW¼;
Sec. 33, NW¼NE¼, N½NW¼.

The area described aggregates 48,771 acres, more or less, of which about 40,755 acres are classified coal lands, about 131 acres which were formerly classified noncoal lands are reclassified coal lands, and about 7,885 acres are classified noncoal lands.

W. A. RADLINSKI,
Acting Director.

JULY 8, 1970.

[F.R. Doc. 70-9296; Filed, July 20, 1970; 8:46 a.m.]

[Oregon No. 9]

OREGON

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

WILLAMETTE MERIDIAN, OREG.

COAL LANDS

T. 26 S., R. 12 W.,
Sec. 4, lots 2 to 6, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 5, lots 1 to 8, inclusive, SE¼NE¼, SE¼NW¼, E½SW¼;
Sec. 6, lots 1 to 9, inclusive;
Sec. 7, lots 5 to 7, inclusive, NE¼NE¼, SE¼SE¼;
Sec. 8, lots 1 to 6, inclusive, W½NE¼, E½NW¼, NE¼SW¼, W½SE¼;
Sec. 17, lots 1 to 3, inclusive, and 7 to 12, inclusive, W½NE¼, SW¼SW¼;
Sec. 18, NE¼NE¼, S½NE¼, SE¼;
Sec. 19, NE¼, E½W½, SE¼;
Sec. 20, lots 2 to 9, inclusive, SE¼NE¼, NE¼NW¼, W½W½, N½SE¼, SE¼SE¼;
Sec. 21, lots 2 to 4, inclusive, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 28, lots 1 to 4, inclusive, NE¼NW¼;
Sec. 29;
Sec. 30, lot 4, NE¼, E½W½, SE¼;
Sec. 31, lots 1 to 4, inclusive, N½NE¼, SW¼NE¼, E½NW¼, NE¼SW¼, SE¼SE¼;
Sec. 32.
T. 28 S., R. 13 W.,
Sec. 2, lots 7 and 8, S½S½;
Sec. 3, lots 1 to 6, inclusive, S½NW¼, SW¼, NW¼SE¼;
Secs. 4 and 5;
Sec. 6, lots 1 and 2, SE¼NE¼, E½SE¼;
Sec. 7, lot 7, E½NE¼, NE¼SE¼;
Sec. 8;
Sec. 9, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 10, NE¼, W½NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 11, N½NE¼, SW¼NE¼, W½, NW¼SE¼;
Sec. 14, NW¼NW¼;
Sec. 15;
Sec. 16, N½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, SE¼;
Sec. 17;
Sec. 18, lots 4 and 5, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 19, lots 1 to 4, inclusive, and lot 9, E½NE¼, SW¼NW¼, W½SW¼, E½SE¼;
Sec. 20, NW¼NE¼, NW¼, N½SW¼, SE¼SE¼;
Sec. 21, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 22, W½NE¼, W½, W½SE¼;
Sec. 23, NE¼, SE¼NW¼, S½;
Sec. 24, lot 4, SW¼NW¼;
Sec. 26, NW¼NW¼;
Sec. 27, W½NE¼, W½;
Sec. 28;
Sec. 29, E½NE¼, SE¼;
Sec. 30, lots 1 to 8, inclusive, SW¼NE¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 31;
Sec. 32, lots 1 to 4, inclusive, NE¼, NE¼NW¼, S½NW¼, N½S½;
Sec. 33, lots 1 and 2, N½, N½S½;
Sec. 34, lots 1 and 2, NW¼, N½SW¼.
T. 29 S., R. 13 W.,
Sec. 3, lot 4, SW¼NW¼, NW¼SW¼;
Sec. 4, lots 1 and 2, S½NE¼, NE¼SW¼, NW¼SE¼;
Sec. 5, lots 1 to 7, inclusive, and 11 to 14, inclusive;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 5 to 8, inclusive, NE¼;
Sec. 8, W½NE¼, W½, W½SE¼;
Sec. 9, SW¼NE¼, NW¼ SE¼.

NONCOAL LANDS

T. 26 S., R. 12 W.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 and 7, SE¼NE¼, E½SE¼;
Sec. 5, SW¼NE¼, SE¼;
Sec. 6, lots 10 to 14, inclusive, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 7, lots 1 to 4, inclusive, W½NE¼, E½W½, W½SE¼;
Sec. 8, E½E½;
Secs. 9 to 16, inclusive;
Sec. 17, lots 4 to 6, inclusive, E½NE¼, NE¼SE¼;
Sec. 18, lots 1 to 4, inclusive, NW¼NE¼, E½W½;
Sec. 19, lots 1 to 4, inclusive;
Sec. 20, lots 1 and 10;
Sec. 21, lot 1, NE¼, NE¼NW¼, E½SE¼;
Secs. 22 to 27, inclusive;
Sec. 28, NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 30, lots 1 to 3, inclusive;
Sec. 31, SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Secs. 33 to 36, inclusive.
T. 28 S., R. 13 W.,
Sec. 1;
Sec. 2, lots 1 to 6, inclusive, N½S½;
Sec. 3, NE¼SE¼, S½SE¼;
Sec. 6, lots 3 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 7, lots 1 to 6, inclusive, and lot 8, W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼;
Sec. 9, SE¼SE¼;
Sec. 10, E½NW¼, NW¼SW¼;
Sec. 11, SE¼NE¼, NE¼SE¼, S½SE¼;
Secs. 12 and 13;
Sec. 14, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 16, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 18, lots 1 to 3, inclusive, and 6 to 8, inclusive, E½W½, SW¼SE¼;
Sec. 19, lots 5 to 8, inclusive;
Sec. 20, NE¼NE¼, S½NE¼, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 21, NW¼NW¼;
Sec. 22, E½E½;
Sec. 23, N½NW¼, SW¼NW¼;
Sec. 24, lots 1 to 3, inclusive, and 5 to 12, inclusive, SE¼NE¼, NW¼NW¼, N½SE¼;
Sec. 25;
Sec. 26, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 27, E½NE¼, SE¼;
Sec. 29, W½NE¼, W½;
Sec. 30, E½NE¼, NE¼SE¼;
Sec. 32, NW¼NW¼;
Sec. 33, lots 3 and 4;
Sec. 34, lots 3 and 4, NE¼, N½SE¼;
Secs. 35 and 36.
T. 29 S., R. 13 W.,
Secs. 1 and 2;
Sec. 3, lots 1 to 3, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 4, lots 3 and 4, S½NW¼, NW¼SW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 5, lots 8 to 10, inclusive, 15 and 16;
Sec. 6, lot 7;
Sec. 7, lots 1 to 4, inclusive, 9 and 10, E½NW¼;
Sec. 8, E½E½;
Sec. 9, N½NE¼, SE¼NE¼, W½, NE¼SE¼, S½SE¼;
Secs. 10 to 36, inclusive.

The area described aggregates 68,439 acres, more or less, of which about 21,394 acres are classified coal land and about 47,045 acres are classified noncoal land.

W. A. RADLINSKI,
Acting Director.

JULY 8, 1970.

[F.R. Doc. 70-9295; Filed, July 20, 1970; 8:46 a.m.]

[Wyoming No. 150]

WYOMING

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYO.

COAL LANDS

T. 18 N., R. 78 W.,
Sec. 2, lots 3 and 4, S½NW¼, SW¼, W½SE¼;
Secs. 3 and 4;
Sec. 5, lots 1 and 2, SE¼NE¼, NE¼SE¼;
Sec. 9, N½, SE¼;
Sec. 10;
Sec. 11, W½NE¼, W½, SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 14;
Sec. 15, N½, SE¼;
Sec. 22, E½;
Secs. 23 to 26, inclusive;
Sec. 27, NE¼.

RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following lands as noncoal lands is hereby revoked and the lands are reclassified as coal lands:

T. 18 N., R. 78 W.,
Sec. 9, N½SW¼, SE¼SW¼;
Sec. 15, SW¼;
Sec. 16, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 22, E½W½;
Sec. 27, NE¼NW¼, SE¼.

NONCOAL LANDS

T. 18 N., R. 78 W.,
Sec. 1;
Sec. 2, lots 1 and 2, S½NE¼, E½SE¼;
Sec. 5, SW¼NE¼, W½SE¼, SE¼SE¼;
Sec. 11, E½NE¼;
Sec. 12, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 13, NE¼, NE¼NW¼, E½SE¼.

The area described aggregates 11,031 acres, more or less, of which about 8,075 acres are classified coal lands, about 960 acres which were formerly classified noncoal lands are reclassified coal lands, and about 1,996 acres are classified noncoal lands.

W. A. RADLINSKI,
Acting Director.

JULY 8, 1970.

[F.R. Doc. 70-9294; Filed, July 20, 1970; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

CONSOLIDATED FORWARDERS INTERMODAL CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Gerald H. Ullman, Esq., 120 Broadway, New York, N.Y. 10005.

Agreement No. 9646-1, between the signatories of the Consolidated Forwarders Intermodal Corp. (CONFICO), provides for the cancellation of Agreement No. 9646.

Agreement No. 9646, as approved September 26, 1967, between licensed ocean freight forwarders (maintaining offices in the Port of New York) permitted them to form a separate corporation (Consolidated Forwarders Intermodal Corp.). This corporation could operate in the export and import, foreign and domestic offshore commerce of the United States, performing services such as breaking bulk, consolidating and unitizing shipments into container or unitized lots and tendering these lots to underlying ocean carriers. The corporation could also operate a facility located in the Port of New York either as a "nonvessel operating common carrier" or a "box stuffer", contingent upon the actual circumstances of the shipment. Upon approval of Agreement No. 9646-1 CONFICO will be terminated.

Dated: July 15, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-9330; Filed, July 20, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8738]

CERTAIN DENTIFRICES CONTAINING STANNOUS FLUORIDE, SODIUM N-LAUROYL SARCOSINATE, CHLOROPHYLLINS, SODIUM OXALATE, SODIUM DEHYDROACETATE, SODIUM FLUORIDE, UREA, OR SODIUM MONOFLUOROPHOSPHATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following dentifrices:

1. Brisk Activated Tooth Paste, containing sodium N-lauroyl sarcosinate, and

2. Colgate Chlorophyll Tooth Paste with Gardol, containing sodium N-lauroyl sarcosinate and water soluble chlorophyllins, and

3. Colgate Dental Cream with Gardol, containing sodium N-lauroyl sarcosinate and water soluble chlorophyllins; all marketed by Colgate-Palmolive Co., 300 Park Avenue, New York, N.Y. 10022 (NDA 8-738).

4. Antizyme Tooth Paste, containing sodium oxalate and sodium dehydroacetate; marketed by Lambert Pharmacal Co., Division Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 8-777).

5. Kolynos Fluoride Tooth Paste, containing sodium fluoride; marketed by Whitehall Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017 (NDA 10-383).

6. Super Amm-I-Dent, containing sodium fluoride with sodium N-lauroyl sarcosinate and urea (NDA 9-944), and

7. Amm-I-Dent Tooth Paste, containing sodium N-lauroyl sarcosinate and urea (NDA 9-298), and

8. Amm-I-Dent Tooth Powder, containing urea (NDA 9-298); all marketed by Block Drug Co., Inc., 257 Cornelison Avenue, Jersey City, N.J. 07302.

9. Crest Tooth Paste, containing stannous fluoride; marketed by Procter and Gamble, Winton Hill Technical Center, 6000 Center Hill Road, Cincinnati, Ohio 45224 (NDA 9-194).

10. NDK Dentifrice, containing sodium monofluorophosphate and benzethonium chloride; marketed by the NDK Co., 440 Charles Street, New Iberia, La. 70561 (NDA 8-851).

These drugs are regarded as new drugs. The conclusions in regard to the effectiveness of these drugs are described below. For the drug concluded to be effective, the Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

I. STANNOUS FLUORIDE DENTIFRICES (CREST TOOTH PASTE)

A. *Effectiveness classification.* The Food and Drug Administration has considered a report of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence and concludes that there is substantial evidence that a tooth paste containing 0.4 percent stannous fluoride in a suitable formulation is effective as an aid in reducing the incidence of dental caries. Because the other ingredients in a stannous fluoride dentifrice may have a role in modifying the effectiveness of the product in reducing the incidence of dental caries, the usefulness of a specific formulation must be determined on the basis of adequate data.

B. *Form of drug.* Stannous floride dentifrice preparations are in paste form containing 0.4 percent stannous fluoride and are suitable for topical use in the oral cavity.

C. *Labeling conditions.* The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act for over-the-counter drugs and regulations promulgated thereunder and is recommended for the following use: As an aid in reducing the incidence of dental caries.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items E and F of this announcement.

E. *Previously approved applications.* 1. Each holder of a "deemed approved" new drug application (i.e., an application which became effective on the basis of safety prior to October 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling condition described herein for the drug and complete current container labeling, unless recently submitted.

b. Adequate data to assure that, in the formulation which is marketed, the fluoride ion is available for incorporation into the structure of the teeth or other data providing substantial evidence of clinical effectiveness. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described in the proposal for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER February 27, 1969. (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following periods after the date of publication of this notice in the FEDERAL REGISTER.

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of

the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for the information described in paragraph 1b above.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

F. *New applications.* 1. Any other person who distributes or intends to distribute such drugs which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in the proposed regulation, § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of February 27, 1969. Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure that, in the formulation which is marketed or proposed for marketing, the fluoride ion is available for incorporation into the structure of the teeth, or other data providing substantial evidence of clinical effectiveness.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for this drug for the conditions of use described herein.

H. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than that provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article contains over than 0.4 percent stannous fluoride or is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in section 130.4 or 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

II. SODIUM MONOFLUOROPHOSPHATE DENTIFRICE (NDK)

A. *Effectiveness classification.* The National Academy of Sciences-National Research Council has evaluated this drug as possibly effective as an aid in reducing the incidence of dental caries. The Food and Drug Administration concurs that substantial evidence of effectiveness of the formulation containing 6 percent sodium monofluorophosphate is needed to support this indication.

B. *Marketing status.* 1. The holder of the new-drug application for this drug and any person marketing a dentifrice containing sodium monofluorophosphate without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application, data to provide substantial evidence of effectiveness of the drug for the indication for which this drug has been classified as possibly effective. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the product, and not previously submitted.

2. At the end of the 6-month period, if no studies have been undertaken on the product reviewed by the Academy or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drug, on the market without an approved new-drug application to be a new drug for which an approval is not in effect.

III. DENTIFRICES CONTAINING SODIUM N-LAUROYL SARCOSINATE, CHLOROPHYLLINS, SODIUM OXALATE, SODIUM DEHYDROACETATE, SODIUM FLUORIDE, OR UREA (ARTICLES 1 THROUGH 8 ABOVE)

The Food and Drug Administration has considered reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that dentifrices containing sodium N-lauroyl sarcosinate, chlorophyllins, sodium oxalate, sodium dehydroacetate, sodium fluoride, or urea lack substantial evidence of effectiveness for the following labeled or implied indications: Stays active against tooth decay all day; provides continuous protective action on tooth surfaces against the formation of decay acids; helps harden and strengthen the structure of tooth enamel on contact to help prevent decay; destroys bad breath originating in the mouth; fights tooth decay; maintains healthy gum tissue for complete oral hygiene; gives all day protection against tooth-destroying bacteria; reduces tooth decay with ordinary twice-a-day brushing; cleans your breath while it cleans your teeth; destroys offensive mouth odors to help keep your breath fresh and sweet all day; cleaner and healthier teeth; neutralizes tooth decay acids and helps protect enamel; assures long lasting protection against tooth decay; continuous mouth protection; gives a decay barrier around each and every tooth by inhibiting formation of tooth decay acids; and helps prevent cavities.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for these drugs which bear these indications for use or by declaring an active ingredient which implies such indications for use. Other new-drug applications approved for the use of these ingredients in dentifrice preparations shall be similarly affected.

