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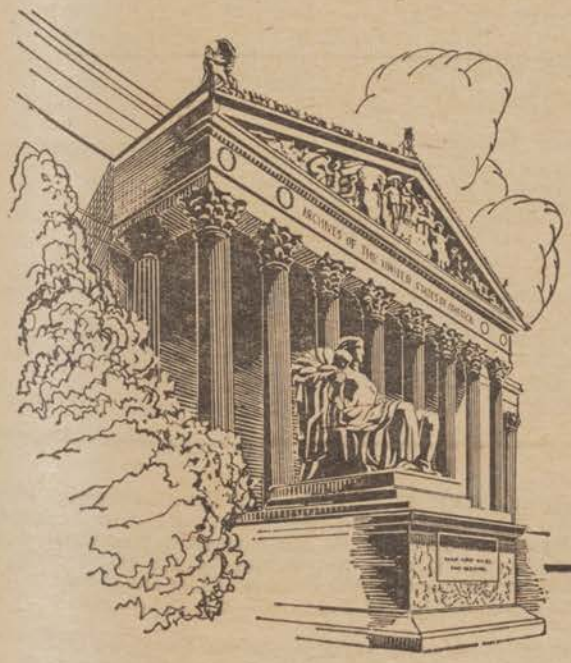

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List of CFR Parts Affected

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, 1971, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

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

[Navel Orange Reg. 224, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel 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 recommendations and information submitted by the Navel 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 Navel 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 Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 907.524 (Navel Orange Reg. 224, 36 F.R. 2398) are hereby amended to read as follows:

§ 907.524 Navel Orange Regulation 224.

* * * * *

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

(i) District 1: 900,000 cartons;

(ii) District 2: 300,000 cartons.

* * * * *

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

Dated: February 11, 1971.

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

[FR Doc.71-2195 Filed 2-17-71;8:47 am]

[Navel Orange Reg. 226]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.526 Navel Orange Regulation 226.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel 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 recommendations and information submitted by the Navel 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 Navel 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 section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 19, 1971, through February 25, 1971, are hereby fixed as follows:

(i) District 1: 825,000 cartons;

(ii) District 2: 275,000 cartons;

(iii) District 3: unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: Feb. 17, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2362 Filed 2-17-71;1:34 pm]

[Valencia Orange Reg. 335]

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

Limitation of Handling

§ 908.635 Valencia Orange Regulation 335.

(a) *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 recommendations 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 section 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good

cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia orange; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 19, 1971, through February 25, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;
(ii) District 2: Unlimited;
(iii) District 3: 32,655 Cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: Feb. 17, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2361 Filed 2-17-71;1:34 pm]

[Lemon Reg. 466, 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) (i) and (ii) of § 910.766 (Lemon Reg. 466, 36 F.R. 2553) are hereby amended to read as follows:

§ 910.766 Lemon Regulation 466.

* * * * *

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

(i) District 1: 43,000 cartons;
(ii) District 2: 137,000 cartons;

* * * * *

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

Dated: February 12, 1971.

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

[FR Doc.71-2244 Filed 2-17-71;8:51 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 5—LOANS MADE BY NATIONAL BANKS SECURED BY LIENS UPON LEASEHOLDS

The contents of Part 5 being duplicative of Interpretive Ruling 2200(b) contained in the Comptroller's Manual for national banks, Part 5 is hereby rescinded in its entirety effective this date.

Dated: February 12, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-2255 Filed 2-17-71;8:52 am]

Chapter III—Federal Deposit Insurance Corporation

MISCELLANEOUS AMENDMENTS TO CHAPTER

Effective upon the date of publication of these amendments in the FEDERAL REGISTER (2–18–71), Parts 301, 303, 326, 327, and 329 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Parts 301, 303, 326, 327, and 329) are amended as follows:

PART 301—INTRODUCTORY

1. The first sentence of § 301.1 is amended by deleting the words "the Administrative Procedure Act (5 U.S.C. 551–559)" and by inserting the words "subchapter II of chapter 5 of title 5, United States Code" in lieu thereof.

2. The second sentence of § 301.1 is amended by deleting the words "3(a) of the Administrative Procedure Act" and by inserting the words "552(a) (1) of title 5, United States Code," in lieu thereof.

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

3. Footnote 2 to § 303.2 is amended by inserting the words "American Samoa," after the word "Guam,".

PART 326—MINIMUM SECURITY DEVICES AND PROCEDURES FOR INSURED NONMEMBER BANKS

4. Paragraph (a) of § 326.1 is amended by inserting the words "American Samoa," after the word "Guam,".

5. Paragraph (d) of § 326.1 is amended by inserting the words "American Samoa," after the word "Guam,".

PART 327—ASSESSMENTS

6. Subparagraph (1) of paragraph (a) of § 327.1 is amended by inserting the words "American Samoa," after the word "Guam,".

PART 329—INTEREST ON DEPOSITS

7. Footnote 16 to paragraph (a) of § 329.10 is amended by inserting the words "American Samoa," after the word "Guam,".

The purpose of these amendments is to reflect (1) the repeal of the Administrative Procedure Act and the reenactment of its provisions as a part of title 5 of the United States Code and (2) the amendment of sections 3 and 7 of the Federal Deposit Insurance Act to make banks in American Samoa eligible for Federal deposit insurance and to include branches located in American Samoa within the definition of the term "branch" for the purposes of the Federal Deposit Insurance Act. The amendments are authorized under paragraphs "Seventh" and "Tenth" of section 9 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1819 "Seventh" and "Tenth").

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that the amendments to Parts 301, 303, 326, 327, and 329 are editorial and not substantive in nature and that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred

effective date were not followed in connection with these amendments.

Dated at Washington, D.C., this 12th day of February 1971.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] HANNAH R. GARDINER,
Assistant to the Secretary.

[FR Doc.71-2253 Filed 2-17-71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WE-69]

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

Alteration of Transition Area

On December 31, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 20013) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Moab, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete the FEDERAL REGISTER citation "* * * § 71.181 (35 F.R. 2134) * * *" and substitute "* * * § 71.181 (36 F.R. 2140) * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., April 1, 1971.

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

Issued in Los Angeles, Calif., on February 8, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Moab, Utah transition area is amended to read as follows:

MOAB, UTAH

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Canyonlands Airport, Moab, Utah (latitude 38°45'40" N., longitude 109°44'50" W.); and within 7 miles northeast and 10.5 miles southwest of the Moab VOR (latitude 38°45'22" N., longitude 109°44'55" W.) 326° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 7 miles north and 10.5 miles south of the Moab VOR 110° radial, extending from the VOR to 18.5 miles east of the VOR.

[FR Doc.71-2193 Filed 2-17-71;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1838]

PART 13—PROHIBITED TRADE PRACTICES

Art Rich Manufacturing Co., Inc., and Martin S. Richman

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Art Rich Manufacturing Co., Inc., et al., Dalton, Ga., Docket No. C-1838, Jan. 4, 1971]

In the Matter of Art Rich Manufacturing Co., Inc., a Corporation, and Martin S. Richman, Individually and as an Officer of Said Corporation

Consent order requiring a Dalton, Ga., manufacturer and distributor of wearing apparel, including chenille robes, to cease violating the Flammable Fabrics Act by selling, importing, or delivering any fabric which fails to conform with the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Art Rich Manufacturing Co., Inc., a corporation, and its officers, and Martin S. Richman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom has been delivered the products which gave rise to this complaint of the flammable nature of such products, and effect recall of such products from said customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and to effect recall of such products from said customers, and of the results of such actions, (3) any disposition of such product since September 11, 1969, (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon, and acetate, nylon and acetate, rayon, cotton or combinations thereof, in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-2207 Filed 2-17-71;8:48 am]

[Docket No. C-1837]

PART 13—PROHIBITED TRADE PRACTICES

Hank's Auto Sales, Inc., and Henry E. Rellah

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices:

§ 13.1823 *Terms and conditions:* 13.-1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [cease and desist order, Hank's Auto Sales, Inc., et al., Cleveland, Ohio, Docket No. C–1837, Dec. 30, 1970]

In the Matter of Hank's Auto Sales, Inc., a Corporation, and Henry E. Rellah, Individually and as an Officer of Said Corporation

Consent order requiring a Cleveland, Ohio, seller of used automobiles to cease violating the Truth in Lending Act by failing to use the following terms in its customer contracts: cash price, cash down payment, unpaid balance of cash price, amount financed, finance charge, annual percentage rate, total of payments, and deferred payment price; failing to include the premium for required credit life insurance, to disclose the method of computing any default, and to clearly identify property to which any security interest relates.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Respondents Hank's Auto Sales, Inc., a Corporation, and its officers, and Henry E. Rellah, individually and as an officer of said Corporation, and Respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale of automobiles or any other merchandise or service, as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth In Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to employ the term "Cash price", as defined in Regulation Z, to describe the price at which Respondents offer to sell for cash the goods or services which are the subject of a consumer credit transaction, as required by § 226.8 (c) (1) of Regulation Z.

(2) Failing to employ the term "Cash downpayment" to describe any downpayment in money, as required by § 226.8 (c) (2) of Regulation Z.

(3) Failing to employ the term "Unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c) (3) of Regulation Z.

(4) Failing to employ the term "Amount financed" to describe the balance financed, as required by § 226.8(b) (7) of Regulation Z.

(5) Failing to disclose the "Finance charge" and the "Annual percentage rate", using those terms, in credit transactions where finance charges are imposed, in the manner and form required by §§ 226.4, 226.5, 226.6, and 226.8 of Regulation Z.

(6) Failing to employ the term "Total of payments" to describe the dollar amount of the payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

(7) Failing to employ the term "Deferred payment price" to describe the sum of the cash price, all other charges individually itemized, and the finance charge, as required by § 226.8(b) (8) (ii) of Regulation Z.

(8) Failing to include the premium for required credit life insurance in the finance charge, and to disclose it as part of the finance charge, as required by §§ 226.4 and 226.8, respectively, of Regulation Z.

(9) Failing to disclose the amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments, as required by § 226.8(b) (4) of Regulation Z.

(10) Failing to make a clear identification of the property to which any "security interest" relates, as required by § 226.8(b) (5) of Regulation Z.

(11) Failing, in any consumer credit transaction or advertisement, to make all disclosures in the manner, form, and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That Respondents notify the Commission at least thirty (30) days prior to any proposed change in the Corporate Respondent, such as dissolution, assignment, or sale, resultant in the emergence of a successor corporation, the creation of or dissolution of subsidiaries, or any other change in the Corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the Respondents shall, within sixty (60) days after service upon them of this Order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: December 30, 1970.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71–2208 Filed 2–17–71;8:48 am]

[Docket No. C–1836]

PART 13—PROHIBITED TRADE PRACTICES

Lloyd Hearing Aid Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–15 Comparative; 13.155–70 Percentage savings; § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.180 Quantity. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1885 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lloyd Hearing Aid Corp. et al., Rockford, Ill., Docket No. C–1836, Dec. 28, 1970]

In the Matter of Lloyd Hearing Aid Corp., a Corporation, and Lloyd D. Kling, Individually and as an Officer of Said Corporation and Marvin Palmquist, Individually and as an Officer of Said Corporation.

Consent order requiring a Rockford, Ill., distributor of hearing aids and parts and accessories therefor to cease representing that respondent sells "America's Largest Selection of Hearing Aids," misrepresenting the number of times a hearing aid battery can be recharged, that its hearing aids are the most powerful on the market, exaggerating the savings to customers, misrepresenting that any hearing aid it sells is a new invention, failing to disclose the nature of its guarantees, and failing to disclose that diagnosis of hearing defects by mail is inadequate.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lloyd Hearing Aid Corp., a corporation, and Lloyd D. Kling and Marvin Palmquist, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of any hearing aid device or any component thereof, or any device represented as aiding defective hearing, do forthwith cease and desist from directly or indirectly:

A. Disseminating or causing the dissemination of, by means of the U.S. mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which:

(1) Represents directly or indirectly that respondents offer for sale and sell "America's Largest Selection of Hearing Aids".

(2) Misrepresents in any manner the number of times a battery for use in a hearing aid can be recharged.

(3) Misrepresents in any manner the number of years, or other period of time, that a battery or combination of batteries for use in a hearing aid will perform.

(4) Represents that any hearing aid sold by the respondents is the most powerful on the market, or otherwise represents that any hearing aid has a greater general effectiveness than is the fact, or that any hearing aid will compensate for a greater degree or extent of hearing loss than is true.

(5) Uses the words "⅔ off Regular Dealer's Prices" or "65% to 70% Lower than regular dealer's prices", or words of similar import and meaning, to represent that by purchasing respondents' products, customers are afforded savings amounting to the difference between respondents' price and a compared price for the same merchandise in respondents' trade area, unless a substantial number of principal retail outlets in the trade

area regularly sell said merchandise at the compared price or some higher price.

(6) Misrepresents, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

(7) Misrepresents that any hearing aid is a new invention or involves a new mechanical or scientific principle through use of the word "miracle" or in any other manner.

(8) Represents that a hearing aid is guaranteed, whether expressed in terms of "guarantee" or "warranty", unless in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform under the guarantee, and the identity of the guarantor, are clearly and conspicuously disclosed.

(9) Represents that any hearing aid will benefit persons suffering from any hearing disability unless in immediate conjunction with such representation a clear and conspicuous disclosure is made that in some cases of hearing loss, a hearing aid will not be beneficial.

(10) Represents, directly or by implication that respondents can determine the nature or degree of hearing loss upon written information furnished by the purchaser by mail or that the information furnished and the evaluation thereof by respondents or their agents or employees is an adequate, effective or reliable procedure or method to select a hearing aid suited to the individual's hearing loss.

B. Disseminating or causing the dissemination of, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited in paragraph "A." hereof.

It is further ordered, That respondents Lloyd Hearing Aid Corp., a corporation, and Lloyd D. Kling and Marvin Palmquist, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of any hearing aid device or any component thereof, or any device represented as aiding defective hearing, or services in connection with the offering for sale, sale or distribution of said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Failing to clearly and conspicuously disclose to purchasers and prospective purchasers prior to acceptance of an order to purchase a hearing aid that furnishing information by mail and the evaluation thereof by respondents or their agents or employees is not an adequate, effective or reliable procedure or method to determine the nature or degree of hearing loss or to select a hearing aid suited to the individual's hearing loss.

(2) Failing to clearly and conspicuously disclose on any questionnaire sent to a prospective purchaser or purchaser of a hearing aid to obtain information concerning the hearing ability or disability of any individual or regarding any hearing aid he or she has worn or is currently wearing, that furnishing such information by mail and the evaluation thereof by respondents is not an adequate, effective or reliable procedure or method to determine the nature or extent of hearing loss or to select a hearing aid suited to the individual's hearing loss.

It is further ordered, That respondents shall maintain full and adequate records which disclose the facts upon which any savings claims, including former price, retail price and comparable value claims are based and from which the validity of such claims can be determined.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this Order to Cease and Desist to all subsidiaries, affiliates, offices, employees and agents which are now or hereafter created, elected, employed or appointed.

It is further ordered, That the respondents Lloyd Hearing Aid Corp., a corporation, and Lloyd D. Kling and Marvin Palmquist, individually and as officers of said corporations shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compiled with the order to cease and desist, and in addition such other reports as may thereafter be directed.

Issued: December 28, 1970.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2209 Filed 2-17-71;8:48 am]

[Docket No. C-1840]

PART 13—PROHIBITED TRADE PRACTICES

Muriel's, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart — Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Muriel's, Inc., et al, Miami Beach, Fla., Docket No. C-1840, Jan. 4, 1971]

In the Matter of Muriel's, Inc., a Corporation, Doing Business Under Its Own Name and Under the Trade Name Tropic Ties, and Paul Turner, Individually and as an Officer of Said Corporation.

Consent order requiring a Miami Beach, Fla., manufacturer and retailer of men's neckties to cease and desist from misbranding and furnishing false guaranties on its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Muriel's Inc., a corporation, doing business under its own name and under the trade name Tropic Ties, or any other name, and its officers, and Paul Turner, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be dislosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on the said label.

4. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and Regulations the first time such generic name or fiber trademark appears on the label.

B. Failing to maintain and preserve proper records of fiber content of textile fiber products manufactured by respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Muriel's, Inc., a corporation, doing business under its own name and under the trade name Tropic Ties, or any other name, and its officers, and Paul Turner, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely or deceptively invoiced or advertised under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2210 Filed 2-17-71;8:48 am]

[Docket No. C-1839]

PART 13—PROHIBITED TRADE PRACTICES

Pawley Co. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1882-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, The Pawley Co. et al., Denver, Colo., Docket No. C-1839, Jan. 4, 1971]

In the Matter of The Pawley Co., a Corporation, and Max Weisbly and Ben Hailpern, Individually and as Officers of Said Corporation

Consent order requiring a Denver, Colo., wholesaler of upholstery and drapery fabrics to cease and desist from misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, The Pawley Co., a corporation and its officers, and Max Weisbly and Ben Hailpern, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using the generic names of fibers in nonrequired information on any label in such a manner as to be false, deceptive or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of a particular fiber, when such is not the case.