Prior to initiating such action, however, the Commissioner invites the holders of new-drug applications for these drugs, and any interested person who may be adversely affected by removal of these drugs from the market, to submit any pertinent data bearing on the proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the products and not previously submitted.

This announcement of proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by withdrawal of these drugs from the market. Promulgation of an order withdrawing approval of the new-drug applications will cause any such drug on the market offered directly or by implication for the same indications to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

IV. CORRESPONDENCE AND SUBMISSIONS

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8738 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.

Original abbreviated new-drug applications (Identify as such): Office of Marketed Drugs (BD-200), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Staff (CE-200) Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 14, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-9288; Filed, July 20, 1970; 8:46 a.m.]

[DESI 8473V]

CERTAIN DRUG PRODUCTS CONTAINING ARSANILIC ACID

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Dawe's R–Sonic 20X; contains 20 percent arsanilic acid; by Dawe's Laboratories, Inc., Chicago, Ill. 60601.

2. Pro-Gen; contains 454 grams of arsanilic acid per pound; by AMDAL Co., Agricultural Division, Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

3. Pro-Gen 227 Premix; contains 227 grams of arsanilic acid per pound; by AMDAL Co., Agricultural Division, Abbott Laboratories.

4. Pro-Gen 90 Premix; contains 90 grams of arsanilic acid per pound; by AMDAL Co., Agricultural Division, Abbott Laboratories.

5. Pro-Gen 20%, Feed Supplement; contains 20 percent arsanilic acid; by AMDAL Co., Agricultural Division, Abbott Laboratories.

The Academy evaluated these products as probably effective for faster weight gains and improved feed efficiency under appropriate conditions in swine and poultry and as an aid in the control of swine dysentery (hemorrhagic enteritis or bloody scours). The Academy stated: (1) The growth stimulation claim is disallowed and should be revised to "result in faster gains and/or improved feed efficiency under appropriate conditions"; and (2) a precaution statement should be added stating that overdosage or lack of water intake may result in leg weakness or paralysis.

The Food and Drug Administration concurs in the findings of the Academy; however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9286; Filed, July 20, 1970; 8:46 a.m.]

[DESI 9695V]

CERTAIN DRUG PRODUCTS CONTAINING NEOMYCIN, SULFONAMIDES, KAOLIN, AND PECTIN

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by The Upjohn Co., Kalamazoo, Mich. 49001:

1. Kaobiotic Tablets; each tablet contains 8.125 milligrams of neomycin sulfate (equivalent to 5.68 milligrams of neomycin base), 244 milligrams of sulfaguanidine, 16.25 milligrams of sulfadiazine, 16.25 milligrams of sulfamerazine, 16.25 milligrams of sulfathiazole, 729 milligrams of kaolin, and 16.25 milligrams of pectin.

2. Kaobiotic Bolus; each bolus contains 65 milligrams of neomycin sulfate (equivalent to 45.5 milligrams of neomycin base), 1.952 grams of sulfaguanidine, 0.118 gram of sulfadiazine, 0.118 gram of sulfamerazine, 0.118 gram of sulfathiazole, 4 grams of kaolin, and 0.13 gram of pectin.

3. Kaobiotic Suspension; each fluid ounce contains 65 milligrams of neomycin sulfate (equivalent to 45.5 milligrams of neomycin base), 1.952 grams of sulfaguanidine, 0.118 gram of sulfadiazine, 0.118 gram of sulfamerazine, 0.118 gram of sulfathiazole, 5.832 grams of kaolin, and 0.130 gram of pectin.

The Academy classified these preparations as probably effective for the treatment of bacterial diarrhea and enteritis in large and small animals. The Academy stated: (1) Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination; (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)" if the disease claim cannot be so qualified the claim must be dropped; (3) claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of"; (4) the label phrases "Absorbed sulfonamides get to organisms in deep intestinal wall," "absorb bacteria," "inactivates toxins," and "reduces hyperperistalsis" should be deleted; (5) the statements on the development of resistance to neomycin are not correct; and (6) the manufacturer of the bolus and tablet must provide evidence that they disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise

comply with all other requirements of the Federal Food, Drug and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS-NRC reports. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9279; Filed, July 20, 1970; 8:45 a.m.]

[DESI 7881V]

CERTAIN DRUG PRODUCTS CONTAINING OXYTETRACYCLINE HYDROCHLORIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Purina Pura-Mycin Injectable; each cubic centimeter contains 50 milligrams of oxytetracycline hydrochloride; distributed by Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63102; manufactured by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

2. Liquamycin Injectable; each cubic centimeter contains 50 milligrams of oxytetracycline hydrochloride; by Chas. Pfizer & Co., Inc., Department of Veterinary Medicine.

3. Terramycin Injectable Solution; each cubic centimeter contains 50 milligrams of oxytetracycline hydrochloride (terramycin); by Chas. Pfizer & Co., Inc., Agricultural Division.

4. Pfizer Terramycin Intravenous Veterinary; each vial contains 250 milligrams, 500 milligrams, 1 gram, or 2.5 grams of oxytetracycline as the crystalline hydrochloride; by Chas. Pfizer & Co., Inc.

5. Liquamycin Intramuscular; each cubic centimeter contains 50 milligrams of oxytetracycline hydrochloride with 2 percent xylocaine; by Chas. Pfizer & Co., Inc., Department of Veterinary Medicine.

The Academy evaluated these drugs as probably effective for treating infections in cattle, sheep, swine, horses, cats, dogs, chickens, and turkeys caused by pathogens sensitive to oxytetracycline hydrochloride. The Academy stated: (1) Each disease claim should be qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to oxytetracycline hydrochloride"; if the disease claim cannot be so qualified, the claim must be dropped; (2) the labeling contains inclusive phraseology which should be revised to properly state the activity of oxytetracycline hydrochloride; (3) the labeling should provide appropriate precautions; this would include precautions concerning tissue irritation, allergic or anaphylactic reactions, shock and thrombophlebitis; (4) the dosage should be expressed so as to provide a specific quantity of drug per unit of body weight per unit of time for each animal species; (5) as applicable, the labeling should not recommend injecting the product into abscesses; and (6) as applicable, the phrases "Terramycin is a relatively nontoxic antibiotic" and "Oral Terramycin should not be given to ruminating animals' should be deleted from the labeling.

The Food and Drug Administration concurs with the findings of the Academy.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962 is requested to submit updating information as needed to make the application current with regard to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement including requests for an informal conference may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9278; Filed, July 20, 1970; 8:45 a.m.]

[DESI 0113NV]

CERTAIN FEED PREMIXES CONTAINING CHLORTETRACYCLINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Aureomycin 50 Feed Premix; contains 50 grams chlortetracycline per pound; by American Cyanamid Co.; Agricultural Division, Post Office Box 400, Princeton, N.J. 08540.

2. Aureomycin MR Feed Premix; contains 25 grams chlortetracycline per pound; by American Cyanamid Co.

3. Aureomycin 10 Feed Premix; contains 10 grams chlortetracycline per pound; by American Cyanamid Co.

4. Aurofac-D; contains 5 grams chlortetracycline per pound; by American Cyanamid Co.

5. Aureomycin Layer Brunch; contains 4 grams chlortetracycline per pound; by American Cyanamid Co.

6. Deravet; contains 10 grams chlortetracycline hydrochloride per pound; by American Cyanamid Co.

7. Aureomycin Soluble Powder; contains 25 grams chlortetracycline hydrochloride per pound; by American Cyanamid Co.

8. Nopco CTC 4/ss; contains 4 grams chlortetracycline per pound and 50 percent sodium sulfate; by Nopco Chemical Co., Fine Chemicals Division, 60 Park Place, Newark, N.J. 07111.

9. Nopco CTC 6.66/ss; contains 6.6 grams chlortetracycline per pound and 83.33 percent sodium sulfate; by Nopco Chemical Co.

10. Nopco CTC 10, 25, 50, and 100; contain 10, 25, 50 and 100 grams of chlortetracycline per lb. respectively; by Nopco Chemical Co.

The Academy evaluated these products as probably effective for growth promotion and feed efficiency and for the treatment of animal diseases caused by pathogens sensitive to chlortetracycline. The Academy states that: (1) Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of"; (2) claims for growth promotion or stimulation are disallowed and claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions"; (3) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)"; if the disease cannot be so qualified the claim must be dropped; (4) claims pertaining to egg production and hatchability should be changed to "May aid in maintaining egg production and hatchability, under appropriate conditions, by controlling pathogenic microorganisms"; (5) the labels should warn that treated animals must actually be consuming enough medicated water or medicated feed to provide a therapeutic dosage under the conditions that prevail and, as a precaution, state the desired oral dose per unit of animal weight per day for each species as a guide to effective usage of the preparation in drinking water or feed; and (6) effective blood levels are required for each recommended dosage.

The Food and Drug Administration concurs in the findings of the Academy; however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drugs of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drugs are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturers of the listed drugs have been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 6, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9287; Filed, July 20, 1970; 8:46 a.m.]

[DESI 0177NV]

CERTAIN PENICILLIN, VITAMIN, MINERAL PREMIXES

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following penicillin, vitamin, mineral, feed premixes which are manufactured by Roche Chemical Division, Hoffmann-La Roche Inc., Nutley, N.J. 07110:

1. Kimbell's No. 4 Turkey Starter-Grower-Breeder, Premix No. 2, Premix No. 673, and Premix No. 682; each pound contains 1.2 grams penicillin (2.0 grams procaine penicillin).

2. Breeder Premix No. 14780 and Broiler Premix; contain 960 grams penicillin (1,600 grams procaine penicillin) per ton.

3. Broiler Finisher Premix No. 12; each pound contains 1.999 grams penicillin (3.333 grams procaine penicillin).

4. Broiler Premix; each pound contains 0.96 gram penicillin (1.6 grams procaine penicillin).

5. Turkey Premix, Broiler Premix, Special Starter Broiler Grower Premix, Turkey Starter Premix, Turkey Finisher Premix, and Magic Brand Utility Premix; each pound contains 0.6 gram penicillin (1.0 gram procaine penicillin).

6. Chix Mix; each pound contains 0.75 gram penicillin (1.25 grams procaine penicillin).

7. ABD Pheasant Premix; each pound contains 2.88 grams penicillin (4.8 grams procaine penicillin).

8. Special Stress Vitamin Premix, Poultry Finisher Premix No. 19, and Poultry Finisher Premix No. 17; each pound contains 1.8 grams penicillin (3.0 grams procaine penicillin).

9. Poultry and Turkey Premix, Zacky Broiler Premix, Poultry and Turkey Premix No. 2524, Kobernik-Barnes Laying Mash Premix, Bell Starter Broiler Premix, Honaker Thrifty Premix, Custom Turkey Premix, Yukon Utility Poultry Premix, and Special Poultry and Turkey Premix; contain 480 grams penicillin (800 grams procaine penicillin) per ton.

10. P.B. Turkey Fortifier; contains 237 grams penicillin (396 grams procaine penicillin) per ton.

11. Procaine Penicillin "10"; each pound contains 6 grams penicillin (10 grams procaine penicillin).

12. Broiler Premix; each pound contains 0.72 gram penicillin (1.2 grams procaine penicillin).

13. Procaine Penicillin "4"; each pound contains 2.4 grams penicillin (4.0 grams procaine penicillin).

14. Custom Mix WC2; each pound contains 0.3 gram penicillin (0.5 gram procaine penicillin).

15. Vilas Chicken Premix No. 1; contains 240 grams penicillin (400 grams procaine penicillin) per ton.

16. Chick Starter Premix and New Kimbell's Premix No. 2 Starter Broiler and Grower; contain 600 grams penicillin (1000 grams procaine penicillin) per ton.

17. Stress Premix; each lb. contains 3.0 grams penicillin (5.0 grams procaine penicillin).

The Academy stated these preparations are probably effective for faster gains and feed efficiency in poultry; however, more information is needed regarding use in swine. The Academy further stated that claims for growth promotion or stimulation should not be allowed and claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions."

The Food and Drug Administration concurs in the Academy's findings; however, the Administration concludes that the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with the drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drugs of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drugs are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the listed drugs has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 8, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9282; Filed, July 20, 1970; 8:45 a.m.]

[DESI 6358V]

CERTAIN PRODUCTS CONTAINING SODIUM ARSANILATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Pro-Gen Sodium; containing 454 grams sodium arsanilate per pound; by AMDAL Co., Agriculture Division, Abbott Laboratories, North Chicago, Ill. 60064.

2. Pro-Gen W; containing 454 grams sodium arsanilate per pound; by AMDAL Co., Agriculture Division, Abbott Laboratories.

3. Mor-O; sodium arsanilate, (each fluid ounce contains 3.66 grains of arsenic expressed as arsenic trioxide); by Hilltop Laboratories, 718 Washington Avenue North, Minneapolis, Minn. 55109.

4. Dr. Mayfield Hog and Poultry Tablets; each tablet contains 5 grains of sodium arsanilate; by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616.

5. Dr. Mayfield Turkey Tablets; contains sodium arsanilate and sodium para benz arsonate (each tablet contains 1.32 grains of arsenic expressed as arsenic trioxide); by Dr. Mayfield Laboratories.

6. Dr. Mayfield Turkey Arsonic Powder; contains sodium arsanilate anhydrous, 40 percent; by Dr. Mayfield Laboratories.

7. Dr. Mayfield Arsonic Powder; sodium arsanilate (each ounce contains 54 grains of arsenic expressed as arsenic trioxide); by Dr. Mayfield Laboratories.

8. Dr. Mayfield CEC Powder; sodium arsanilate (each ounce contains 12.5 grains of arsenic expressed as arsenic trioxide); by Dr. Mayfield Laboratories.

9. Dr. Mayfield Arsonic Powder Water Soluble; contains sodium arsanilate anhydrous, 40 percent; by Dr. Mayfield Laboratories.

The Academy evaluated these products as probably effective: (1) As an aid in the control and treatment of swine dysentery (hemorrhagic enteritis or bloody scours) when administered in complete rations or in drinking water; and (2) to result in faster gains and/or improved feed efficiency under appropriate conditions in swine when incorporated in complete rations or drinking water, and in chickens and turkeys when administered in complete rations.

The Academy stated: (1) Claims for the prevention and control of cecal (bloody) coccidiosis in chickens and turkeys and the prevention and control of blackhead in chickens and turkeys are not supported by data and more information is needed for documentation; (2) the growth stimulation and growth promotion claims are disallowed and should be revised to "result in faster gains and/or improved feed efficiency under appropriate conditions," and (3) a precaution statement should be added stating that overdosage or lack of water intake may result in leg weakness or paralysis.