4. Failing to affix labels showing the respective fiber content and other required information to samples, swatches, and specimens of textile fiber products subject to the aforesaid Act which are used to promote or effect sales of such textile fiber products.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2211 Filed 2-17-71;8:48 am]

PART 16—INDUSTRY COMMITTEE UNDER TRADE PRACTICE RULES

Rescission

Section 16.1, entitled, "Industry committee under trade practice rules", has been rescinded by the Commission.

Approved: January 21, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2225 Filed 2-17-71;8:50 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-60]

PART 174—PROTESTS

Applicability of Protest Procedures

Section 174.2 of the Customs Regulations details the circumstances in which protests against the decision of district directors of Customs must be filed and considered in accordance with the procedures set forth in Part 174 of Title 19, Code of Federal Regulations. Paragraph (a)(3) of § 174.2 provides that Part 174 will be applicable to a protest filed against a decision involving articles for which appraisement has become final prior to October 1, 1970, but with respect to which the entry has not been liquidated prior to that date. This provision does not permit a protest filed after liquidation in accordance with Part 174 of the Customs Regulations to raise issues as to the value of the merchandise, which could have been raised by an appeal to reappraisement. An appraisement which has become final under the law in effect prior to October 1, 1970, cannot be reopened in a protest filed after liquidation under the provisions of the Customs Administrative Act of 1970, Public Law 91-271, and the regulations thereunder (Part 174 of the Customs Regulations).

Accordingly, in order to clarify § 174.2 of the Customs Regulations, paragraph (b) of § 174.2 is amended by redesignating subparagraph (2) as subparagraph (3), and adding a new subparagraph (2) so that paragraph (b) reads as follows:

§ 174.2 **Applicability of provisions.**

* * * * *

(b) *Limitation*—(1) *Appraisement not final.* When the appraisement of articles entered or withdrawn from warehouse for consumption prior to October 1, 1970, is not final by October 1, 1970, because

an appeal for reappraisement was timely filed prior to such date, the provisions of this part relating to protests shall be applicable to a protest filed after the court's decision on the appeal to reappraisement has become final. Such protest shall not include issues which were raised or could have been raised on the appeal for reappraisement.

(2) *Appraisement final.* When the appraisement of articles entered or withdrawn from warehouse for consumption prior to October 1, 1970, has become final prior to October 1, 1970, but the entry has not been liquidated by such date, a protest filed in accordance with the provisions of this part after such liquidation shall not include issues which were raised or could have been raised on an appeal to reappraisement before the appraisement became final.

(3) *Protest not disallowed.* When a protest filed prior to October 1, 1970, has not been disallowed in whole or in part before such date, the provisions of this part shall be applicable to such protests. The time within which any action must be taken under the provisions of this part with respect to such a protest shall commence on the date the protest was in fact filed.

(Sec. 203, 84 Stat. 283; 19 U.S.C. 1500 (Note)) (R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

The purpose of this amendment is to clarify the Customs Regulations as they relate to the filing of protests after liquidation when the appraisement of articles became final prior to the effective date of the Customs Administrative Act of 1970, October 1, 1970. It is, therefore, found that notice of proposed rule making and public procedure under 5 U.S.C. 553 is unnecessary, and the amendment shall be effective upon publication in the FEDERAL REGISTER (2–18–71).

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: February 5, 1971.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[FR Doc.71–2257 Filed 2–17–71;8:52 am]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 754—NAVY AFFIRMATIVE SALVAGE CLAIMS

Per Diem Rate for Salvage Ships or Fleet Tugs

In § 754.2, paragraph (a)(1) is amended to read as follows:

§ 754.2 Per diem rates for salvage services.

(a) * * *

(1) * * *

Salvage Ships or Fleet Tugs (ARS, ATF) (3,000 hp.)	5,000

* * * * *

JOSEPH B. MCDEVITT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

FEBRUARY 9, 1971.

[FR Doc.71–2234 Filed 2–17–71;8:50 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.49(b)(2), subdivision (iii) is amended to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital and domiciliary care.

* * * * *

(b) *Priorities for domiciliary care.* * * *

(2) Priority for admission to domiciliary care (except as noted in subparagraph (1) of this paragraph).

* * * * *

(iii) Group III includes patients eligible under § 17.47(d), who are not absent sick in hospital from domicile status, awaiting admission from Veterans Administration hospitals.

* * * * *

2. In § 17.115b, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 17.115b Invalid lifts for recipients of aid and attendance allowance or special monthly compensation.

An invalid lift may be furnished if:

* * * * *

3. In § 17.115c, the introductory portion preceding paragraph (a) and paragraph (b) are amended to read as follows:

§ 17.115c Therapeutic and rehabilitative devices for recipients of aid and attendance allowance or special monthly compensation.

Therapeutic and rehabilitative devices, including medical equipment and supplies (excluding medicines) may be furnished, if:

* * * * *

(b) The device, equipment or item supplied is medically determined necessary and is of a type or category of devices or supplies determined to be available under this section.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: February 6, 1971.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.71–2226 Filed 2–17–71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–1—GENERAL

Subpart 1–1.7—Small Business Concerns

SMALL BUSINESS PROCUREMENT SOURCES AND SUBCONTRACTING PROGRAM EVALUATION

This amendment establishes policies and procedures to expand small business procurement sources, bring available Small Business Administration (SBA) assistance to the attention of small business concerns, and improve techniques relating to the review and evaluation of the small business subcontracting program.

1. Section 1–1.702 is amended by the revision of paragraph (b)(2) and the addition of paragraph (b)(14), as follows:

§ 1–1.702 Small business policies.

* * * * *

(b) * * *

(2) Bidders mailing lists (see § 1–2.205 of this chapter) shall include all established and potential small business suppliers who have made acceptable application for inclusion or who appear from other information (including recommendations by the SBA representative) to be qualified for inclusion therein. Prior to the issuance of invitations for bids and within the framework of the time available, contracting officers should make every reasonable effort to find additional small business sources (including notification to SBA where there is no local SBA representative), except where bidders lists are already excessively long and not all bidders thereon will be solicited as provided in subparagraph (3) of this paragraph and § 1–2.205–4 of this chapter.

* * * * *

(14) Small business firms seeking Government contracts, but found to lack qualifications as prime contractors, should be referred to the nearest SBA office for management assistance, counseling, financial assistance, and other programs of assistance as may be appropriate.

2. Section 1–1.710–1 is amended by the addition of a new paragraph (d), as follows:

§ 1–1.710–1 General.

* * * * *

(d) To carry out more effectively the Government's policy objectives stated in paragraph (a) of this section, prime contractors and subcontractors having small business subcontracting programs must be informed of (1) the Government's evaluation of their efforts in carrying out an effective small business subcontracting program, (2) any specifically noted deficiencies in their small business subcontracting programs, and (3) any areas of outstanding achievement where

they may have exceeded contractual requirements. Any evaluation and remarks to the contractor, including areas of suggested improvement and areas where the contractor has exceeded contractual requirements, must be documented.

3. Section 1–1.710–4 is revised as follows:

§ 1–1.710–4 Review of subcontracting program.

(a) *Contractor's program.* The procuring agency concerned shall be responsible for conducting periodic reviews to determine the adequacy of the contractor's "Small Business Subcontracting Program." The reviews shall be made in accordance with paragraph (c) of this section, and the procuring agency should make arrangements concerning participation by representatives of SBA, as appropriate.

(b) *Subcontractor's program.* Promptly upon notification by the contractor of the placement of a subcontract requiring the subcontractor to establish such a program in accordance with § 1–1.710–3(b), the contracting officer shall either assume responsibility for review of the subcontractor's program or request that the review be made by an appropriate official or organization, in accordance with whatever policy may be adopted by the procuring agency.

(c) *Procedure for conducting review.* The following factors shall be considered in the periodic review to determine the adequacy of the contractor's (including subcontractor's) "Small Business Subcontracting Program":

(1) The extent to which the contractor pursues an energetic program to locate additional small business subcontract sources, including utilization of the services of the contract administration office, SBA, and appropriate media such as the Commerce Business Daily;

(2) The contractor's efforts to place with small business concerns development type work likely to result in later production opportunities;

(3) The contractor's policy and practices in providing financial, engineering, technical, or managerial assistance to small business subcontractors;

(4) The contractor's efforts to break out components of large systems in order to promote broader competition and greater opportunities for small business subcontractors;

(5) The extent to which top management supports the program by issuing oral and written policy statements and holding periodic training and discussion meetings for personnel;

(6) The extent of contractor's participation in procurement conferences, vendor open house days, and similar meetings designed to provide an "open door" to small companies seeking subcontract work;

(7) The adequacy of justification included in procurement files for decisions not to solicit small business on individual procurements;

(8) The extent to which the contractor considers small business interests in make-or-buy decisions;

(9) The extent to which the contractor has taken corrective action to remedy deficiencies in his program which were previously called to his attention;

(10) The accuracy of the contractor's records indicating the size status of subcontractors; and

(11) Any unusual efforts to promote the program whether or not they exceed contractual requirements.

(d) *Report of review.* A written report of each review shall be prepared indicating the extent of compliance with all contractual provisions pertaining to the assistance of small business. The specific areas of deficiency or superior performance of the contractor (or subcontractor), as appropriate, shall be documented. A summary of the findings and recommendations normally should be sent to the contractor's corporate office (or to the contractor's plant, if a plant was involved). Any deficiencies of the contractor's (or subcontractor's) program shall be brought to the attention of the contractor's designated liaison officer with a request for corrective action. In addition to the distribution outlined above, written reports of reviews shall be maintained in the contract administration office. These reports shall be made available to SBA, small business specialists, other contracting officers, and to other procuring agencies, upon request.

(e) *Subcontracting records.* Subcontracting records maintained by Government offices shall be made available for review by SBA upon request.

(f) *SBA recommendations.* On the basis of the foregoing records and the periodic reviews of the adequacy of the contractor's "Small Business Subcontracting Program," SBA may make recommendations to the procuring agency regarding methods for increasing small business participation in the contractor's subcontract awards. SBA and the procuring agency will freely interchange, at the operating level, information resulting from the reviews.

(g) *Use of periodic reviews by other procuring agencies.* Where a procuring agency has made a periodic review of a contractor's "Small Business Subcontracting Program" within the preceding 12 months, that review may be used by another procuring agency in lieu of making a new and separate review of the same contractor's program.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective March 29, 1971, but may be observed earlier.

Dated: February 11, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-2231 Filed 2-17-71;8:50 am]

Chapter 114—Department of the Interior

PART 114–39—INTERAGENCY MOTOR VEHICLE POOLS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Part 114–39 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new part shall become effective on the date of its publication in the FEDERAL REGISTER (2–18–71).

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

FEBRUARY 11, 1971.

Subpart 114–39.4—Establishment, Modification, and Discontinuance of Motor Pools

Subpart 114–39.8—Accidents and Claims

AUTHORITY: The provisions of this Part 114–39 issued under 5 U.S.C. 301 (Supp. V, 1965–1969), and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114–39.4—Establishment, Modification, and Discontinuance of Motor Pools

§ 114–39.404 Discontinuance or curtailment of service.

§ 114–39.404–3 Problems involving service or cost.

In any instance where problems involving motor pool service or cost arise, the affected bureau or office should bring the matter to the attention of the Chief of the motor pool providing the vehicles for resolution. In the event a satisfactory solution does not result, full particulars should be forwarded to the Director of Management Operations for consideration and possible referral to the Administrator, General Services Administration.

§ 114–39.404–4 Agency requests to withdraw participation.

Should circumstances arise at a given interagency motor pool location which tend to justify discontinuance or curtailment of participation in such motor pool by an Interior activity, the participating bureau or office should forward complete details concerning these circumstances to the Director of Management Operations for consideration and possible referral to the Administrator, General Services Administration.

Subpart 114–39.8—Accidents and Claims

§ 114–39.801 General.

In observing the requirements of Subpart 101–39.8 of this title, the additional relevant regulations of this Department must be adverted to also, such as 395 DM 3 and 451 DM 2 on tort claims. In instances where such requirements differ, the more restrictive or comprehensive must be observed as well as the lesser.

(See IPMR 114–39.804–1(b).)

§ 114–39.802 Reporting of accidents.

Where it is infeasible for the operator of a motor pool system vehicle involved in an accident to notify personally the Chief of the GSA motor pool and other authorities, he may discharge this responsibility through his supervisor or other designated official. Bureaus and offices electing to permit this arrangement must insure that its instructions are such that in any given accident both the supervisor and the operator understand clearly which one of them will furnish the required notification.

§ 114–39.804 Investigation.

§ 114–39.804–1 Investigation procedure.

(a) The supporting data submitted with Standard Form 91 shall include any reports of investigation which the using bureau or office itself may require through its own regulations.

(b) Departmental investigating procedures require that all motor vehicle accidents be investigated without regard to the $250 criteria established by FPMR 101–39.804–1(b).

[FR Doc.71–2201 Filed 2–17–71;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71–141]

EQUAL OPPORTUNITY REPORTS AND REPORTS OF COMPLAINTS OF DISCRIMINATORY PRACTICES IN EMPLOYMENT

Order. In regard effective date for filing equal opportunity reports and reports of complaints of discriminatory practices in employment by common carrier licensees and permittees.

1. On August 5, 1970, the Commission adopted rules which required communications common carriers to show nondiscrimination in their employment practices.[1] A new § 1.815, 47 CFR 1.815, was adopted which requires that pursuant to the newly enacted rules, all common carrier licensees and permittees will be required to file with the Commission, on FCC Form 395, annual reports showing the total number of employees that it employs, the distribution of such employees within various grades and levels of employment, and the distribution of such employees in the various levels according to minority groups and women. The Commission also provided, in a new § 21.307(d), 47 CFR 21.307(d), and 23.49 (d), that all common carrier licensees and permittees submit to the Commission an annual report showing whether any complaints involving the violation of any Federal, State, Territorial, or local law have been filed against it.

2. At the time of the enacting of the above mentioned rules, we provided that the annual reports of charges of discrimination filed against each common carrier, as required by §§ 21.307(d), and 23.49(d), and the annual employment of reports required by § 1.815, were to be filed with the Commission no later than April 1 of each year. The Commission had also, in a separate proceeding, adopted similar rules to be applied to all broadcast licensees.[2] At the time of enacting the rules applicable to broadcast licensees, we did not, pending clearance of the annual employment report for broadcast licensees by the Office of Management and Budget, set a specific filing date for such reports. Subsequently, we determined that the annual employment reports for broadcast licensees would be filed on or before May 31 of each year.[3]

3. To facilitate the filing of the annual employment report, and to avoid the printing of duplicative forms, we decided that the Form 395 would be used by both broadcast and common carrier licensees. Also, in order to facilitate and simplify the filing of similar information with the Commission, and to minimize the number of times that common carrier licensees will be required to file such employment information with the Commission, we feel that the annual report of complaints of discrimination should be filed at the same time as the annual employment report.

4. *Accordingly, it is ordered,* Pursuant to sections 4(i), 214, 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 214, 303, 307, 308, 309, and 310, that filing dates for the annual employment report (FCC Form 395) as provided by § 1.815, and the annual report of complaints of discrimination, as provided by §§ 21.307 and 23.49, are changed as set forth below.

5. *It is further ordered,* That the initial submission of Form 395 and of the annual report of complaints of discrimination shall be made no later than May 31, 1971.

(Secs. 4, 214, 303, 307, 308, 309, 310, 48 Stat., as amended, 1066, 1075, 1082, 1083, 1084, 1085, 1086; 47 U.S.C. 154, 214, 303, 307, 308, 309, 310)

Adopted: February 10, 1971.

Released: February 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

PART 1—PRACTICE AND PROCEDURE

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.815 is revised as follows:

§ 1.815 Reports of annual employment.

(a) Each common carrier licensee or permittee with 16 or more full time employees shall file with the Commission, on or before May 31 of each year, on FCC Form 395, an annual employment report.

* * * * *

[1] 24 FCC 2d 725 (1970)

[2] 18 FCC 2d 240 (1960); 23 FCC 2d 430 (1970)

[3] 26 FCC 2d 295 (1970)

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

In Part 21 of Chapter I of Title 47 of the Code of Federal Regulations, § 21.307(d) is revised as follows:

§ 21.307 Equal employment opportunities.

* * * * *

(d) *Report of complaints filed against licensees and permittees.* (1) All licensees or permittees shall submit an annual report to the FCC no later than May 31 of each year indicating whether any complaints regarding violations by the licensee or permittee of equal employment provisions of Federal, State, Territorial, or local law have been filed before any body having competent jurisdiction.

* * * * *

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

In Part 23 of Chapter I of Title 47 of the Code of Federal Regulations, § 23.49(d) is revised as follows:

§ 23.49 Equal employment opportunities.

* * * * *

(d) *Report of complaints filed against licensees and permitttees.* (1) All licensees or permittees shall submit an annual report to the FCC no later than May 31 of each year indicating whether any complaints regarding violations by the licensee or permittee of equal employment provisions of Federal, State, Territorial, or local law have been filed before any body having competent jurisdiction.

* * * * *

[FR Doc.71–2247 Filed 2–17–71;8:51 am]

[RM–1685; FCC 71–138]

PART 87—AVIATION SERVICES

Civil Air Patrol Teleprinter Operations

Order. 1. The Commission has been requested by the Civil Air Patrol (CAP), a civilian auxiliary of the U.S. Air Force, to amend its rules to permit CAP teleprinter operations on frequency 2372.5 kHz, a CAP assigned frequency.