The Food and Drug Administration concurs with the Academy's findings; however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9277; Filed, July 20, 1970; 8:45 a.m.]

[DESI 11322V]

CERTAIN PRODUCTS FOR TOPICAL USE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Diamond Laboratories, Inc., 2518 SE. 43d Street, Des Moies, Iowa 50317:

1. Neacain Ointment Capsules; each 0.5 milliliter gelatin capsule contains 3.56 milligrams neomycin sulfate (equivalent to 2.5 milligrams neomycin base), 2500 Int. units vitamin A palmitate, 0.5 milligram riboflavin, 5.0 milligrams benzocaine, 0.5 milligram prednisolone.

2. Neacain Ointment; each gram contains 7.14 milligrams neomycin sulfate (equivalent to 5 milligrams neomycin base), 5000 Int. units vitamin A palmi-

tate, 1 milligram riboflavin, 1 milligram prednisolone, 10 milligrams benzocaine.

The Academy evaluated these products as probably not effective for nonspecific dermatosis and for the treatment of eye conditions. The Academy stated: (1) Benzocaine inhibits corneal regeneration and its continued use is toxic to the cornea; (2) it may be a primary sensitizer of skin; (3) there is no evidence to support the efficacy of riboflavin or vitamin A palmitate in these products; (4) directions for use are not adequate; and (5) the label should warn that all topical ophthalmic preparations containing corticosteroids with or without an antimicrobial agent are contraindicated in the initial treatment of corneal ulcer. They should not be used until the infection is under control and corneal regeneration is well under way.

The Food and Drug Administration concurs with the Academy's findings.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration/ Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 13, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9280; Filed, July 20, 1970; 8:45 a.m.]

[DESI 11346V]

CYANACETHYDRAZIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Dictycide; contains 6.25 grams or 25 grams of cyanacethydrazide per vial. The contents of each vial when mixed with sterile distilled water according to label directions will provide a solution containing 250 milligrams of cyanacethydrazide per cubic centimeter; by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501.

The Academy evaluated said drug as probably effective for the removal of lungworms from cattle, sheep, and goats. The Academy stated that available data does not support efficacy claims for swine.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9283; Filed, July 20, 1970; 8:45 a.m.]

[DESI 8-2 NV]

DRUG PRODUCT CONTAINING NEOMYCIN, POLYMYXIN B SULFATE, AND UREA

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the product Bolmed; each boloid contains 50 milligrams of neomycin sulfate (commercial grade equivalent to 35 milligrams of neomycin base), 15,000 units of polymyxin B sulfate, and 15 grams of urea; by The S. E. Massengill Co., Veterinary Div., Bristol, Tenn. 37620.

The Academy classified this product as probably not effective for the prophylaxis and treatment of intrauterine infections. The Academy stated: (1) The documentation is incomplete; (2) substantial evidence should be presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination; (3) each disease claim should be properly qualified as to those due to organisms sensitive to polymyxin and neomycin; (4) no evidence is presented that urea contributes to the effectiveness of this preparation; and (5) information is needed from the manufacturer of a product to be inserted into the uterus with respect to the degree of disintegration within the uterus, the presence of hazardous ingredients that may cause severe irritation, ulceration, perforation, or necrosis, and the chemical compatibility of the vehicle and active agent or agents.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drug of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the

subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drug are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 6, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9281; Filed, July 20, 1970; 8:45 a.m.]

[DESI 8321V]

DRUG PRODUCT CONTAINING OXYTETRACYCLINE AND OTHER DRUGS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Narton which contains dried extracted oxytetracycline fermentation solubles and oxytetracycline quaternary salt equivalent to 1 gram of oxytetracycline hydrochloride per pound, 1.5 percent sodium arsanilate (arsenic derivative, arsenic as trioxide 0.62 percent), 430 micrograms of vitamin B_{12} per pound, 0.33 percent manganese sulfate, 1.85 percent extract of nux vomica (furnishing strychnine 9 grains per pound), and 2.7 percent copper sulfate; by E. R. Squibb & Sons, Inc., Three Bridges, N.J. 08887.

The Academy evaluated this product as probably not effective as a flock treatment for use in water and feed for stimulating appetite and rate of growth for poultry of all ages. The Academy stated: (1) Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination; (2) claims for growth promotion or stimulation are disallowed, however, claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions"; (3) the effectiveness of the recommended dosage schedule has not been adequately documented; the level of arsenic is high when used at one of the recommended levels; (4) the statement "perks up lazy layers" should be deleted; and (5) the efficacy of this preparation for stimulating the appetite has not been adequately documented.

The Food and Drug Administration concurs with the Academy's findings; however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

The notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 8, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9285; Filed, July 20, 1970; 8:46 a.m.]

[DESI 0180NV]

PREMIXES CONTAINING PENICILLIN AND OTHER DRUGS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Roche Chemical Division, Hoffmann-La Roche Inc., Nutley, N.J. 07110:

1. Premix No. 677 Medicated; contains 1.2 grams penicillin per pound (procaine penicillin 2.0 grams per pound), arsanilic acid 9.912 percent, plus added vitamins.

2. Ballard Laying Premix Medicated; contains 480 grams penicillin per ton (procaine penicillin 800 grams per ton), arsanilic acid 2.0 percent, plus added vitamins and minerals.

3. Custom Vitamin Premix for Pig Starter "A"; contains 0.625 gram penicillin per pound (procaine penicillin 1.125 grams per pound) and 3.375 grams streptomycin per pound.

4. Acco Cage Layer Vitamin Premix Medicated; contains 480 grams penicillin per ton (procaine penicillin 800 grams per ton), arsanilic acid 1.99 percent, plus added minerals.

5. Vilas Turkey Premix No. 1; contains 375 grams per ton (procaine penicillin 625 grams per ton), 1,875 grams streptomycin (from streptomycin sulfate) per ton, plus added vitamins.

6. Premix No. 675 Medicated; contains 1.2 grams penicillin per pound (procaine penicillin 2.0 grams per pound), 3-nitro-4-hydroxyphenylarsonic acid 4.956 percent, plus added vitamins.

7. Comfort Poultry and Turkey Medicated; contains 480 grams penicillin per ton (procaine penicillin 800 grams per ton), 3-nitro-4-hydroxyphenylarsonic acid 1.0 percent, plus added vitamins and minerals.

8. Mid Continent Poultry Vitamin Premix Medicated; contains 0.6 gram penicillin per pound (procaine penicillin 1.0 gram per pound), 3-nitro-4-hydroxpyhenylarsonic acid 1.015 percent, plus added vitamins.

9. Special Starter Broiler Grower Premix Medicated; contains 0.6 gram penicillin per pound (procaine penicillin 1.0 gram per pound), 3-nitro-4-hydroxyphenylarsonic acid 2.0 percent, plus added vitamins.

The Academy classified these products as probably effective for stimulating

growth and improving feed efficiency and pigmentation. The Academy stated: (1) Claims for growth promotion or stimulation are disallowed and claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions"; and (2) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

The Food and Drug Administration concurs in the Academy's evaluation; however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drugs of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drugs are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the listed drugs has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 8, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9284; Filed, July 20, 1970; 8:45 a.m.]

[Docket No. FDC-D-196; NADA No. 11-264V]

CHAS. PFIZER & CO., INC.

Ataraxoid Tablets; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of March 20, 1969 (34 F.R. 5448), invited Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, holder of new animal drug application No. 11-264V for Ataraxoid Tablets (a drug containing prednisolone and hydroxyzine hydrochloride) and any other interested person to submit pertinent data on the drug's effectiveness. Adequate efficacy data in response to the announcement has not been received and available information still fails to provide substantial evidence of effectiveness of the drug for its recommended use as an anti-inflammatory agent for conditions complicated by apprehension, anxiety, and tension in cats and dogs.

Therefore, notice is given to Chas. Pfizer & Co., Inc., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)), withdrawing approval of new animal drug application No. 11-264V and all amendments and supplements thereto held by Chas. Pfizer & Co., Inc., for the drug Ataraxoid on the grounds that:

Information before the Commissioner with respect to the drug, evaluated together with the evidence available to him when the application was approved, does not provide substantial evidence that the drug has the effect it purports or is represented to have under the condtions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who may be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 11-264V should not be withdrawn. Promulgation of the order will cause any drug which is similar in composition to the subject drug, and which is recommended for similar conditions of use, to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 8, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9291; Filed, July 20, 1970; 8:46 a.m.]

[Docket No. FDC-D-195; NADA No. 8-741V]

SALSBURY LABORATORIES

Dibutyltin Dilaurate; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of April 17, 1969 (34 F.R. 6625), invited Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616, holder of new animal drug application No. 8-741V for Tinostat Medicated Premix (containing 25 percent dibutyltin dilaurate), and any other interested person, to submit pertinent data on the drug's effectiveness. No efficacy data were furnished in response to the announcement and available information still fails to provide substantial evidence of effectiveness of the drug for its recommended use as an aid in the prevention of coccidiosis and hexamitiasis in turkeys.

Therefore, notice is given to Salsbury Laboratories, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of new animal drug application No. 8-741V and all amendments and supplements thereto held by Salsbury Laboratories for the drug Tinostat Medicated Premix on the grounds that:

Information before the Commissioner with respect to the drug, evaluated together with the evidence available to him when the application was approved, does not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who may be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 8-741V should not be withdrawn. Promulgation of the order will cause any drug containing dibutyltin dilaurate, and recommended for conditions of use similar to those recommended for the subject drug, to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 8, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9289; Filed, July 20, 1970; 8:46 a.m.]

[Docket No. FDC-D-189; NADA No. 6-171V]

SALSBURY LABORATORIES

Sulfa Veterinary; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of May 27, 1969 (34 F.R. 8210), invited the holder of new animal drug application No. 6-171V for Sulfa Veterinary (a drug product containing 4,4'-diaminodiphenylsulfone and *N*'-phenylsulfanilamide) and any other interested person to submit revised labeling or pertinent data on the drug's effectiveness as labeled. No efficacy data or revised labeling was submitted in response to the announcement and available information still does not provide substantial evidence of effectiveness of the drug for all of its recommended uses in controlling pullorum in chicks, coccidiosis in turkeys, and intestinal coccidiosis in chickens.

Therefore, notice is given to Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of new animal drug application No. 6-171V and all amendments and supplements thereto held by Salsbury Laboratories for the drug Sulfa Veterinary on the grounds that:

Information before the Commissioner with respect to the drug, evaluated together with the evidence available to him when the application was approved, does not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who may be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 6-171V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to Sulfa Veterinary, and recommended for conditions of use similar to those recommended for Sulfa Veterinary, to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 662, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the

Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in this appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 9, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9290; Filed, July 20, 1970; 8:46 a.m.]

SYRACUSE UNIVERSITY RESEARCH CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2552) has been filed by Life Sciences Division, Syracuse University Research Corp., Merrill Lane, University Heights, Syracuse, N.Y. 13210, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of *N*(1, 1-dimethyl-3-oxobutyl) acrylamide as a component of food-packaging adhesives.

Dated: July 13, 1970.

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

[F.R. Doc. 70-9274; Filed, July 20, 1970; 8:45 a.m.]

Office of the Secretary

REGIONAL DIRECTOR

Statement of Organization, Functions, and Delegations of Authority

Section 1E–40 of Part 1 of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare reads as follows:

SEC. 1E–40 *Delegations of authority.*

A. Surplus Property Utilization.

1. Regional Directors have been delegated certain authority which may not be redelegated as follows:

a. *Real property.* This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property was less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. *Personal property.* To act or designate a member of his staff (other than the SPU Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the SPU Regional Representative as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)(a) above; except in those cases provided for in Ala(3).

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the SPU Regional Representative; the latter may likewise redelegate in writing the authority to the Assistant Regional Representative. Regional Representative may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction to any other regional jurisdiction and to take the actions set forth in (1)(b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1)(b)(c) and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for educational, public health, and civil defense purposes:

(a) To effect redistribution of usable and needed property to other State agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes:

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State agencies for surplus property: *Provided, however,* That disapproval of a State plan in whole or in part is concurred in by the Director, Office of Surplus Property Utilization.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State agencies for surplus property of such States, either individually or collectively.

4. Regional Representatives have been delegated certain authority related to personal property directly by the Director of the Office of Surplus Property Utilization; the authority may be redelegated in writing to the Assistant Regional Representative:

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of $1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State agency.

Dated: July 14, 1970.

SOL ELSON,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 70-9332; Filed, July 20, 1970; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., FORT WORTH REGIONAL OFFICE

Redelegations of Authority With Respect to Renewal Assistance Programs

The redelegations of authority to the Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, and others with respect to renewal assistance programs published at 32 F.R. 6225, April 20, 1967, as amended at 33 F.R. 5694, April 12, 1968, are further amended under section A, paragraph 1, by revising subparagraph i to read as follows:

i. Suspend or terminate Federal loan or grant assistance, except the cancellation of reservations of capital grant funds in connection with the termination of Federal assistance under a contract for an advance and except the termination of Federal assistance under the demolition grant, code enforcement grant, interim assistance for blighted areas, and certified areas programs under title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1469).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), as amended effective Aug. 5, 1967 (32 F.R. 11391, Aug. 5, 1967); Dec. 19, 1969 (34 F.R. 20225, Dec. 24, 1969); Jan. 24, 1970 (35 F.R. 1023, Jan. 24, 1970); and Apr. 1, 1970 (35 F.R. 5835, Apr. 9, 1970))

Effective date. This amendment of redelegations of authority shall be effective as of June 15, 1970.

W. W. COLLINS,
Regional Administrator Fort Worth Region.

[F.R. Doc. 70-9348; Filed, July 20, 1970; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-84]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 11, 1970 to May 22, 1970 (List No. 12–70). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation

has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b) (35 F.R. 4959)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS; REPAIRING AND CLEANING

Approval No. 160.006/26/0, Kwik Dri cleaning process for kapok and fibrous glass life preservers as outlined in Kwik Dri Carpet and Upholstery Cleaners letter dated August 11, 1965, and U.S.C.G. Specification Subpart 160.006, manufactured by Kwik Dri Carpet and Upholstery Cleaners, 471 Jessie Street, San Francisco, Calif. 94103, effective May 19, 1970. (It is an extension of Appr. No. 160.006/26/0 dated Aug. 31, 1965.)

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/286/4, 24.0' x 8.0' x 3.5' steel oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 24–9, Rev. H dated April 17, 1970, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=3,040 pounds; Condition "B"= 10,540 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective May 12, 1970. (It supersedes Appr. No. 160.035/286/3 dated Jan. 14, 1965, to show change in construction and address.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS ADULT AND CHILD

NOTE: Approved for use on motor boats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/342/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Hazelhurst, Ga. 31539, effective May 19, 1970. (It is an extension of Appr. No. 160.047/342/0 dated Aug. 10, 1965.)

Approval No. 160.047/343/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Hazelhurst, Ga. 31539, effective May 19, 1970. (It is an extension of Appr. No. 160.047/343/0 dated Aug. 10, 1965.)

Approval No. 160.047/344/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., Hazelhurst, Ga. 31539, effective May 19, 1970. (It is an extension of Appr. No. 160.047/344/0 dated Aug. 10, 1965.)