2. In support of its request, CAP asserts the need for more reliable communications on this frequency when voice communications are affected by poor propagation and certain types of interference. CAP has already confirmed this by tests conducted under special temporary authorizations.

3. The rule change requested by the CAP appears reasonable and in the public interest. Presently, § 87.513(a)(3) of the rules restricts 2372.5 kHz to emissions A3A and A3J. This rule amendment will permit emission F1 on the frequency. The CAP is the sole non-governmental user of the frequencies listed in Part 87,

Subpart O, of our rules. To grant the requested change would not affect any other users of radio therefore compliance with the prior notice provisions of 5 U.S.C. 553 would serve no useful purpose and is therefore unnecessary.

4. This matter has been discussed with and concurred in by the Interdepartment Radio Advisory Committee (IRAC).

5. In view of the foregoing: *It is ordered,* That pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended, effective March 24, 1971, as set forth below.

6. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 10, 1971.

Released: February 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 87.513(a) is amended to add subparagraph (4) to read as follows:

§ 87.513 Frequencies available.

* * * * *

(a) * * *

(4) 2372.5 kHz, 1.7F1 emission, 400 watts maximum power. When using a direct-printing telegraph system other than 60 words per minute, 5 unit (start-stop) code, station identification shall be made by means of A1, A3A or A3J emission.

* * * * *

[FR Doc.71-2248 Filed 2-17-71;8:51 am]

[1] Commissioner Houser not participating.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1059, Amdt. 1]

PART 1033—CAR SERVICE

Pennsylvania-Reading Seashore Lines to Unload Certain Cars of Beets Held at Glassboro and Tuckahoe, N.J.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of February 1971.

Upon further consideration of Service Order No. 1059 (36 F.R. 1417), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1059 (Pennsylvania-Reading Seashore Lines shall unload certain cars of beets held at Glassboro, N.J., and at Tuckahoe, N.J.) be, and it is hereby, amended by substituting the following paragraphs (b) and (g) for paragraphs (b) and (g) thereof:

§ 1033.1059 Service Order No. 1059.

* * * * *

(b) The Pennsylvania-Reading Seashore Lines, its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 28, 1971.

* * * * *

(g) Expiration date: This order shall expire at 11:59 p.m., February 28, 1971, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 13, 1971.

(Sec. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2237 Filed 2-17-71;8:51 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 12]

IMPORTATION OF MOTOR VEHICLES AND EQUIPMENT SUBJECT TO MOTOR VEHICLE SAFETY STANDARDS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Treasury and the Secretary of Transportation propose to amend the joint regulations previously issued under section 108 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1397) hereinafter referred to as the Act, appearing at 19 CFR 12.80. Experience has indicated the need for deletions, additions, and clarification of language in the present regulations to better implement the purpose of the Act.

Entry of vehicles not presently subject to the regulations because they are not vehicles manufactured primarily for use on the public roads (such as mini-bikes and competition vehicles designed for closed circuit racing) would be facilitated by the addition of a provision under which an importer would declare he is not importing a "motor vehicle" under the National Traffic and Motor Vehicle Safety Act of 1966.

The entry of vehicles originally manufactured to conform to the safety standards but whose certification labels are no longer affixed, or which lack certification labels because they were sold in other than the U.S. market, would be facilitated by the entrant's declaring they are in conformity with applicable safety standards and furnishing a statement by the vehicle's original manufacturer evidencing original compliance.

Where an importer seeks entry of a vehicle, brought into conformity after its original manufacture and prior to entry into the United States, and where a statement of conformity by the person who performed the work does not accompany the vehicle, it has been decided that proper enforcement of the law requires the importer to furnish a bond for the production of the statement. Similarly, where an importer has declared that his uncertified vehicle was originally manufactured to conform with applicable safety standards, but has not obtained the manufacturer's statement required to support his declaration, entry should only be allowed under bond.

Because the National Highway Traffic Safety Administration has, in some instances, been unable to verify post-importation conformance work on vehicles where entry under bond has been permitted, and importers have sold the vehicles before the required conformance statement was delivered to the National Highway Traffic Safety Administration, it has been decided to permit such entries under bond only where the importer will declare that the vehicle will not be sold or offered for sale until the entry bond is satisfied by the submission of the said conformance statement.

It has been further tentatively decided to edit the regulations, by requiring the importer or consignee to sign "declarations", by adding to the regulation listing the types of entry requiring a bond entries covering articles to be brought into conformity postentry and entries covering vehicles lacking a certification label where the importer undertakes to produce a statement from the original manufacturer evidencing compliance, and by making minor editorial changes to clarify language and to publish correct titles.

The substantive changes proposed are as follows:

In § 12.80(b)(2)(iii) by adding the requirement that, in entries of merchandise not in conformance but to be brought into conformance under bond, the merchandise will not be sold or offered for sale until the bond is released; and by adding new paragraphs (b)(2)(viii) and (ix) which, respectively, deal with vehicles which are not manufactured primarily for use on public roads and with vehicles which were manufactured in conformity with applicable safety standards but do not bear a certification because the vehicle was not manufactured for sale in the United States, or because the certification label has become detached, and consequently require a statement of conformance from the original manufacturer, and;

In § 12.80(c) by requiring that any declaration presently to be filed under the said subsection be signed by the importer or consignee, and;

In § 12.80(c) by adding a bond requirement covering goods entered under the provisions of § 12.80(b)(2)(ii) and (ix) where a suitable "statement" under the provisions of the said subsections is not filed at the time of entry, and by requiring a duplicate copy of statements filed to satisfy bond requirements to be delivered to the National Highway Traffic Safety Administration.

Minor editorial changes to clarify the present regulations are also proposed. The proposed regulations, in tentative form, are set forth below:

§ 12.80 Federal motor vehicle safety standards.

(a) *Standards prescribed by the Department of Transportation.* Motor vehicles and motor vehicle equipment manufactured on or after January 1, 1968, offered for sale, or introduction or delivery for introduction in interstate commerce, or importation into the United States are subject to Federal Motor Vehicle Safety Standards (hereafter referred to in this section as "safety standards") prescribed by the Secretary of Transportation under sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) as set forth in regulations in 49 CFR Part 571. A motor vehicle hereafter referred to in this section as "vehicle" or item of motor vehicle equipment (hereafter referred to in this section as "equipment item"), manufactured on or after January 1, 1968, is not permitted entry into the United States unless (with certain exceptions set forth in paragraph (b) of this section) it is in conformity with applicable safety standards in effect at the time the vehicle or equipment item was manufactured.

(b) *Requirements for entry and release.* (1) Any vehicle or equipment item offered for importation into the customs territory of the United States shall not be refused entry under this section if (i) it bears a certification label affixed by its original manufacturer in accordance with section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) and regulations issued thereunder by the Secretary of Transportation (49 CFR Part 567) (in the case of a vehicle, in form of a label or tag permanently affixed to such vehicle or in the case of an equipment item, in the form of a label or tag on such item or on the outside of a container in which such item is delivered), or (ii) it is intended solely for export, such vehicle or equipment item and the outside of its container, if any, to be so labeled and tagged, or (iii) (for vehicles only which have been exempted by the Secretary of Transportation from meeting certain safety standards) it bears a label or tag permanently affixed to such vehicle which meets the requirements set forth in the regulations of the Department of Transportation, 49 CFR 555.13.

(2) Any such vehicle or equipment item not bearing such certification or export label shall be refused entry unless there is filed with the entry, in duplicate, a declaration signed by the importer or consignee which states that:

* * * * *

(ii) Such vehicle or equipment item was not manufactured in conformity with applicable safety standards but has since been brought into conformity, such declaration to be accompanied by the statement of the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity which describes the nature and extent of the work performed; or

(iii) Such vehicle or equipment item does not conform with applicable safety standards, but that the importer or consignee will bring such vehicle or equipment item into conformity with such safety standards, and that such vehicle

will not be sold or offered for sale until the bond (required by paragraph (c) of this section) shall have been released; or

* * * * *

(viii) Such vehicle which is not manufactured primarily for use on the public roads is not a "motor vehicle" as defined in section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391); or

(ix) Such vehicle was manufactured in conformity with applicable safety standards, such declaration to be accompanied by a statement of the vehicle's original manufacturer as evidence of original compliance.

(3) Any declaration given under this section (except an oral declaration accepted at the option of the district director of customs under subparagraph (2)(i) of this paragraph) shall state the name and United States address of the importer or consignee, the date and the entry number, a description of any equipment item, the make and model, engine serial, and body serial numbers of any vehicle or other identification numbers, and the city and State in which it is to be registered and principally located if known, and shall be signed by the importer or consignee. The district director of customs shall immediately forward the original of such declaration to the National Highway Traffic Safety Administration of the Department of Transportation.

(c) *Release under bond.* If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b)(2)(iii), or under circumstances described in paragraph (b)(2)(ii) or (ix) of this section where the importer at time of entry does not submit a statement in support of his declaration of conformity the entry shall be accepted only if the importer gives a bond on Customs Forms 7551, 7553, or 7595 for the production of either a statement by the importer or consignee that the vehicle or equipment item described in the declaration filed by the importer has been brought into conformity with applicable safety standards and identifying the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity with such standards and describing the nature and extent of the work performed or a statement of the vehicle manufacturer certifying original conformity. The bond shall be in the amount required under § 25.4(a) of this chapter. Within 90 days after such entry, or such additional period as the district director of customs may allow for good cause shown, the importer or consignee shall deliver to both the district director of customs, and the National Highway Traffic Safety Administration a copy of the statement described in this paragraph. If such statement is not delivered to the district director of customs for the port of entry of such vehicle or equipment item within 90 days of the date of entry or such additional period as may have been allowed by the district director of customs for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director of customs those vehicles or equipment items, which were released in accordance with this paragraph. In the event that any such vehicle or equipment item is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553, or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Form 7551.

* * * * *

Before action is taken on the proposed amendments, consideration will be given to all relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, no later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved: January 5, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

Approved: February 8, 1971.

DOUGLAS W. TOMS,
Acting Administrator, National Highway Traffic Safety Administration.

[FR Doc.71-2218 Filed 2-17-71;8:49 am]

Comptroller of the Currency

[12 CFR Part 1]

INVESTMENT SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the national banking laws, 12 U.S.C. 1 et seq., and in particular, in paragraph Seventh of 12 U.S.C. 24, is considering the adoption of a revision of portions of Part 1 relating to the purchase, sale, dealing in, underwriting and holding of investment securities by national banks.

The proposed revision would reflect changes resulting from (1) a judicial interpretation of the phrase "general obligations of any State or of any political subdivision thereof" and (2) an amendment of the law authorizing the dealing in and underwriting of obligations of State and local governments issued for housing, university and dormitory purposes. The proposed revision also contains clarifying amendments to the definitions section, classifying securities into three categories based upon the extent to which a national bank may invest in or underwrite each category.

Persons desiring to comment on these changes should do so in writing no later than 30 days after the publication of this notice. Comments should be addressed to Robert Bloom, Chief Counsel, Comptroller of the Currency, Treasury Department, Washington, D.C. 20220.

The proposed revision would amend §§ 1.3–1.7 of Part 1, Chapter I, Title 12 of the Code of Federal Regulations as follows:

1. In § 1.3 by revising paragraph (c), adding new paragraphs (d) and (e), redesignating existing paragraph (d) as paragraph (f), and by revising and redesignating existing paragraph (e) as paragraph (g); and

2. By revising §§ 1.4 through 1.7.

Changes in the text are as follows:

§ 1.3 Definitions.

* * * * *

(c) The term "Type I security" means a security which a bank may deal in, underwrite, purchase and sell for its own account without limitation. These include obligations of the United States, general obligations of any State of the United States or any political subdivision thereof and other obligations listed in paragraph Seventh of 12 U.S.C. 24.

(d) The term "Type II security" means a security which a bank may deal in, underwrite, purchase, and sell for its own account, subject to a 10 percent limitation. These include obligations of the International Bank of Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the Tennessee Valley Authority, and obligations issued by any State or political subdivision or any agency of a State or a political subdivision for housing, university or dormitory purposes.

(e) The term "Type III security" means a security which a bank may purchase and sell for its own account, subject to a 10 percent limitation, but may neither deal in nor underwrite.

* * * * *

(g) The phrase "general obligation of any State or any political subdivision thereof" means an obligation supported by the full faith and credit of an obligor possessing general powers of taxation, including property taxation. It includes an obligation payable from a special fund or by an obligor not possessing general powers of taxation when an obligor possessing general powers of taxation, including property taxation, has unconditionally promised to make payments into the fund or otherwise available for the payment of the obligation of amounts which (together with any other funds available for the purpose will be sufficient to provide for all required payments in connection with the obligation.

§ 1.4 Type I securities; standards for authorized transactions.

Type I securities are not subject to the limitations and restrictions contained in 12 U.S.C. 24 or in this part other than §§ 1.3(c) and (g), this 1.4, 1.8, 1.9, and 1.11. Consequently, a bank may deal in, underwrite, purchase and sell for its own account a security of Type I subject only

to the exercise of prudent banking judgment. Prudence will require such determinations as are appropriate for the type of transaction involved. For the purpose of underwriting or investment, prudence will also require a consideration of the resources and obligations of the obligor and a determination that the obligor possesses resources sufficient to provide for all required payments in connection with the obligations.

§ 1.5 Types II and III securities; purchase standards.

(a) *Evidence of obligor's ability to perform and of marketability.* A bank may purchase a security of Type II or III for its own account when in its prudent banking judgment (which may be based in part upon estimates which it believes to be reliable), it determines that there is adequate evidence that the obligor will be able to perform all that it undertakes to perform in connection with the security, including all debt service requirements, and that the security is marketable, that is, that it may be sold with reasonable promptness at a price which corresponds reasonably to its fair value.

(b) *Judgment based predominantly upon reliable estimates.* A bank may, subject to limitations set forth in § 1.7(b), purchase a security of Types II or III for its own account although its judgment with respect to the obligor's ability to perform is based predominantly upon estimates which it believes to be reliable. Although the appraisal of the prospects of any obligor will usually be based in part upon estimates, it is the purpose of this paragraph to permit a bank to exercise a somewhat broader range of judgment with respect to a more restricted portion of its investment portfolio. It is expected that this authority may be exercised not only in the absence of a record of performance but also when there are prospects for improved performance. It is also expected that a security purchased pursuant to this paragraph may, by the establishment of a satisfactory financial record, become eligible for purchase under paragraph (a) of this section.

(c) *Securities ruled eligible by the Comptroller of the Currency.* A bank may consider as a factor in reaching its prudent banking judgment with respect to a security a ruling published by the Comptroller of the Currency on the eligibility of such security for purchase. Consideration must also be given, however, to the possibility that circumstances on which the ruling was based may have changed since the time of the ruling.

§ 1.6 Type II securities; authority to deal in and underwrite.

A bank may deal in and underwrite the obligations of the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the Tennessee Valley Authority, or obligations issued by any State or political subdivision or any agency of a State or a political subdivision for housing, university, or dormitory purposes.

§ 1.7 Types II and III securities; limitations on holdings.

(a) *Obligations of any one obligor.* A bank may not hold at any time Types II and III securities of any one obligor in a total amount in excess of 10 percent of the bank's capital and surplus. For this purpose, the amount of a security is to be determined on the basis of the par or face value of the security. In the case of Type II securities, obligations for the purpose of this limitation include obligations held as a result of underwriting, dealing in, or purchasing for its own account including obligations as to which the bank is under commitment.

(b) *Obligations purchased predominantly on the basis of reliable estimates.* A bank may not hold at any time securities which would not be eligible for purchase pursuant to paragraph (a) of § 1.5 in a total amount in excess of 5 percent of the bank's capital and surplus.

(c) *Limitations prescribed in eligibility rulings.* When a ruling published by the Comptroller of the Currency provides that a security is eligible for purchase subject to a specified limitation, a bank may not at any time thereafter purchase such security, if, after such purchase, the bank's holdings of such security would be in excess of the specified limitation.

* * * * *

Dated: February 11, 1971.

[SEAL] JUSTIN T. WATSON,
Acting Comptroller of the Currency.

[FR Doc. 71-2219 Filed 2-17-71;8:49 am]

[12 CFR Part 5]

HEARING REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency is considering the adoption of regulations governing the conduct of administrative hearings held in connection with charter, branch and merger applications. Comments on the proposed regulations are invited and should be addressed to Robert Bloom, Chief Counsel, Room 4464, Main Treasury Building, Washington, DC 20220 not later than 25 days following the date of this notice.

The proposed regulations are as follows:

Sec.
5.1 Scope of part.
5.2 Notice of filing of application.
5.3 Public file.
5.4 Written comments and request for an opportunity to be heard.
5.5 Place of hearing.
5.6 Date of hearing.
5.7 Notice of hearing.
5.8 Attendance of hearing.
5.9 Presiding officer.
5.10 Hearing rules.
5.11 Closing of the public file.
5.12 Retained authority.
5.13 Comptroller's decision.
5.14 Computation of time.

AUTHORITY: The provisions of this Part 5 issued under 12 U.S.C. 1 et seq. and in particular 12 U.S.C. 27, 30, 36, and 1828(c).

§ 5.1 Scope of part.