BUOYANT CUSHIONS, KAPOK OF FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/11/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C. 29604, effective May 19, 1970. (It is an extension of Appr. No. 160.048/11/0 dated Aug. 13, 1965.)

Approval No. 160.048/117/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048(c)(1)(i), manufactured by Ero Manufacturing Co., Hazelhurst, Ga. 31539, effective May 19, 1970. (It is an extension of Appr. No. 160.048/117/0 dated Aug. 10, 1965.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/4/4, Sound powered telephone station relay for operation with hand generator, nonlocking splashproof, dwg. 60–162, alt. 9 dated March 8, 1968, for connecting in parallel with hand generator bell on machinery space sound-powered telephone station to operate separately powered audible signal, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective May 22, 1970. (It supersedes Appr. No. 161.005/4/3 dated Aug 27, 1965.)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/103/0, Model EW 1801 EYE-HYE remote water level indicator for a maximum allowable working pressure of 1,500 p.s.i.g. at 600° F., Reliance dwg. No. D–9097–2 dated January 5, 1961, and Herron Testing Laboratories report of March 6, 1970, manufactured by Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio 44135, effective May 14, 1970.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/122/0, Barbron Model No. 400–25 backfire flame arrester for gasoline engines, dwg. No. A–5384 dated January 6, 1965, testing waived due to similarities with Model 400–7, U.S.C.G. Approval No. 162.041/7/0, manufactured by Barbron Corp, 14580 Lesure Avenue, Detroit, Mich. 48227, effective May 11, 1970.

Dated: July 13, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70–9325; Filed, July 20, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22162; Order 70–7–77]

COUNTY OF SULLIVAN, N.Y., ET AL.

Order Regarding Continuation of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1970.

Application of The County of Sullivan, State of New York and the Sullivan County Airport Commission for continuation of service by Mohawk Airlines, Inc.; Docket 22162.

On May 4, 1970, the Sullivan County Airport Commission and the County of Sullivan, N.Y. (the Sullivan County Parties), filed an application requesting the Board to order Mohawk Airlines, Inc. (Mohawk), to continue its service between New York/Newark and Liberty/Monticello beyond the termination date of Mohawk's temporary certificate of public convenience and necessity. Mohawk's certificate is due to expire on October 26, 1970,[1] and the carrier has indicated that it will not seek to extend its authority beyond that date. Simultaneously with the filing of its application, the Sullivan County Airport Commission and the County of Sullivan filed a motion requesting an immediate hearing.

In support of the application and motion, the Sullivan County Parties allege that the need for service to the Sullivan County resort area has steadily increased; that the Sullivan County International Airport was made operational during 1969 when major improvements were completed; that large sums of money have been invested in the construction and improvement of the airport facility and in the publicity and advertising related to the operation of the airport; that the period and manner of operations by Mohawk at the Sullivan County International Airport has not yet been of sufficient duration to enable Mohawk to make the determination to discontinue its service; and that the discontinuation of service by Mohawk would severely injure the County of Sullivan.

An answer in support of the application was filed by Joseph Garlick, Mayor of the Village of Monticello.

Mohawk filed an answer in opposition to the application and motion. In support of its answer, Mohawk states that it has been certificated at Liberty/Monticello since 1952, but did not serve the area until 1969 when the airport improvements were completed; that between July 2 and October 26, 1969, two round trips were offered at Liberty/Monticello, serving principally New York City, Buffalo, and Toronto; that since October 26, 1969, one round trip has been provided; that the service has been operated at a loss of $236,000 through March 31, 1970;[2] that during the

[1] Mohawk's temporary authority to serve Liberty/Monticello was last due to expire on Oct. 26, 1967. However, prior to that expiration date, Mohawk filed an application to extend its authority at that point until Oct. 26, 1970. As a part of its application at that time, Mohawk invoked the provisions of sec. 9(b) of the Administrative Procedure Act, and has been operating pursuant to sec. 9(b) since no action has been taken on its application.

[2] Mohawk states that the loss was offset by subsidy of $62,000, for a net 9-month loss of $174,000.

period of service a total of 6,558 passengers were carried, amounting to 12 passengers per day;[3] that Mohawk has been in contact with civic officials concerning traffic and service at Liberty/Monticello and has offered to assist the community in developing package tour programs and in attracting other carriers; and that Mohawk has definitely concluded that it cannot afford to continue service at Liberty/Monticello after expiration of its currently effective authority.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant the motion of the Sullivan County parties for an immediate hearing on their application. As we have noted, Mohawk's present certificate authority at Liberty/Monticello expires on October 26, 1970, and the carrier does not intend to seek renewal of its authority. Therefore, a certificated point is faced with the loss of its scheduled air service. In these circumstances, we think it is appropriate for the residents of the Liberty/Monticello area to be given a hearing before all certificated service to the Sullivan County Airport terminates. The action we are taking herein will enable the Board to determine whether a need for the continuation of such service exists[4] before Mohawk's authority expires.[5]

Accordingly, it is ordered, That:

1. The motion of the Sullivan County Airport Commission and the County of Sullivan, N.Y., for an immediate hearing on the application requesting the continuance of service by Mohawk Airlines, Inc., Docket 22162, be and it hereby is granted;

2. This matter shall be set for an immediate hearing on an expedited basis, pursuant to sections 401(a) and 401(g) of the Act, before a hearing examiner of the Board at a time and place to be designated hereafter, to determine whether the public convenience and necessity require that Mohawk's certificate for Route 94 be altered, amended, or modified to authorize and require Mohawk to continue to provide service at Liberty/Monticello, N.Y.; and

3. A copy of this order shall be served upon Mohawk Airlines, Inc., which is hereby made a party to this proceeding.

This order shall be published in the FEDERAL REGISTER.

[3] Mohawk estimates that it loses approximately $26 per passenger carried.

[4] As a possible alternative Mohawk may wish to consider a replacement agreement with an air taxi, with Mohawk holding responsibility to resume service if the air taxi fails to provide a specified level of service. If this alternative is adopted it may be possible to resolve the problem of service to Liberty/Monticello without hearing procedures. However, by advancing this suggestion, we do not intend to foreclose the possibility that we would determine, on the basis of an evidentiary record, that Mohawk's authority should be unconditionally renewed or terminated.

[5] Since Mohawk's authority expires on Oct. 26, 1970, we expect to expedite all procedural steps in this case.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-9333; Filed, July 20, 1970; 8:49 a.m.]

[Docket No. 22364; Order 70-7-69]

U.S. MAINLAND-HAWAIIAN FARE

Order of Investigation and Suspension Regarding Proposed Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1970.

By tariff revisions marked to become effective July 15 and July 22, 1970,[1] Continental Air Lines, Inc. (Continental), Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan Am), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and Western Air Lines, Inc. (Western), propose to increase various U.S. Mainland-Hawaii coach and/or economy fares, and corresponding discount fares. The proposed increases are summarized below:

West Coast gateways. Continental and TWA propose to increase both coach and economy fares $5 for peak coach and economy fares and offpeak economy fares, and $6 for offpeak coach fares. The remaining carriers—Northwest, Pan Am, United, and Western—propose to increase economy fare only by $5, and to leave coach fares at the present level. United, Western, and Pan Am initially proposed to match Continental but have refiled to match Northwest which did not initially file for coach increases.

Chicago gateway. All carriers serving Chicago-Hawaii have proposed to increase the present coach fares. Continental proposes to establish three levels of fares at Chicago by increasing the coach and economy fares it initially proposed in this market last fall, by the same percentage it is now proposing to increase the Hawaii-West Coast gateway fares. These increases range from $9 to $11 above the fares Continental proposed last fall. The remaining carriers are proposing to increase their present coach fares to the level of Continental's proposed economy fares, reflecting increases of $9 peak and $10 offpeak.

Points east of Chicago. Northwest, TWA, and United have proposed increases to various points east of Chicago. The increases involve peak coach fares only, and would raise those fares to the point where the resulting fares on a per mile basis equal the level of the Hawaii-Los Angeles peak coach fare of $115.

Interior gateways west of Chicago, Continental proposes to increase its coach and economy fares to Phoenix, Denver, and Kansas City, by the same percentages it is now proposing to increase the West Coast-Hawaii coach and economy fares.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 90, 98, 101, and 136.

Continental has filed a complaint[2] against those proposals which would increase economy fares at the West Coast gateways while maintaining existing coach fares. Continental alleges that these proposals represent nothing more than a long first step to force elimination of economy service; that the resulting coach/economy fare differential is intended to cause the voluntary upgrading by passengers from economy to coach; that when economy service is thus abandoned the carriers could seek to eliminate it on the basis of no public need for it; and that the next step would be to raise coach fares to the levels which allegedly are required now. Continental further alleges that Northwest and Pan Am are not being consistent with their earlier statements that costs have risen sharply and that even greater fare increases were warranted.

Both Northwest and Pan Am, in answer to Continental's complaint, allege that Continental's objective is to have the Board require an increase in coach fares. Northwest also alleges that Continental does not question the lawfulness of economy fares, and that its proposal not to increase coach fares is reasonable in view of the generally soft Hawaiian traffic. Pan Am contends that its need for additional revenue in its Hawaiian operations continues, but that it must remain competitive with Northwest; and that whether third-class service is to stand or fall in the West Coast-Hawaii market should depend upon the usual functioning of the market place, rather than the imposed result desired by Continental.

The Board has considerable concern about the fares between Mainland points and Hawaii. We note that most carriers are not now proposing coach fare increases, even though many of these same carriers very recently proposed changes which would have produced even greater revenue increases which allegedly were necessary at that time. It has also been alleged that the proposals to increase economy but not coach fares are intended as a means of eliminating economy service, and that requests to increase coach fares very likely would follow. Without resorting to speculation on the ultimate outcome of fares and service in this market, suffice it to say that the Board remains of the view that substantial increases in the lowest basic fares available may have a depressing effect upon traffic and be otherwise economically unsound. We would be considerably concerned with a situation which coupled elimination of economy service with an increase in coach fares.

It appears that the carriers hold rather firm and differing opinions regarding the desirability of a 3-tier price structure. We believe these differences indicate that a formal proceeding should be undertaken to determine the proper fare structure in the Hawaiian market and the appropriate relationship between the

[2] No other complaints were filed.

fares for the various services offered. Recent direct route authorizations to interior gateway points make it particularly appropriate, we believe, to review the entire pattern of these fares. In this connection, we will expect the carriers to maintain detailed traffic and financial data for their Mainland-Hawaii operations.

In view of the above, and upon consideration of all relevant matters, the Board has determined that passenger fares between the U.S. mainland and Hawaii, both those herein suspended and all present fares except as noted below, may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated.[3] Inasmuch as the tariffs before us, if permitted to become effective, would result in a significant change in the existing relationships among the various categories of fares and may jeopardize the continuation of the economy service, we will suspend the instant proposals pending full investigation. By Order 70-7-13, dated July 2, 1970, we suspended and ordered an investigation of Continental's proposed increases in fares between Chicago and Hawaii. We will consolidate that investigation into the one we are ordering herein.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A below, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix B, attached hereto[4] are suspended and their use deferred to and including October 12, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;[5]

3. The investigation in Docket 22335 is consolidated herein;

4. The complaints in Dockets 20938, 21336, 21342, and 21343, on which action was deferred by previous order of the Board, are dismissed except to the extent granted herein;

5. The investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

6. The complaint in Docket 22313, except to the extent granted herein, is dismissed; and

7. A copy of this order will be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX A

All fares and provisions of the carriers named in ordering paragraph 7 of this order, applicable between points in the 48 contiguous States of the United States, the District of Columbia and Alaska, on the one hand, and points in the State of Hawaii, on the other (except youth fares and military fares and group inclusive tour basing fares presently under investigation in Docket 20580), as set forth in tariffs on file with the Board, and revisions and reissues thereof.

[F.R. Doc. 70-9334; Filed, July 20, 1970; 8:50 a.m.]

[3] The Board will exclude military fares, and youth fares and tour basing fares for large groups which are currently under investigation.

[4] Appendix B filed as part of original document.

[5] The fares suspended are those applicable between Hilo/Honolulu, on the one hand, and Akron, Buffalo, Charleston, W. Va., Chicago, Cleveland, Columbus, Ohio, Dayton, Denver, Detroit, Flint, Fort Wayne, Grand Rapids, Kansas City, Lansing, Los Angeles, Milwaukee, Muskegon, Phoenix, Pittsburgh, Portland, Rochester, N.Y., Saginaw, San Diego, San Francisco, Seattle, South Bend, Toledo, and Youngstown; on the other, which are proposed to be revised effective July 15 and July 22, 1970, as set forth in Tariffs CAB Nos. 90, 98, 101, and 136, issued by Airline Tariff Publishers, Inc., Agent.

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on August 25, 1970, the applications for increase in daytime power of class IV standard broadcast stations listed below will be considered as ready and available for processing.

The purpose of this notice is not to invite applications which may conflict with the listed applications, but to apprise any party in interest who desires to file pleadings concerning any of the applications pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: July 15, 1970.

Released: July 16, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Applications from the top of the processing line:

BP-18784	KIXX, Provo, Utah. KIXX, Inc. Has: 1400 kc., 250 w., U. Req: 1400 kc., 250 w., 1 kw.-LS, U.
BP-18802	WSMG, Greeneville, Tenn. Greene County Broadcasting Co., Inc. Has: 1450 kc., 250 w., U. Req: 1450 kc., 250 w., 1 kw.-LS, U.
BP-18803	WTWA, Thomson, Ga. Hickory Hill Broadcasting Co. Has: 1240 kc., 250 w., U. Req: 1240 kc., 250 w., 1 kw.-LS, U.

[F.R. Doc. 70-9321; Filed, July 20, 1970; 8:48 a.m.]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on August 25, 1970 the standard broadcast applications listed below will be considered as ready and available for processing.

Pursuant to §§ 1.227(b)(1), 1.591(b) and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with any application appearing on the list below must be in direct conflict with said application, substantially complete and tendered for filing at the offices of the Commission by the close of business on August 24, 1970. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section § 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: July 15, 1970.

Released: July 16, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Applications from the top of processing line:

BML-2320	KQXI, Denver, Colo. Bernice Schwartz. Has: 1550 kc., 10 kw., Day (Arvada, Colo.). Req: 1550 kc., 10 kw., Day (Denver, Colo.).
BP-18071	WPVL, Painesville, Ohio. WPVL, Inc. Has: 1460 kc., 1 kw., DA, Day. Req: 1460 kc., 500 w., 1 kw-LS, DA-2, U.

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

BP-18631 WAAM, Ann Arbor, Mich.
Babcock Companies, Inc.
Has: 1600 kc., 1 kw., 5 kw-LS, DA-2, U.
Req: 1600 kc., 5 kw., DA-2, U.

[F.R. Doc. 70-9322; Filed, July 20, 1970; 8:48 a.m.]

[Docket No. 16258, etc.; FCC 70-618]

AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.

Memorandum Opinion and Order Consolidating Proceedings

In the matter of American Telephone & Telegraph Co., and The Associated Bell System Cos., Docket No. 16258, charges for interstate and foreign communication service; American Telephone & Telegraph Co. Long Lines Department, Docket No. 18128, revisions of Tariff FCC No. 260, Private Line Services, Series 5000 (Telpak); American Telephone & Telegraph Co., Docket No. 18684, revision of American Telephone & Telegraph Co. Tariff FCC No. 260; Series 6000 and 7000 Channels (Program Transmission Services); American Telephone & Telegraph Co., Docket No. 18718, revision of American Telephone & Telegraph Co. Tariff FCC No. 133, Teletypewriter Exchange Service.

1. The Commission has before it several petitions for reconsideration, and other petitions and motions addressed to our memorandum opinion and order of February 18, 1970 in the above referenced proceedings (21 FCC 2d 495). These pleadings are listed on the attachment hereto. Before discussing the contentions made in the various pleadings, and our disposition thereof, we believe that it will be helpful to review again the actions taken by the Commission prior to the one complained of herein.

2. In 1965 we initiated the above-captioned Docket 16258 general investigation into the Bell System rates and rate structures in part because a fully distributed seven-way cost study made by the Bell System revealed a wide disparity in the levels of earnings among the various classes of interstate service (2 F.C.C. 2d 871). We were concerned that the basic message toll telephone (MTT) classification of service and the closely related Wide Area Telephone Service (WATS), for which there are no directly competitive services and for which the earnings level were relatively high, should not be burdened by, or required to subsidize the so-called competitive services for which the earnings level were relatively low. We were also concerned that whatever methods were employed to price message toll and other services, they should accord with sound ratemaking practice and statutory requirements. In the past, the total interstate revenue requirements for the Bell System have been determined on the basis of the net historical investment for the totality of interstate services. Moreover, prior to the initiation of the proceeding in Docket No. 16258, we had regarded an allocation of net historical investment as the principal, if not controlling, basis to determine revenue requirements and rate levels for a particular class of service, with relative use being the significant measure of such allocation, 18 F.C.C. 2d 762-763 (1969). This was the method used by the Bell System in making the aforementioned seven-way cost study that preceded the institution of the Docket No. 16258 investigation, with the significant difference that, for the first time, the totality of A.T. & T's interstate net historical investment was allocated among A.T. & T.'s major interstate services. However, at the time we instituted this investigation, we recognized that there was a need to examine different or alternative methods of determining the appropriate rate levels for individual classes of service.

3. On December 22, 1965, we delineated the procedures to be followed in Docket No. 16258 and, in view of the results of the aforementioned cost study showing wide disparity in rate levels among the classes of service, we stated that it would serve the public interest for A.T. & T. to effectuate any rate adjustments that might be necessary as promptly as possible in the light of the aforementioned study results and the ratemaking principles and factors advocated by A.T. & T., 2 F.C.C. 2d 142 (1968). Thereafter, A.T. & T. filed revised tariff schedules providing for substantial increases in rates for (1) private line telephone and telegraph services, including Telpak, (2) private line program transmission services, including both audio and video, and (3) TWX service. All of these tariff revisions were supported by claims by A.T. & T. that they were justified by cost studies and by the ratemaking principles and factors advocated by A.T. & T. By a series of orders in three separate dockets, we instituted separate investigations into all of these tariff revisions. Docket No. 18128 was assigned to the hearing on the private line telephone and telegraph service rate changes, including Telpak. (See F.C.C. 68-756, Apr. 10, 1968; 13 F.C.C. 2d 853, July 10, 1968; F.C.C. 68-756, July 24, 1968; and 20 F.C.C. 2d 383, Oct. 29, 1969.) Docket No. 18684 was assigned to the hearing on the rate changes for private line program transmission services. (See F.C.C. 69-1038, Sept. 24, 1969; F.C.C. 69-1197, Oct. 29, 1969.) Docket No. 18718 was assigned to the increases in TWX service (F.C.C. 69-1198, Oct. 29, 1969).

4. Each of the aforementioned separate proceedings concerning the lawfulness of the revised tariffs for private line telephone and telegraph (including Telpak), private line program transmission, and TWX were instituted with the understanding that the determination of the proper level of earnings for each class would be governed by ratemaking principles and factors established in the proceedings in Docket No. 16258. We divided Docket No. 16258 into different phases and, in Phase I-B thereof, we undertook an intensive investigation into the issue of the appropriate ratemaking principles and factors which should govern the relationship among the rate levels for each of the principal categories of service of the Bell Systems, 5 F.C.C. 2d 844, 1966. Approximately 100 days of hearings were held between October 9, 1967 and February 14, 1969, on the Phase I-B issues. All direct testimony was completed and all cross-examination thereon was also completed except for that part of the direct cases relating to certain fully distributed cost studies made by the Bell System. In these Phase I-B hearings the economics of pricing were explored in detail. Numerous expert witnesses testified. A variety of differing opinion testimony was adduced on the record. For example, the Bell System witnesses and others attacked the use of fully distributed costs for ratemaking purposes and urged the use of other costs, such as full additional costs, or long range incremental costs, for such purposes. Others suggested that "public interest considerations" could be used to justify certain rate levels. Differing views were expressed by the experts as to whether or not a burden on message toll service would occur under the various alternative principles advocated by the Bell System and others and doubt was expressed by some as to the reliability of techniques to determine with any degree of accuracy the incremental costs in a system as complex as the telephone industry.

5. Principally because of the wide-ranging differences of opinion and opposing viewpoints of expert witnesses that emerged in the course of the aforementioned Phase I-B hearings, the Telephone Committee, on February 18, 1969 (F.C.C. 69 M-197) released an order providing for off-the-record conferences, open to all of the parties, to explore the possibility of reaching an agreed statement of rate-making principles and factors that would obviate the necessity for further formal proceedings in Phase I-B. After a series of such informal conferences, the parties arrived at such a statement, and, on May 28, 1969, introduced the statement into the record of the proceedings in Phase I-B. This statement is a declaration of general principles and accompanying procedures which were designed to be applied in the context of specific rate issues. The full text of this statement appears at 18 F.C.C. 2d, 765-769.

6. By memorandum opinion and order of July 29, 1969, we carefully considered the aforesaid statement of ratemaking principles and factors and formally approved all of the procedures recommended therein (except the recommendation dealing with the Telpak Sharing case), 18 F.C.C. 2d 761. We ruled that further proceedings in Docket 16258 would be subject to further order, that the record in Phase I-B would be incorporated into the proceedings herein in Docket 18128, and that the then pending TWX case in Docket 15011 would be severed from 16258 and decided separately. (The TWX rate case in Docket No. 15011 was decided Sept. 17, 1969, 19 F.C.C. 2d 711.) We stated among other things, that we had accumulated, in Phase I-B, a massive record of unprecedented scope in which the economics of pricing was explored in detail; that the agreed upon statement of ratemaking principles and factors properly recognizes the relevance of both

fully distributed (f.d.c.) and long run incremental costs (l.r.i.c.) in considering appropriate rate levels of specific classes of service and that studies of both would be submitted for consideration by the Commission; that we had not drawn any conclusion as to what weight, if any, should be accorded to either or both of these costs in fixing rates for a specific service; and that we now have a sound basis upon which to determine theoretical ratemaking principles which can be tested and applied in the context of ratemaking proceedings dealing with A.T. & T.'s rate structure and the prices to be charged for specific services.

7. One of the procedures recommended in the aforementioned statement and approved by the Commission, was that the Chief of the Common Carrier Bureau would recommend termination of Phase I–B following the filing of new studies by the telephone companies and proposed rate adjustments and the institution of or continuation of separate rate proceedings. Following our action of July 29, 1969, the Chief of the Common Carrier Bureau, pursuant to the agreed procedures, advised the Commission that A.T. & T. had filed new studies and had made rate adjustments in private line/Telpak, program transmission, TWX, MTT, and WATS, which A.T. & T. alleged were in compliance with the statement of ratemaking principles and factors, and that the pending proceedings in Dockets 18128 (Private Line/Telpak), 18684 (Program Transmission) and 18718 would determine whether they in fact comply. Accordingly, the Bureau Chief recommended termination of Phase I–B.

8. On February 18, 1970, we adopted the memorandum opinion and order that is the subject of the pleadings identified in the attachment hereto. The order in question terminated Phase I–B, incorporated the record of Phase I–B into Docket 18684 (Program transmission) and Docket 18178 (TWX) as had been done earlier in Docket 18128 (Private Line/Telpak). Further, it added to the existing issues in Docket No. 18128 (Private Line/Telpak), Docket 18684 (Program Transmission), and Docket No. 18718 (TWX) the issue as to whether the rate levels for Message Toll (MTT) and WATS are lawful. Issues as to the rate levels for the other classes of service, that is, private line, Telpak, Program Transmission and TWX, had already been specified in prior orders. We further stated that there was a need for a new issue as to the rate level for each of A.T. & T.'s principal services, including MTT and WATS, so that the Commission could be in the position of ordering the elimination of the causes of any inter-service burden found to exist. 21 F.C.C. 2d 497. We also noted that allocation of total interstate test period historical book costs of A.T. & T. among all of the service categories may be useful in determining whether, during the test period, any service has burdened any other service.

9. The various petitions objecting to our action of February 18, 1970 were aimed at four main points. First, it was stated by several parties that the inclusion of issues as to the appropriate rate level for each of A.T. & T.'s major categories of services will unduly complicate each of the three proceedings herein (private line/Telpak, program transmission and TWX) and, according to A.T. & T., require extensive evidence on the proper overall rate of return for its total interstate operations. In this respect, the American Broadcasting Cos., Inc., Columbia Broadcasting System, Inc., and the National Broadcasting Co., Inc. (hereafter broadcasters) stated that the result of broadening the issues in this manner will be three separate proceedings with identical issues on the appropriate rate levels for all classes of service, requiring all of the parties to any one of the three separate dockets to participate in the remaining dockets. A.T. & T. and Western Union (WU) contend that it is not necessary to include issues as to the rate level for all classes of service in each of the three proceedings since they allege that, once an appropriate rate level has been found in a particular proceeding dealing with the rate level of a particular class of service, further formal or informal procedures could be instituted to implement any needed adjustments in the rate level of any other class of service. Second, various parties objected to the references we made to historical costs in our order and allege that such reference is indicative of the fact that we have prejudged the acceptability of such costs over other costs, such as l.r.i.c., which may be introduced into the record. Third, objection is made to our incorporating by reference the Phase I–B record into Docket Nos. 18684 (program transmission) and 18718 (TWX). The basis for the objection, as stated, was that only specific portions of that record would be relevant to each of the two separate proceedings and to incorporate the whole record would not only be unwieldy but would also violate the Commission's rules. Fourth, question is raised as to the omission of any reference specifically to Telpak in the fourth ordering clause of our order in which we added the new issue as to the lawfulness of rate levels of the various categories of service.

10. In addition to the points just mentioned, Aerospace Industries Association of America, Inc. (AIA) requested that the issue as to the lawfulness of Telpak rates and the Telpak rate level be separated from the remainder of Docket No. 18128 and determined on an expedited basis. AIA argued that such action is required by section 204 of the Communications Act. It also requested that the Commission hold oral argument so that any further procedures to be adopted in Docket Nos. 18128, 18684, and 18718 could be discussed. Finally, Air Transport Association of America, United Air Lines, Inc., Eastern Air Lines, Inc., and Emery Air Freight Corp. (Airline Parties), commented adversely on the fact that the Chief of the Common Carrier Bureau recommended to the Commission that Phase I–B be terminated without providing opportunity to the parties to comment on the recommendation.

11. We have considered all of the arguments posed by the parties and have concluded that we should (1) clarify our order of February 18, 1970 but retain therein the issue we added therein with respect to the rate levels for MTT and WATS and that we should (2) consolidate into one proceeding, the proceedings in Dockets 18128 (private line) and 18684 (program transmission), leaving Docket 18718 as a separate proceeding.

12. With respect to our decision to retain the issue as to the rate levels of MTT and WATS, we should make it abundantly clear that we do not consider that this issue involves the determination of a proper overall level of earnings or a fair rate of return for the Bell System on interstate operations. The purpose of the issue is simply to enable adjustments to be made in the relative earnings levels of the various services should such adjustments be indicated by the record herein. Any such adjustments would be made within the framework of the going level of earnings as indicated by the most recent 12-month test period information available in the record.

Thus, the purpose of any such adjustments that may be made in this proceeding would not be to change the overall level of earnings but rather to effectuate a proper relationship among the several classes of service and the issue we are retaining herein as to the reasonableness of the overall rate levels of MTT and WATS is to be considered in this limited context.

13. With respect to our conclusion to consolidate the proceedings in Docket 18128 (private line/Telpak) with Docket 18684 (program transmission), we are doing so primarily because all of the services involved in these two dockets are subclassifications within the family of private line services governed by A.T. & T.'s private Tariff F.C.C. No. 260. We believe there will be certain questions of fact and law common to all of the services that can better be handled in a consolidated proceeding. Moreover, many of the parties in each of these two proceedings are also parties in the other. Consolidation will be a convenience to such parties. The same considerations do not obtain to the same degree in the TWX proceeding. TWX service is not furnished over private line facilities and it is governed by a separate tariff, A.T. & T.'s Tariff 133. It is a switched service provided for the most part over facilities dedicated exclusively to the TWX service, and the parties in interest in the TWX case are generally different from those in the other two proceedings. Although we believe it best to maintain a separate proceeding for TWX, we recognize that there will be certain questions, particularly in the area of costs and ratemaking principles and factors that may be common to TWX and the private line services, and we urge the hearing examiners and the parties in the two proceedings to utilize such cooperative procedures as may be desirable in developing an adequate hearing record in both proceedings without duplication of time and effort in those areas that involve common questions.

14. We believe that the action we are taking herein disposes of the principal objections to our memorandum opinion

and order of February 18, 1970. Our action should make it clear, if it was not already clear, that neither A.T. & T. nor any other party would be expected to introduce evidence as to the appropriate overall rate of return for the Bell System. The reasonableness of the overall rate of return of the Bell System for its total interstate operations will not be in issue and evidence thereon should not be admitted. As we state in paragraph 12 hereof, the Commission will take the going level of earnings on the Bell Systems' total interstate business in resolving the question herein concerning the propriety of the level of earnings and rate structure for each of the categories of service in issue, and for such purpose, we will accept the operating results for the latest available 12-month period.

15. One point raised by the petitions is whether we have prejudged the issue as to what type of costs will be used for determining the lawfulness of existing rate levels and rate structures. The Airline Parties, among others, point to paragraph 4 of our order as being indicative of prejudgment in favor of historical costs. Our reference to historical costs in that paragraph was taken from the statement on ratemaking principles and factors agreed to by the parties. It was used as illustrative of a principle encompassed by the stipulation of the parties in Docket No. 16258 which, if approved by the Commission and applied in the instant proceedings, could demonstrate that one of A.T. & T.'s services is being burdened by another service at A.T. & T. In light of this, it is necessary to view the totality of costs for all of A.T. & T.'s interstate services so that the question of any interservice burden can be examined and if necessary be corrected by the Commission. We have not determined that such costs are the proper indication of such burden. We will consider any and all demonstrations of cost that can be used to determine whether such burden does or does not exist.