This part contains procedures by which the Comptroller of the Currency may reach informed decisions with respect to applications to charter national banks, to establish branches of national banks, to merge or consolidate with or purchase the assets of another bank where the resulting bank is a national bank, or to relocate offices of national banks, and in such cases as the Comptroller in his sole discretion shall deem proper. These procedures provide a method by which all persons interested in the subject matter of such applications may present their views. Nothing contained herein shall be construed to prevent interested persons from presenting their views in a more informal manner when deemed appropriate by the Comptroller or by the Regional Administrator of National Banks, or to prevent the Comptroller or the Regional Administrator from conducting such other investigation as may be deemed appropriate.

§ 5.2 Notice of filing of application.

(a) Applications described in § 5.1 shall be filed as provided in Part 4 of this chapter.

(b) By publication: Except in the case of proposed transactions where notice by publication is governed by statute, the applicant shall, within 15 days after the Regional Administrator of National Banks shall have notified the applicant in writing that an application has been accepted for filing, publish one time in a newspaper of general circulation in the area in which the applicant is doing business and in a newspaper of general circulation in the area in which the applicant proposes to engage in business a notice containing the name of the applicant or applicants, the subject matter of the application, and the date upon which the application was filed. Immediately thereafter, the applicant shall furnish the Regional Administrator with a tear sheet or clipping evidencing such publication.

(c) By the Regional Administrator: The Regional Administrator shall give timely notice to the State official who supervises State commercial banks in the State in which the applicant is or will be located, and to any other person requesting in writing notice of the date on which an application was filed. The Regional Administrator shall notify or solicit comments from each bank which the Regional Administrator believes in his sole discretion might be affected by or have an interest in the pending application.

§ 5.3 Public file.

(a) *Contents.* The public file in each case shall consist of the application with supporting data and supplementary information, with the exception of material deemed by the Regional Administrator to be confidential, such as trade secrets normally not available through commercial publication. In addition, the public file shall contain all data and information submitted by interested persons in favor of or in opposition to such

application, excluding any material deemed by the Regional Administrator to be confidential. The Regional Administrator or his designee shall not deem information confidential for purposes of the two immediately preceding sentences unless the person submitting the information requests that such information be deemed confidential. All factual information contained in any field investigation report made by a national bank examiner shall also be made part of the public file, unless deemed confidential by the Regional Administrator.

(b) *Availability to protesting and other interested persons.* The public file shall be available for inspection in the Office of the Regional Administrator upon written request from a protesting person and to such other persons as the Regional Administrator shall deem in his discretion to have a direct interest therein during such periods of time as the Regional Administrator shall prescribe. No documents in the public file may be removed from the Regional Administrator's office by persons other than members of the Comptroller's staff. Photocopies may be made available, on request, to protesting and other interested parties. The charge for such copies shall be made in accordance with a written schedule maintained by the Regional Administrator.

§ 5.4 Written comments and requests for an opportunity to be heard.

Within 10 days after the notice by publication described in § 5.2(b), any interested person may submit to the Regional Administrator written comments concerning the application and/or a written request for an opportunity to be heard before the Regional Administrator or his designee. This time may be extended by the Regional Administrator in his sole discretion if the applicant has failed to file all required supporting data in time to permit review by interested persons or for other extenuating circumstances. In the absence of a request, the Regional Administrator or the Comptroller of the Currency, when either believes it to be in the public interest, may order a hearing to be held.

§ 5.5 Place of hearing.

Persons submitting a request described in § 5.4 shall be given an opportunity to be heard in the city where the office of the Regional Administrator is located. The Comptroller of the Currency, in any matter, reserves the right to conduct hearings at any location he deems to be appropriate.

§ 5.6 Date of hearing.

An opportunity to be heard shall be given as soon as practicable after requested or ordered.

§ 5.7 Notice of hearing.

(a) *Contents.* The Regional Administrator, when notifying interested persons of the scheduling of an opportunity to be heard, shall set forth in the notice the subject matter of the application and the date, time, and place at which the opportunity to be heard shall be afforded.

(b) *To whom sent.* The notice described in paragraph (a) of this section shall be sent to the person or persons requesting the hearing, the applicant, and to other interested persons who have sent written comments to the Regional Administrator.

§ 5.8 Attendance at hearing.

Each person who wishes to be heard shall notify the Regional Administrator within 5 days after the date of the notice described in § 5.7 of his intention to attend and shall submit the number and names of witnesses he wishes to present.

§ 5.9 Presiding officer.

When an opportunity to be heard is being afforded, the presiding officer shall be the Regional Administrator, his designee, or such other person as may be named by the Comptroller of the Currency. The presiding officer shall have the authority to appoint a panel to assist him.

§ 5.10 Hearing rules.

(a) *Order of presentation*—(1) *Opening statements.* The applicant and each other participant may make opening statements of a length within the discretion of the presiding officer. Such opening statements should concisely state what the participant intends to show. The applicant shall have the opportunity to present his statement first.

(2) *Applicant's presentation.* Following the opening statements, the applicant shall present his data and materials, oral or documentary.

(3) *Protestant's presentation.* Following the applicant's presentation, the persons protesting the application shall present their data and materials, oral or documentary. The protestants may agree, with the approval of the presiding officer, to have one of their number make their presentation.

(4) *Other interested persons.* Following the evidence of the applicant and the protestant, the presiding officer in his discretion may recognize other interested persons who may present their views with respect to the application under consideration.

(5) *Summary statements.* After all the above presentations have been concluded, the participants before the panel may make short and concise summary statements reviewing their position. The applicant shall present his concluding summary statement first.

(b) *Witnesses.* The obtaining and use of witnesses is the responsibility of the parties. All witnesses will be present on their own volition, but any person appearing as a witness may be subject to questioning by any participant, by the presiding officer, or by any member of the panel. The refusal of a witness to answer questions may be considered by the Comptroller in determining the weight to be accorded the testimony of that witness. Witnesses shall not be sworn.

(c) *Evidence.* The presiding officer shall have the authority to exclude data or materials which he deems to be improper or irrelevant. Formal rules of evidence shall not be applicable to these hearings. Documentary material must be of a size consistent with ease of handling, transportation, and filing, and copies must be provided for each participant. While large exhibits may be used during the hearing, copies of such exhibits must be provided by the party in reduced size for submission as evidence. Two copies of all such documentary evidence shall be furnished to the Regional Administrator.

(d) *Procedural questions.* The Regional Administrator, presiding officer, or any designated member of the assisting panel shall determine all procedural questions not governed by this part. The Regional Administrator and the presiding officer shall each have the authority to limit the number of witnesses to be used by any party, and to impose such time limitations as he shall deem reasonable.

(e) *Transcript.* A transcript of each proceeding shall be arranged for by the Comptroller's office, with all expenses of such service, including the furnishing of two copies of the transcript to the Regional Administrator, being borne by the person or persons requesting the opportunity to be heard, except for hearings ordered by the Comptroller's office, where the applicant will bear the expense of furnishing transcripts of the record.

(f) *The record.* The public file described in § 5.3 shall automatically be deemed a part of the record of these proceedings as well as all evidence submitted pursuant to paragraph (c) of this section and the transcript described in paragraph (e) of this section.

§ 5.11 Closing of the public file.

If requested by any participant, the public file shall remain open for 5 days following receipt of the transcript by the Regional Administrator during which time the applicant and protestants may submit additional written statements. A copy of any statement so submitted during this period of time shall also be sent simultaneously to the other persons represented at the hearing.

§ 5.12 Retained authority.

The Comptroller may adopt such different procedures as he deems necessary and reasonable in acting upon any particular application.

§ 5.13 Comptroller's decision.

The applicant and all persons so requesting in writing shall be notified of the final disposition of the application by the Comptroller of the Currency.

§ 5.14 Computation of time.

In computing any period of days provided for in this part, the day of the act from which the period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. As used in this section, "legal holiday" means a day on which the office of the appropriate Regional Administrator remains closed.

This part shall become effective 30 days after publication in final form in the FEDERAL REGISTER.

Dated: February 12, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-2254 Filed 2-17-71;8:52 am]

[12 CFR Part 14]

CHANGES IN CAPITAL STRUCTURE

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the national banking laws, 12 U.S.C. 1, 12 U.S.C. 57, has under consideration a proposed revision of § 14.2 dealing with the conditions under which national banks may have authorized but unissued stock. To aid in his consideration of this matter, interested persons are invited to submit relevant data, views, or comments. Such material should be submitted in writing to Robert Bloom, Chief Counsel, Comptroller of the Currency, Treasury Department, Washington, D.C. 20220, to be received not later than 30 days after the date of this notice.

Part 14, Chapter I, Title 12 of the Code of Federal Regulations, would be amended by revising § 14.2 to read as follows:

§ 14.2 Authorized but unissued stock.