16. As we have heretofore held, the services furnished under the Telpak rates and those furnished under the ordinary private line rates are like communication services, that the Telpak rates are nothing more than different rates for ordinary private line services, and that Telpak is merely a rate classification within the family of private line services, 38 F.C.C. 395 (1964), 9 F.C.C. 2d 149 (1967), 13 F.C.C. 2d 857 (1958). We did not specifically name Telpak as a separate class of service in our ordering clause relating to levels of rates for the principal categories of service since it is clearly encompassed within the ordinary private line services which were named in the ordering clause. Moreover, the issues originally specified in Docket 18128 had already put in issue the propriety of the Telpak rate level as a rate classification within the private line services as well as the propriety of the internal Telpak rate structure. Accordingly, we see no need to amend our order to refer specifically to the rate level for Telpak.

17. We do not agree with AIA's allegation that section 204 of the Communications Act requires that the lawfulness of the increased Telpak rates be determined separately and before resolution of the other matters in issue herein. Since the Telpak rates are an integral part of the rate structure within the private line services, we do not believe that we can properly determine the appropriate rate level or rate structure for Telpak in isolation from or without regard to the relationship of the Telpak rates to the non-Telpak rates for like services. In our judgment, section 204 does not require that we attempt to do so. (See 47 U.S.C. 154(i) and 154(j).) AIA requests oral argument before the Commission, but we see no need therefor in view of our action herein.

18. In view of our decision to consolidate the two private line proceedings, and our clarification of the rate level issue as to MTT and WATS, we believe that the objection to incorporating the record of Phase 1–B into these separate proceedings is largely mooted. In any event, we see no need to amend our order in this respect. Finally, we do not understand the comment made by the Airline Parties that the Chief of the Common Carrier Bureau acted improperly in recommending termination of Phase 1–B without giving the parties a prior opportunity to comment. The agreed procedures in the State of Ratemaking Principles and Factors stated:

> Following the filing of the new studies and proposed rate adjustments by respondents and the institution of any separate proceedings (see paragraph 4), the Chief of the Common Carrier Bureau will recommend that phase 1–B of Docket No. 16258 be terminated without opinion on the merits by the Commission. 18 F.C.C. 2d 768.

The procedure followed is in direct compliance with that agreed to by the parties to the Statement and was otherwise proper.

19. *Accordingly, it is ordered,* That Dockets Nos. 18128 and 18684 are hereby consolidated for hearing, and that a single hearing examiner shall be designated to preside at the consolidated hearing and that he shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument and thereafter the Commission shall issue its final decision.

20. *It is further ordered,* That the petitions and motions set forth below are hereby granted to the extent indicated in the foregoing and denied in all other respects.

Adopted: June 10, 1970.

Released: June 15, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioners Burch, Chairman; and Cox absent; Commissioner Johnson concurring in the result.

1. "Petition for Reconsideration" filed by the American Broadcasting Cos., Inc., Columbia Broadcasting System, Inc., and National Broadcasting Co., Inc., on March 12, 1970.
2. "Petition for Reconsideration of Order Released February 24, 1970" filed by the Air Transport Association of America, United Air Lines, Inc., Eastern Air Lines, Inc., and Emery Air Freight Corp. on March 10, 1970.
3. "Motion to Delete Issues" filed by the Bell System Respondents on March 16, 1970.
4. "Comments of Aeronautical Radio, Inc.," filed on March 13, 1970.
5. "Petition for Reconsideration and Severence" filed by the Aerospace Industries Association of America, Inc., on March 17, 1970.
6. "Opposition to Petition for Reconsideration" filed by The Western Union Telegraph Co. on March 19, 1970.
7. "Statement of the National Association of Motor Bus Owners" filed March 19, 1970.
8. "Statement of Position with Respect to Issues in Docket No. 18128" filed by the American Newspaper Publishers Association, The Associated Press, Twin Coast Newspapers, Inc., and McGraw-Hill, Inc., on March 19, 1970.
9. "Comments of The Western Union Telegraph Co. on Petitions and Motions Pertaining to memorandum opinion and order Released February 24, 1970," filed on March 26, 1970.
10. "Motion for Oral Argument on Pending Petitions" filed by Aerospace Industries Association of America, Inc., on March 19, 1970.
11. "Response to Western Union Opposition to Oral Argument" filed by Aerospace Industries Association of America, Inc., on April 2, 1970.

[F.R. Doc. 70–9323; Filed, July 20, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. R171–5, etc.]

MANLER OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 10, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein

[1] Does not consolidate for hearing or dispose of the several matters herein.

are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 26, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-5	Manler Oil Co., agent (Operator) et al., 1204 Wilson Bldg., Corpus Christi, Tex. 78401.	1	6	Valley Gas Transmission, Inc. (Ramirena and Ramirena Southwest Fields, Jim Wells and Live Oak Counties, Tex.) (RR. District Nos. 2 and 4).	$1,128	6-18-70	[2] 11-5-70	4-5-71	15.06	[3 4] 16.0	RI66-90.
RI70-1727	Colorado Oil & Gas Corp., 1000 Denver Club Bldg., Denver, Colo. 80201.	54	[4] 1 to 3	Trunkline Gas Co. (Cage Ranch Field, Brooks County, Tex.) (RR. District No. 4).	935	6-15-70	[2] 7-1-70	[5] 12-1-70	[6 7] 13.3748	[3 4 8] 15.4536	RI70-1727.
RI71-6	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	421	6	United Gas Pipe Line Co. (South El Toro Field, Jackson County, Tex.) (RR. District No. 2).	4,599	6-17-70	[2] 7-18-70	12-18-70	[9] 16.0	[3 4] 17.2601	
RI71-7	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	485	1	Transcontinental Gas Pipe Line Corp. (Various Fields, Starr and Jim Hogg Counties, Tex.) (RR. District No. 4).	109,500	6-17-70	[2] 7-18-70	12-18-70	[11] 16.0	[4 10] 19.0	
	do	481	5	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	750	6-17-70	[2] 7-18-70	12-18-70	[12] 17.87	[3 4 12] 22.87	
RI71-8	Bright & Schiff, 2355 Stemmons Bldg., Dallas, Tex. 75207.	7	[13] 5	South Texas Natural Gas Gathering Co. (Northeast Thompsonville Field, Webb and Jim Hogg Counties, Tex.) (RR. District No. 4).	18,428	6-18-70	[14] 7-19-70	12-19-70	16.0	[3 4] 19.07125	
RI71-9	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	142	[14] 4	Panhandle Eastern Pipe Line Co. (Guymon Hugoton Field, Texas County, Okla.) (Panhandle Area).	----------	6-17-70	[14] 7-18-70	Accepted	----------	----------	
		142	5		519	6-17-70	[14] 7-18-70	12-18-70	11.8262	[4 10] 13.25	
RI71-10	Eason Oil Co., Post Office Box 18755, Oklahoma City, Okla. 73118.	27	2	Northern Natural Gas Co. (West Sharon Field, Woodward County, Okla.) (Panhandle Area).	48,883	6-12-70	[2] 7-13-70	12-13-70	[17 18] 18.99	[3 4 17 18] 22.34	
RI70-1104	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73112.	46	8	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Texas County, Okla.) (Panhandle Area).	114	6-12-70	[19] 7-13-70	12-13-70	[22 23] 18.015	[4 20 21 23] 18.5	
	do	59	6	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper and Beaver Counties, Okla.) (Panhandle Area).	4,555	6-12-70	[19] 7-13-70	12-13-70	[25 26] 19.075	[4 20 24 26] 19.56	
	do	67	7	Northern Natural Gas Co. (John Creek Field, Hutchinson County, Tex.) (RR. District No. 10).	98	6-12-70	[19] 7-13-70	12-13-70	[22 23] 18.0675	[3 4 22 24] 18.5	
	do	68	13	Michigan Wisconsin Pipe Line Co. (Cedardale Field, Major County, Okla.) (Oklahoma "Other" Area).	1,114	6-12-70	[19] 7-13-70	12-13-70	[26 27] 18.655	[4 20 27] 19.14	
	do	80	4	Michigan Wisconsin Pipe Line Co. (North Oakdale Field, Woods County, Okla.) (Oklahoma "Other" Area).	199	6-12-70	[19] 7-13-70	12-13-70	[22 28] 18.925	[4 20 28 29] 19.41	
RI70-1105	do	53	8	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Texas County, Okla.) (Panhandle Area).	335	6-12-70	[19] 7-13-70	12-13-70	[22 24] 18.015	[4 20 22 30] 18.5	
	Kerr-McGee Corp. et al.	66	8	Panhandle Eastern Pipe Line Co. (Mocane-Laverne Gas Area, Beaver County, Okla.) (Panhandle Area).	926	6-12-70	[19] 7-13-70	12-13-70	[31 32] 20.211	[4 20 32 33] 20.757	
RI71-11	Philcon Development Co., Post Office Box 2242, Amarillo, Tex. 79106.	1	2	Cities Service Gas Co. (Knowles Field, Beaver County, Okla.) (Panhandle Area).	360	6-15-70	[2] 7-16-70	12-16-70	[33 34] 17.0	[3 4 33 34] 18.0	
RI71-12	A. L. Abercrombie et al., 801 Union Center Bldg., Wichita, Kans.	5	6	Cities Service Gas Co. (North Rhodes Field, Barber County, Kans.).	336	6-15-70	[2] 7-16-70	12-16-70	[35] 14.0	[3 4 35] 15.0	RI66-320.
RI71-13	Ferguson Oil Co., Inc., Suite 1115, 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	3	4	Arkansas Louisiana Gas Co., (Kinta Field, Le Flore County, Okla.) (Oklahoma "Other" Area).	[36] 3,650	6-15-70	[2] 7-16-70	12-16-70	15.0	[3 4] 16.0	
RI71-14	Union National Bank of Wichita, Kans., Executor of the Estate of Walter F. Kuhn, deceased et al., Union Center Bldg., Wichita, Kans. 67202.	19	[36] 3	Panhandle Eastern Pipe Line Co., Hugoton Field, Kans.	9,000	6-18-70	[2] 8-1-70	1-1-71	12.0	[3 4] 13.0	RI65-463.
	do	18	[37] 3	do	15,000	6-18-70	[2] 8-1-70	1-1-71	12.0	[3 4] 13.0	RI65-310
RI71-15	Union National Bank of Wichita, Kans., Executor of the Estate of Walter F. Kuhn, deceased (Operator) et al.	17	4	Cities Service Gas Co., Boggs Field, Barber County, Kans.	2,000	6-18-70	[2] 8-1-70	1-1-71	[35] 14.0	[3 4 35] 15.0	RI66-500

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-16	White Shield Oil & Gas Corp., Post Office Box 2139, Tulsa, Okla. 74101.	11	7	Transwestern Pipeline Co. (John Creek Field, Hutchinson County, Tex.) (RR. District No. 10).	$1,396	6-15-70	[2] 7-16-70	12-16-70	[22] 17.0	[3 4 22] 19.5853	
	do	21	7	El Paso Natural Gas Co. (Ingham Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	1,996	6-15-70	[2] 7-16-70	12-16-70	14.24	[4 38] 17.566	
RI71-17	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	412	1	Transwestern Pipeline Co. (Carlsbad South Field, Eddy County, N. Mex.) (Permian Basin Area).	3,726	6-15-70	[2] 7-16-70	12-16-70	[35] 17.68	[2 4] 18.83	
	do	198	4	El Paso Natural Gas Co. (Red Wash Field, Uintah County, Utah).	2,430	6-18-70	[2] 7-19-70	12-19-70	16.384	[35 40] 19.50	RI66-44.
RI71-18	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	417	9	El Paso Natural Gas Co. (Tubbs and Blinebry Fields, Lea County, N. Mex.) (Permian Basin Area).	665	6-19-70	[2] 7-20-70	12-20-70	[41] 16.8793	[3 4 41] 17.9023	RI69-746.
	do	451	7	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	2,611	6-19-70	[2] 7-20-70	12-20-70	[41] 16.8319	[3 4 41] 17.852	RI69-746.
	do	514	7	El Paso Natural Gas Co. (Rojo Cabollos Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	2,519	6-19-70	[2] 7-20-70	12-20-70	19.0713	[3 4] 20.075	RI69-746.
RI71-19	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	20	[42] 29	El Paso Natural Gas Co. (Spraberry Trend Area, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	[43] 0	6-10-70	[14] 7-11-70	12-11-70	[44] 14.5	[4 28] 19.3278	

[2] The stated effective date is the effective date requested by respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Amends filing submitted May 25, 1970, to include tax reimbursement. Prior filing suspended in Docket No. RI70-1721 until Dec. 1, 1970.
[6] Includes reimbursement of 0.25 cent for dehydration.
[7] Previously shown as 13.25 cents.
[8] Accepted for filing subject to the existing rate suspension proceeding in Docket No. RI70-1727 and remain suspended until Dec. 1, 1970, the end of the suspension period in such proceeding.
[9] Effective subject to refund in Docket No. RI70-1683. Fractured rate.
[10] Initial contract rate.
[11] Initial certificated rate.
[12] Includes 0.87-cent upward B.t.u. adjustment. Base price subject to upward and downward B.t.u. adjustment.
[13] Respondent submitted two filings to reflect the subject increase.
[14] The stated effective date is the first day after expiration of the statutory notice period.
[15] Letter agreement dated May 1, 1970, providing for increased rate.
[16] Renegotiated rate increase.
[17] Includes base rate of 17 cents before increase and base rate of 20 cents after increase plus upward B.t.u. adjustment.
[18] Subject to upward and downward B.t.u. adjustment.
[19] The stated effective date is the first day after expiration of the statutory notice period, or the date the present suspended rate is made effective subject to refund, whichever is later.
[20] "Fractured" rate increase.
[21] Contractually due a rate of 18.6 cents plus tax reimbursement as of Mar. 21, 1969.
[22] Subject to a downward B.t.u. adjustment.
[23] Rate suspended in Docket No. RI70-1104 until July 5, 1970.
[24] Contractually due a base rate of 22 cents plus 0.015-cent tax reimbursement and upward B.t.u. adjustment as of Nov. 12, 1968 (Rate Schedule No. 59); Sept. 30, 1967 (Rate Schedule No. 68); July 1, 1967 (Rate Schedule No. 80) and Oct. 1, 1965 (Rate Schedule No. 66).
[25] Includes 1.06-cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[26] Filing from fractured to periodic increased rate which became contractually due on July 1, 1968.
[27] Includes 0.64-cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[28] Includes 0.91-cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[29] Contractually due a base rate of 22 cents plus 0.015-cent tax reimbursement and upward B.t.u. adjustment as of July 1, 1967.
[30] Contractually due a rate of 18.6 cents plus tax reimbursement as of Mar. 21, 1969 (Rate Schedule No. 46).
[31] Rate suspended in Docket No. RI70-1104 until July 5, 1970. Rates suspended in Docket No. RI70-1105 until July 5, 1970.
[32] Includes base rate of 18 cents plus 0.015-cent tax reimbursement before increase and 18.5 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[33] Contractually due a base rate of 22 cents plus 0.015-cent tax reimbursement and upward B.t.u. adjustment as of Oct. 1, 1965.
[34] Includes 3 cents paid by buyer to seller for gathering, dehydrating, compressing and delivering of gas.
[35] Estimate based on volumes shown in certificate application.
[36] Applicable only to production of gas from above the base of the Chase Group.
[37] Applicable only to production of gas from above the base of the Chase Group.
[38] Increase to contract rate.
[39] Initial rate.
[40] Pressure base is 15.025 p.s.i.a.
[41] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[42] Applicable only to acreage added by Supplement No. 28.
[43] Acreage nonproductive at present time.
[44] Applicable area base rate. Quality statement has not been filed.

Bright & Schiff request a retroactive effective date of October 1, 1965, for their proposed rate increase. Texaco Inc. (Texaco), requests an effective date of June 17, 1970, for its proposed letter agreement and rate increase. Philcon Development Co. requests that its proposed rate increase be permitted to become effective as of July 15, 1970. Mobil Oil Corp. (Operator) et al., request an effective date of July 15, 1970, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Bright & Schiff request that should the Commission suspend their rate filing that the suspension period with respect thereto be limited to 1 days. Good cause has not been shown for limiting to 1 day the suspension period with respect to Bright & Schiff's rate filing and such request is denied.

Concurrently with the filing of its rate increase, Texaco submitted a letter agreement dated May 1, 1970, designated as Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 142, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Texaco's proposed letter agreement to become effective as of July 18, 1970, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

Colorado Oil and Gas Corp. (Colorado), previously filed a notice of change in rate under its FPC Gas Rate Schedule No. 54, proposing an increase from 13.25 cents to 15.25 cents per Mcf, which was suspended for 5 months until December 1, 1970, in Docket No. RI70-1727. Colorado inadvertently did not include in the above notice the applicable tax reimbursement in the present effective rate nor in the proposed rate. Colorado has now filed an amended notice to be substituted for the prior notice to reflect that the above rates should include applicable tax reimbursement. In this situation, we conclude that Colorado's amended notice should be permitted to be substituted for the previously filed notice of change in rate now under suspension in Docket No. RI70-1727 and remain suspended until December 1, 1970, the expiration date of the suspension period in such docket.

Kerr-McGee Corp. (Kerr-McGee), requests that its proposed rate increases be substituted for previously filed fractured rate increases which are presently suspended for 5 months until July 5, 1970, in Docket Nos. RI70-1104 and RI70-1105, or, alternatively, be "accepted for filing" on the date the presently suspended rates are made effective subject to refund and be granted as short a suspension period as possible. All of the instant proposed rates were contractually due prior to January 5, 1970, the date of filing of the presently suspended rates. Since Kerr-McGee is proposing increases in base rates, we conclude that its rate increases should be suspended for 5 months from July 13, 1970, the expiration date of the statutory notice, or be suspended for 5 months from the date the presently suspended rates are made effective, whichever is later.

Gulf Oil Corp. (Gulf), proposes a rate increase from 16.384 cents to 19.5 cents per Mcf for a sale of gas to El Paso Natural Gas Co. in the Red Wash Field, Uintah County, Utah, where no ceiling rates have been announced.

The proposed increased rate exceeds both the 13 cents per Mcf increased rate ceiling for adjacent Wyoming and the 15.384 cents per Mcf initial rate certificated in Opinion No. 359 issued June 11, 1962, for sales in the Red Wash Field. Since the proposed rate is equal to rates now under suspension for similar sales filed by other producers selling gas in this field, we conclude that Gulf's proposed rate increase should be suspended for 5 months from July 19, 1970, the proposed effective date.

Two of Atlantic Richfield Co.'s (Atlantic), proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearing provided for herein with respect to the rate filings containing such tax shall concern itself with the contractual basis for such rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by Atlantic in the Red Wash Field, Uintah County, Utah, where no formal guideline prices have been announced.

[F.R. Doc. 70–9252; Filed, July 20, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

COLORADO CNB BANKSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Colorado CNB Bankshares, Inc., Denver, Colo., for approval of the acquisition of at least 80 percent of the voting shares of The Bank of Glenwood, Glenwood Springs, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Colorado CNB Bankshares, Inc., Denver, Colo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of The Bank of Glenwood, Glenwood Springs, Colo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Colorado State Bank Commissioner and requested his views and recommendation. The Colorado State Bank Commissioner advised the Board that the State Banking Board recommended neither approval nor disapproval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 26, 1970 (35 F.R. 8252), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and mangerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant has four subsidiary banks with aggregate deposits of $303.9 million, which represents 7.7 percent of the total deposits in the State. It is the third largest banking organization and third largest bank holding company in Colorado. (All banking data are as of December 31, 1969, adjusted to reflect holding company acquisitions approved by the Board to date.) Bank, with deposits of $5.7 million, is the smallest of two banks in Glenwood Springs, and is the fourth largest of the five banks located within the relevant market, which includes parts of Garfield, Eagle, and Pitkin Counties. Applicant's closest subsidiary is 160 miles east of Bank. Three of Applicant's subsidiary banks do not compete at all with Bank. Applicant's lead bank, which now serves as Bank's principal correspondent, derives some business from Bank's service area; however, its activity has been directed to loans beyond the resources of Bank. Bank's affiliation with Applicant should foster competition by enabling Bank to become a stronger competitor within the existing banking structure. Consummation of the proposed acquisition therefore would not eliminate any meaningful competition or foreclose significant potential competition, and would not have any undue adverse effects on other banks in the area involved.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The banking factors are regarded as consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval since Bank, through affiliation with Applicant, will be able to provide trust services and larger credit lines. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period shall be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] July 14, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70–9339; Filed, July 20, 1970; 8:50 a.m.]

SOUTHEAST BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southeast Bancorporation, Inc., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of First National Bank of Satellite Beach, Satellite Beach, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of First National Bank of Satellite Beach, Satellite Beach, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 30, 1970 (35 F.R. 6882), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[2] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sherrill.

Absent and not voting: Governors Mitchell and Maisel.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,[2] July 14, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-9335; Filed, July 20, 1970; 8:50 a.m.]

SOUTHEAST BANCORPORATION, INC.

Order Denying Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southeast Bancorporation, Inc., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of Indialantic Beach Bank, Indialantic, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Indialantic Beach Bank, Indialantic, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 30, 1970 (35 F.R. 6881), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[3] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[4] July 14, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-9336; Filed, July 20, 1970; 8:50 a.m.]

SOUTHEAST BANCORPORATION, INC.

Order Denying Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southeast Bancorporation, Inc., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of First National Bank of Eau Gallie, Melbourne, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of First National Bank of Eau Gallie, Melbourne, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 30, 1970 (35 F.R. 6882), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[2] July 14, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-9337; Filed, July 20, 1970; 8:50 a.m.]

SOUTHEAST BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southeast Bancorporation, Inc., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of Citizens Bank of Brevard, Melbourne, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Citizens Bank of Brevard, Melbourne, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 30, 1970 (35 F.R. 6882), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[2] July 14, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-9338; Filed, July 20, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 15, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41998—*Glycols and Ethanolamines from Doe Run, Ky.* Filed by O. W. South, Jr., agent (No. A6182), for interested rail carriers. Rates on glycols and ethanolamines and related articles, in tank carloads, as described in the application, from Doe Run, Ky., to Bayonne and Elizabethport, N.J.

Grounds for relief—Market competition.

---

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Sherrill.

[3] Filed as part of the original document. Copies available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[4] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Sherrill.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Sherrill.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Sherrill.

Tariff—Supplement 37 to Southern Freight Association, agent, tariff ICC S-832.

FSA No. 41999—*Frozen Meats from Southern Ports for Import.* Filed by Southern Ports Foreign Freight Committee, agent (No. 64), for interested rail carriers. Rates on meats, frozen, in carloads as described in the application, from Southern ports (import), to points in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief—Water competition with North Atlantic ports.

Tariff—Supplement 16 to Southern Ports Foreign Freight Committee, agent, tariff ICC 218.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-9344; Filed, July 20, 1970; 8:50 a.m.]

[No. 35281]

FOURTH CLASS RATE REFORMATIONS, 1970

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of July 1970.

Upon consideration of a request filed by the Postmaster General on June 17, 1970, pursuant to the provisions of 39 U.S.C. 4558, and supporting data, proposing increases in postage rates on fourth-class mail, namely, parcels and catalogs, and a 35-cent surcharge on certain parcels; and of numerous protests in opposition thereto filed by interested parties;

It appearing, that, with respect to the proposed 35-cent surcharge on certain parcels, the data submitted are inadequate to establish the estimated higher cost of handling such parcels, and no underlying data have been submitted to support the estimated revenue therefrom to provide an adequate basis for a determination of whether the proposed 35-cent surcharge on certain parcels requested comports with the statutory requirements;

It further appearing, that, with respect to the proposed increases in postage rates on fourth-class mail, namely, parcels and catalogs, analysis of the supporting data shows that valid sampling procedures have been used and that sound costing principles and techniques have been followed, producing reliable results in the most recent Cost Ascertainment Report of the Post Office Department;

And it further appearing, that the estimated total revenue, including the proposed increases in postage rates on fourth-class mail, namely, parcels and catalogs, would approximately equal the cost of providing the service on such fourth-class mail;

Wherefore, and for good cause appearing therefor:

We find, that the request of the Postmaster General, to the extent that it proposes a 35-cent surcharge on certain parcels, has not been substantiated by probative evidence;

We further find, that the said request, to the extent that it proposes to increase the postage rates on fourth-class mail, namely, parcels and catalogs, has been substantiated by probative evidence and comports to the statutory requirements, and that neither rejection, investigation, nor any other action is warranted in connection therewith; and therefore:

It is ordered, That an investigation, pursuant to 39 U.S.C. section 4558(b)(2), into the merits of request of the Postmaster General, to the extent it proposes a 35-cent surcharge on certain parcels be, and, it is hereby, instituted.

It is further ordered, That the proceeding, with respect to the request of the Postmaster General to the extent it proposes a 35-cent surcharge on certain parcels, be conducted upon written representations, according to the following schedule:

1. On or before August 17, 1970, the Postmaster General may file an original and 20 copies of verified statements and exhibits in support of the request, and serve copies thereof on all parties of record.

2. On or before September 16, 1970, the protestants may file an original and 20 copies of verified statements and exhibits in opposition to the requested increases, and serve six copies thereof on the Postmaster General.

3. On or before September 28, 1970, the Postmaster General may file and serve, as specified in 1 above, verified statements and exhibits in rebuttal.

It is further ordered, That all motions must be filed at the time of filing of representations;

And it is further ordered, That notice of this action be given, (1) by posting a copy of this order in the office of the Secretary of the Commission for public inspection, (2) by filing a copy thereof with the Director, Office of the Federal Register, (3) by serving copies thereof on the Postmaster General and Comptroller General of the United States, and (4) by mailing a copy of this order to the other parties of record.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-9345; Filed, July 20, 1970; 8:51 a.m.]

[Notice 117]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 16, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 55889 (Sub-No. 34 TA), filed July 9, 1970. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426. Applicant's representative: G. Mack Dove (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Textile and textile products and athletic equipment and supplies,* between Lanett, Ala., and Columbus, Ga., from Lanett over U.S. Highway 29 to Opelika, Ala., thence over combined U.S. Highways 280 and 431 to Columbus, and return over the same routes, serving the intermediate points of Shawmut, Langdale, Fairfax, and Opelika, Ala., and the off-route point of Riverview, Ala. Restriction: The above is restricted to traffic originating at or destined to points in Florida, for 180 days. NOTE: Applicant proposes to tack the authority sought at Columbus, Ga., with its existing authority in MC-55889 and subs thereunder. Supporting shippers: West Point Pepperell, Post Office Box 71, West Point, Ga. 31833; Diversified Products Corp., 309 Williamson Avenue, Opelika, Ala. 36801.

No. MC 107295 (Sub-No. 410 TA), filed July 9, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Heating and cooling systems and equipment, humidifiers and washers, and air cleaners and accessories,* from the plantsite and warehouse facilities of Dunham-Bush, Inc., Harrisonburg, Va., to points in Kentucky, Tennessee, Michigan, Indiana, Illinois, Wisconsin, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, South Dakota, and North Dakota, for 180 days. Supporting shipper: Dunham-Bush, Inc., Harrisonburg, Va. 22801. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 109914 (Sub-No. 26 TA), filed July 9, 1970. Applicant: DUNDEE TRUCK LINE, INC., 6006 Stickney Avenue, Toledo, Ohio 43612. Applicant's representative: Jack Wells (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,

from and to Malinta, Ohio; between Defiance, Ohio, and the junction of U.S. Highway 24 and Ohio Highway 109, serving Malinta, Ohio, as an intermediate point; from Defiance, Ohio, over Ohio Highway 281 to junction Ohio Highway 281 and Ohio Highway 109, thence over Ohio Highway 109 to junction U.S. Highway 24, and return over the same route, for 180 days. NOTE: Applicant intends to tack with other authority in MC–109914, and also to interline with other common carriers at Toledo and Van Wert, Ohio, and at Adrian, Detroit, and Hillsdale, Mich. Supporting shipper: The Standard Metal Manufacturing Co., Main Office and Plant, Malinta, Ohio. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 116077 (Sub-No. 299 TA), filed July 13, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: W. E. Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in specialized equipment, from Riverside, Tex., to Kansas City, Kans., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: The Milwhite Co., Inc., Post Office Box 15038, Houston, Tex. 77020. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 116273 (Sub-No. 127 TA), filed July 13, 1970. Applicant: D&L TRANSPORT, INC., 3800 South Laramie, Cicero, Ill. 60650. Applicant's representative: William R. Lavery, 3800 South Laramie, Cicero, Ill. 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude coal tar*, in bulk, in tank vehicles, from Bethlehem Steel, Burns Harbor, Ind., to Cicero, Ill., for 150 days. Supporting shipper: Coopers Co., Inc., Pittsburgh, Pa. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 119754 (Sub-No. 4 TA), filed July 8, 1970. Applicant: STANLEY A. WESTGOR, Wittenberg, Wis. 54499. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden posts and poles*, between points in Wisconsin, the Upper Peninsula of Michigan, that part of Illinois on and north of Illinois Highway 9, and that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction U.S. Highway 53, north of Virginia, Minn., and thence along U.S. Highway 53 to International Falls, Minn., including International Falls, Minneapolis, and St. Paul, Minn., and points within 5 miles of Minneapolis and St. Paul, Minn., for 150 days. Supporting shipper: Joslyn Manufacturing and Supply Co., 155 North Wacker Drive, Chicago, Ill. 60606 (E. W. Kocher, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 121654 (Sub-No. 2 TA), filed July 13, 1970. Applicant: COASTAL TRANSPORT & TRADING CO., 2700 Louisville Road, Post Office Box 7177, Savannah, Ga. 31408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural resins*, in containers, such as drums or bags, from points in Georgia to points in Chatham and Glynn Counties, Ga., for 180 days. Supporting shipper: Chematar Pine Products Corp., 41 East 42d Street, New York, N.Y. 10017; J. K. Ebberwein, Foreign Freight Forwarder, Suite 208, Realty Building, Savannah, Ga. 31402; J. M. Huber Corp., Thornall Street, Edison, N.J. 08817; FRP Co., Baxley, Ga.; Anderson Shipping Company of Savannah, 2 Whitaker Building, Savannah, Ga. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC–133655 (Sub-No. 34 TA), filed July 9, 1970. Applicant: TRANS-NATIONAL TRUCK INC., Post Office Box 4168, Amarillo, Tex. 79105. Applicant's representative: Harley E. Laughlin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products, meat byproducts, and articles distributed by meat packinghouses* as defined, from Sterling, Colo., to points in Maine, Vermont, New Hampshire, Massachusetts, New York, Pennsylvania, New Jersey, Delaware, Washington, D.C., Maryland, and Ohio, for 180 days. Supporting shipper: Donald Sherman, Traffic Manager, Sterling Colorado Beef Co., Box 1728, Sterling, Colo. 80751. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 133655 (Sub-No. 35 TA), filed July 10, 1970. Applicant: TRANS-NATIONAL TRUCK INC., Post Office Box 4168, Amarillo, Tex. 79105. Applicant's representative: Harley E. Laughlin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as defined, from Lubbock, Tex., to points in Pennsylvania, Georgia, Florida, North Carolina, South Carolina, Alabama, Mississippi, Virginia, Maryland, New York, New Jersey, Oklahoma, New Mexico, Colorado, Arizona, and California, for 180 days. Supporting shippers: M. A. Abel, Manager, Texas Meat Packers, Inc., Post Office Box 6724, Lubbock, Tex.; Paul H. Wells, Assistant Manager, Farm Pac Kitchens, Inc., Box 838, Lubbock, Tex.; Karl W. Walker, Traffic Manager, Kain Cattle Co., Box 838, Lubbock, Tex. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 134724 (Sub-No. 1 TA), filed July 8, 1970. Applicant: TEDDY D. CLARK, doing business as BIG RIG REFRIGERATION, Route 2, Box 59, Centerville, Iowa 52544. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Beefland International, Inc., at Council Bluffs, Iowa, to points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and Maryland, for 150 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Post Office Box 959, Council Bluffs, Iowa 51501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commision Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–9341; Filed, July 20, 1970; 8:50 a.m.]

[Notice 561]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 16, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72200. By order of July 14, 1970, the Motor Carrier Board approved the transfer to Dietz Motor Lines, Inc., Hickory, N.C., of certificate in No. MC 127902, issued March 24, 1967, to M. L. Dietz, doing business as Dietz Motor Lines, Hickory, N.C., authorizing the transportation of: New furniture, from Hickory and Conover, N.C., to points in Alabama and damaged shipments on the return. Charles Ephraim, 1411 K Street

NW., Washington, D.C. 20005, attorney for applicants.

No. MC–FC–72220. By order of July 15, 1970, the Motor Carrier Board approved the transfer to Nass Truck Lines, Inc., Hammond, Ind., of the operating rights in Certificate No. MC 129788 issued July 23, 1968, to Walter Eugene Nass, doing business as Eugene Nass Trucking, Wenona, Ill., authorizing the transportation of malt beverages and related advertising materials, from Newport, Ky., South Bend, Ind., Detroit, Mich., and Sheboygan and La Crosse, Wis., to Peoria, Ill.; from Milwaukee, Wis., to La Salle, Ill.; and from Milwaukee and La Crosse, Wis., to Rockford, Ill. Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC–FC–72222. By order of July 15, 1970, the Motor Carrier Board approved the transfer to American Moving & Storage Co., Inc., New Orleans, La., of the operating rights evidenced by the certificate of registration in No. MC–99526 (Sub-No. 1) issued April 19, 1968, to Norton Glueck, New Orleans, La., corresponding in scope to the grant of authority in certificate No. 5229–C dated August 26, 1955, reassigned certificate No. 5229–D and reissued April 1, 1966, by the Louisiana Public Service Commission. Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130, attorney for applicants.

No. MC–FC–72239. By order of July 13, 1970 the Motor Carrier Board approved the transfer to Denny Truck Lines, Inc., Webster, N.Y., of the operating rights in certificates Nos. MC 11899, MC 11899 (Sub-No. 9), MC 11899 (Sub-No. 15), MC 11899 (Sub-No. 16), MC 11899 (Sub-No. 17), MC 11899 (Sub-No. 18), MC 11899 (Sub-No. 19), and MC 11899 (Sub-No. 20) issued March 16, 1967, September 12, 1963, May 26, 1967, October 13, 1966, December 2, 1966, December 18, 1967, August 8, 1968, and May 7, 1968, respectively, to Stevens Truck Lines, Inc., Webster, N.Y., authorizing the transportation, over irregular routes, of foodstuffs and other specified commodities and general commodities, varying as to origin and destination points, from and to points in New York, Pennsylvania, New Jersey, Maryland, Ohio, and the District of Columbia. Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187, attorney for applicants.

No. MC–FC–72250. By order of July 13, 1970, the Motor Carrier Board approved the transfer to Moody Moving & Storage Company, Inc., Greenwich, Conn., of the operating rights in certificate No. MC 59011, issued March 21, 1941, to The Goulden Van Co., Inc., Stamford, Conn., authorizing the transportation of household goods, between Stamford, Conn., and points in that part of Connecticut and New York, within 15 miles of Stamford, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Pennsylvania, Massachusetts, and Rhode Island. Paul J. Goldstein, 109 Church Street, New Haven, Conn. 06510, attorney at law.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–9342; Filed, July 20, 1970; 8:50 a.m.]

[Notice 561A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 16, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72009. By order of July 13, 1970, Division 3, acting as an appellate division, approved the transfer to Bill Meeker, Wichita, Kans., of a portion of the operating rights in certificate No. MC 118217 (Sub-No. 1) and the entire operating rights in certificate No. MC 118217 (Sub-No. 4), issued November 9, 1962, and August 30, 1967, respectively, to W. W. Sturgeon and Harry Meeker, a partnership, doing business as Sturgeon & Meeker, Wichita, Kans., authorizing the transportation of: Wheat standard middlings and wheat grey shorts, in bags and in bulk, from specified counties in Kansas, to points in New Mexico and Texas; and, flour, except in bulk, from Hutchinson, Kans., to Albuquerque and Santa Fe, N. Mex. The above transfer is approved conditioned upon transferor requesting revocation of certain other operating rights. Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–9343; Filed, July 20, 1970; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

3 CFR

Page

PROCLAMATIONS:

3991 ... 10643
3992 ... 10729
3993 ... 10731
3994 ... 10941
3995 ... 11007
3996 ... 11217

EXECUTIVE ORDERS:

Dec. 20, 1909 (revoked in part by PLO 4864) ... 11399
July 2, 1910:
See PLO 4864 ... 11399
See PLO 4867 ... 11632
Dec. 16, 1911 (revoked in part by PLO 4864) ... 11399
Apr. 19, 1912 (revoked in part by PLO 4864) ... 11399
Dec. 12, 1912 (revoked in part by PLO 4864) ... 11399
Jan. 24, 1914 (revoked in part by PLO 4866) ... 11631
May 21, 1914 (revoked in part by PLO 4864) ... 11399
July 8, 1914 (see PLO 4867) ... 11632
Feb. 11, 1918 (revoked in part by PLO 4860) ... 11023
Dec. 2, 1918 (revoked in part by PLO 4866) ... 11631
April 17, 1926 (revoked in part by PLO 4860) ... 11023
1623 (revoked in part by PLO 4850) ... 10900
6583 (revoked in part by PLO 4862) ... 11237
11248:
Amended by EO 11540 ... 10735
Amended by EO 11542 ... 10943
11330 (amended by EO 11547) ... 11221
11452 (see EO 11541) ... 10737
11472 (see EO 11541) ... 10737
11493 (see EO 11541) ... 10737
11514 (see EO 11541) ... 10737
11538 ... 10645
11539 ... 10733
11540 ... 10735
11541 ... 10737
11542 ... 10943
11543 ... 11009
11544 ... 11115
11545 ... 11161
11546 ... 11219
11547 ... 11221

5 CFR

213 ... 11024, 11025, 11163, 11291, 11553
532 ... 11025

PROPOSED RULES:

711 ... 11591

7 CFR

7 ... 10831
20 ... 10837, 11613
28 ... 10739
51 ... 11453
220 ... 10739
401 ... 11365–11371
402 ... 11371
403 ... 11371
404 ... 11371
406 ... 11372

7 CFR—Continued

Page

408 ... 11372
409 ... 11372
410 ... 11372
413 ... 11372
718 ... 11560
725 ... 10838
728 ... 11570
730 ... 11454
792 ... 11454
811 ... 11163
908 ... 10739, 10890, 11013, 11164, 11223, 11584, 11613
910 ... 10840, 11165, 11584, 11613
911 ... 10662
915 ... 10840
916 ... 11165
917 ... 10663, 11119
921 ... 10891
922 ... 10664, 11223
924 ... 11223
944 ... 10740
945 ... 10840
946 ... 11291
947 ... 10740, 11013
948 ... 11224
958 ... 11165
980 ... 11225
981 ... 11372
987 ... 11226
991 ... 10743
993 ... 11380
1004 ... 11455
1032 ... 10744
1040 ... 11381
1050 ... 10744
1063 ... 11119
1094 ... 10665
1103 ... 10675
1136 ... 11292
1421 ... 10745, 10747, 10842, 11166, 11168, 11382, 11456
1464 ... 11014
1813 ... 11120
1822 ... 10687, 11014, 11226

PROPOSED RULES:

210 ... 11510
245 ... 11513
301 ... 11027
723 ... 11494
724 ... 11494
907 ... 11587
908 ... 11587
909 ... 11027
910 ... 11030
911 ... 11030
915 ... 11030
922 ... 10962
923 ... 11591
946 ... 10910
947 ... 11245
1001 ... 11129
1002 ... 11129
1003 ... 11129
1004 ... 11129
1015 ... 11129
1016 ... 11129
1030 ... 10692, 11494
1032 ... 10692, 11405
1036 ... 10774
1046 ... 10692

7 CFR—Continued

Page

PROPOSED RULES—Continued

1049 ... 10692
1050 ... 10692, 11405
1062 ... 10692
1098 ... 11133
1099 ... 10692, 10695
1134 ... 11033
1136 ... 10774

9 CFR

76 ... 10652, 10751, 10891, 10945, 10946, 11123, 11173, 11230, 11292, 11458, 11614
78 ... 11382, 11616

PROPOSED RULES:

92 ... 11493
201 ... 11634

10 CFR

2 ... 11459
4 ... 11459
7 ... 11460
10 ... 11460
14 ... 10750
20 ... 11460
30 ... 11460
31 ... 11460
32 ... 11460
33 ... 11460
34 ... 11460
35 ... 11460
36 ... 11460
40 ... 11460
50 ... 11460
55 ... 11461
70 ... 11461
71 ... 11461
80 ... 11461
81 ... 11461
110 ... 11461
115 ... 11462
140 ... 11462
170 ... 11462

12 CFR

204 ... 10846
217 ... 10846
265 ... 11383
523 ... 11462, 11616
531 ... 10751
545 ... 10751
556 ... 10751

PROPOSED RULES:

204 ... 11410
329 ... 10868

13 CFR

101 ... 10753
107 ... 11462
121 ... 10753, 11016

PROPOSED RULES:

121 ... 11049

14 CFR

21 ... 10653
37 ... 10653
39 ... 10754, 10855, 11016, 11174–11176, 11383–11387, 11463–11465, 11554–11556, 11616

14 CFR—Continued

Page

71 ..... 10653–10655, 10754, 10755, 10947, 11016, 11017, 11176, 11177, 11231, 11465–11467, 11617, 11618
73 ..... 11295, 11467
75 ..... 10653, 10655
93 ..... 10856, 11177
95 10947
97 ..... 10896, 11123, 11467
121 10653
127 10653
135 ..... 10653, 11618
145 10653
288 11017

PROPOSED RULES:

23 10911
39 ..... 11408, 11637
71 ..... 10776, 11034, 11184, 11408, 11515–11520, 11637, 11638
73 10963
121 11035
159 10695
212 11521

15 CFR

373 ..... 10897, 11124
379 10897
386 11124

16 CFR

2 10897
3 10655
13 ..... 10755, 11294, 11295
15 10949–10951

PROPOSED RULES:

254 10911
425 11640
426 11270
502 11475

17 CFR

1 11018

PROPOSED RULES:

240 ..... 10916, 11410

18 CFR

2 11387
157 11387
410 11018
601 10756

PROPOSED RULES:

2 ..... 11190, 11638
35 11592
101 11592
104 11246
105 11246
141 11246
204 11246
205 11246
260 11246

19 CFR

1 ..... 11231, 11619
4 11119

PROPOSED RULES:

4 ..... 10692, 10962
5 10962
6 10962
8 10962
11 11033
15 10962
18 10962
22 10692

20 CFR

Page

25 11124

21 CFR

3 11620
8 10898
15 11468
17 11468
27 11177
29 11177
120 ..... 10898, 11018
121 ..... 10898, 10952, 11019, 11469, 11621
135 11556
135b 10856, 11232
135e 10898, 11232
135g 10898, 11232
141c 11622
144 11019
146c 11622
147 10857
148i 10656
149d 11556
320 ..... 10857, 11125, 11295

PROPOSED RULES:

1 ..... 11407, 11591
120 10962

22 CFR

51 10656

24 CFR

0 10953
203 10648
207 10648
220 10648
1914 ..... 10649, 11181, 11585
1915 ..... 10651, 11182, 11586

26 CFR

1 11020
13 11232
31 11626

PROPOSED RULES:

1 ..... 11184, 11476
20 10862
25 10862
31 10962

28 CFR

0 11391
21 11391
45 11295

29 CFR

50 11391
102 10657
210 11618
531 10757

PROPOSED RULES:

103 11270

30 CFR

505 11296

PROPOSED RULES:

75 10867

31 CFR

100 11020
505 10759

32 CFR

24 11391
103 ..... 10889, 11628
136 11629

32 CFR—Continued

Page

173 11630
237a 10889
561 10847
730 11469
883 11557
1001 11557
1007 11557
1499 11234
1807 11557
1811 11125

32A CFR

PROPOSED RULES:

Ch. X 11405

33 CFR

52 10899
117 ..... 10758, 11020, 11021, 11300, 11301
204 11387
207 11235

PROPOSED RULES:

82 10696
117 ..... 10774, 10775, 11034, 11303

36 CFR

2 11553
4 11553
6 10658
7 ..... 10658, 10951
261 11021

PROPOSED RULES:

50 11485

38 CFR

2 10759
3 10648
17 ..... 11392, 11470
18a 10759
18b 10760
21 ..... 10765, 11236
36 11553

39 CFR

137 11021
138 10952
144 11022
153 11022

41 CFR

3–3 10899
7–1 11392
7–3 11392
7–4 11392
7–7 11393
7–15 11397
7–16 11397
8–1 11470
8–2 11471
8–3 11472
8–6 11471
8–7 ..... 11472, 11473
8–11 11472
14H–1 11398
60–1 10660
101–17 10954
101–32 10773
101–40 10955

42 CFR

78 10855

PROPOSED RULES:

81 ..... 10774, 11475, 11636

43 CFR

23 11236
Ch. II 10660

43 CFR—Continued

45 CFR

46 CFR

47 CFR

49 CFR

50 CFR