(a) Any national banking association, with the approval of the Comptroller and by vote of stockholders owning two-thirds of the stock of the bank entitled to vote, may authorize an increase in the common stock of the bank in the category of authorized but unissued stock, except that the approval of the Comptroller shall not be required where the resulting amount of common stock in the category of authorized but unissued stock will satisfy either of the following criteria:

(1) Where the resulting total amount of authorized but unissued stock will be free of preemptive rights of shareholders and will not exceed 25 percent of the currently issued and outstanding stock. The 25 percent limitation may be calculated without regard to authorized but unissued stock which is specifically designated as being reserved for issuance in connection with employee stock option plans, employee stock purchase plans, employee bonus plans, or other similar programs, provided that such plan has been approved by the Comptroller of the Currency, and shares held for the purpose of satisfying the requirements of convertible capital notes or convertible preferred stock subject to the Comptroller's approval of the convertible capital note or preferred stock issue as required by this Part 14, or

(2) Where the resulting total amount of authorized but unissued stock, exclusive of that amount specifically reserved for issuance in connection with employee compensation programs and for satisfying requirements of the convertible securities of the banking association as referred to in the preceding subparagraph (1) of this paragraph, will be subject to preemptive rights of shareholders and will not exceed 50 percent of the currently issued and outstanding stock.

(b) Authorized but unissued stock may be issued from time to time as stock dividends or for such other purposes and considerations as may be approved by the board of directors of the bank, and by the Comptroller. Any request for approval of the Comptroller for such issuance should be in writing and submitted to the appropriate Regional Administrator of National Banks.

(c) Authorized but unissued stock may also be issued from time to time to employees of the bank pursuant to a stock option or stock purchase plan adopted in accordance with Part 13 of this chapter, or in exchange for convertible preferred stock or convertible capital notes or debentures in accordance with the terms and provisions of such securities.

(d) Nothing contained herein shall be construed as relieving any bank of the obligation to file, with the Comptroller, pursuant to 12 U.S.C. 21a, a certified copy of every amendment to the Articles of Association adopted by the shareholders. The original certificate shall be forwarded to the Comptroller at the Washington office and a copy shall be sent to the appropriate Regional Administrator of National Banks.

Dated: February 11, 1971.

[SEAL] JUSTIN T. WATSON,
Acting Comptroller of the Currency.

[FR Doc.71-2220 Filed 2-17-71;8:49 am]

[12 CFR Part 20]

INTERNATIONAL OPERATIONS

Notice of Proposed Rule Making

Notice is hereby given that in connection with a periodic review and revision of the "Comptroller's Manual for National Banks," it is proposed to rewrite in its entirety Part 20, International Operations, to reduce the total number of reports to be filed and to increase the utility of the remaining reports. The rewritten regulation will become effective 30 days after final publication in the FEDERAL REGISTER. Persons desiring to comment on the proposed revision may do so no later than March 18, 1971. Comments should be directed to Robert A. Mullin, Director of International Operations, Comptroller of the Currency, Treasury Department, Washington, D.C. 20220.

Part 20, Chapter I, Title 12 of the Code of Federal Regulations is hereby amended to read as follows:

Sec.
20.1 Authority and policy.
20.2 Definitions and terms.
20.3 Prior notification of international activities.
20.4 Reporting of international activities.

§ 20.1 Authority and policy.

(a) *Authority.* This part is issued under the authority of the national banking laws, 12 U.S.C. 1 et seq.

(b) *Policy.* (1) Prior notification will be required of the intention of a national bank to establish a branch in a foreign country or to directly or indirectly acquire an interest in an Edge Act corporation, agreement corporation or foreign bank.

(2) Reports on certain other international activities must be reported to the Comptroller within 30 days of the event. The required notifications and reports will provide the basis, where needed, for special examinations by this office, and for the issuance of appropriate instructions.

§ 20.2 Definitions and terms.

For the purpose of this part:

(a) "Edge Act corporation" means a corporation organized under the provisions of 12 U.S.C. 611–632.

(b) "Agreement corporation" means a corporation which has entered into an agreement or undertaking in accordance with the provisions of 12 U.S.C. 603.

(c) "Foreign bank" means a corporation or other association organized under the laws of a foreign country, or of a dependency or insular possession of the United States or a foreign country, which is principally engaged in a commercial banking business.

(d) "Control" of a bank or corporation by a national bank or by an Edge Act corporation or an agreement corporation shall be presumed where a national bank, an Edge Act corporation or an agreement corporation has acquired 25 percent or more of the voting shares of the bank or corporation.

§ 20.3 Prior notification of international activities.

(a) *Prior notification.* Before a national bank may engage in any of the following international activities, notification to the Comptroller of the Currency is required as stipulated below:

(1) Upon application to the Board of Governors of the Federal Reserve System to establish the initial branch of a national bank in any foreign country, or in any dependency or insular possession of the United States or a foreign county; and 30 days prior to the establishment of any additional branches in a foreign country, or dependency or insular possession of the United States or foreign country.

(2) Upon application to the Board of Governors of the Federal Reserve System by a national bank to directly or indirectly acquire a controlling interest in an Edge Act corporation, agreement corporation or foreign bank.

(3) At least 30 days prior to the direct or indirect acquisition of less than a controlling interest in any Edge Act corporation, agreement corporation or foreign bank, if the cost of such acquisition exceeds $1 million.

(b) *Forms.* Prior notification shall be made on forms provided by the Comptroller of the Currency.

§ 20.4 Reporting of international activities.

(a) *Reports.* A report shall be made to the Comptroller of the Currency within 30 days of the occurrence of any of the following international activities:

(1) The relocation of a branch of a national bank in a foreign country, or in a dependency or insular possession of the United States or a foreign country.

(2) The disposition by a national bank of any interest in an Edge Act corporation, agreement corporation or foreign bank.

(3) The suspension of operations or final closing of any branch of a national bank in a foreign country, or in a dependency or insular possession of the United States or a foreign country; or the suspension of operations or final closing of any foreign bank in which a national bank holds an interest.

(b) *Forms.* Reports shall be made on forms provided by the Comptroller of the Currency.

Dated: February 12, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-2256 Filed 2-17-71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Parts 317, 320]

MEAT INSPECTION

Procedure for Obtaining Approval of Labeling, Marking Devices, and Containers, and Authorization To Manufacture Devices Bearing Official Marks of Inspection; Extension of Time for Filing Comments

On December 17, 1970, there was published in the FEDERAL REGISTER (35 F.R. 19118-19121), a notice that the Department is considering proposals to amend Parts 317 and 320 of the Federal meat inspection regulations (35 F.R. 15552) under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.). The notice included proposed new §§ 317.3, 317.4, 317.15, and 320.1(c) pertaining to approval of labeling, marking devices, and containers for meat products subject to the Act, and authorizations to make devices bearing official marks, and related matters. A 60-day period was provided for interested persons to file comments concerning the proposed regulations.

The Department has received petitions for an extension of the period of time stipulated for the submission of comments on the proposal. The nature of the comments received to date indicates that the proposal will require more extensive evaluation by the affected persons than had been contemplated by the Department.

These circumstances are considered as sufficient justification for an extension of the time originally allotted for filing comments. Therefore, notice is hereby given that any person who wishes to submit written data, views, or arguments concerning matters in the aforesaid December 17, 1970, proposal may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours in a manner convenient to public business (7 CFR 1.27(b)). Comments on the proposal should bear a reference to the date and page number of the December 17, 1970, issue of the FEDERAL REGISTER.

Done at Washington, D.C., on February 16, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Programs.

[FR Doc.71-2285 Filed 2-16-71;11:30 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

COMBINATION DRUGS FOR HUMAN USE

Proposed Statement Amplifying Policy on Drugs in Fixed Combinations

The Commissioner of Food and Drugs after considering a number of reports from panels of the NAS-NRC Drug Efficacy Study, the large numbers of combination drugs available, and those proposed for marketing, is of the opinion that criteria for rational combination drugs should be published for the guidance of the regulated industry. This statement is intended as amplification of the requirement that a new drug or antibiotic drug application for a combination drug may be refused unless there is substantial evidence that each ingredient designated as active makes a contribution to the total effect which the drug combination is represented to have and purports to possess.

The problem of fixed combinations has been discussed with a number of experts; it is the subject of extensive discussion by experts in the medical literature. It is the consensus of these informed experts that a fixed dose combination drug must have an advantage to the patient over and above that obtained when one of the individual ingredients is used in the usual safe and effective dose. No drug should be present in a fixed combination unless its inclusion clearly enhances safety or efficacy and the fixed ratio of doses is safe and effective for all indications and for patients requiring such concurrent therapy. There are marketed combination drugs which meet these criteria. Many do not. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended, 507, 59 Stat. 463, as amended, sec. 701 (a), 52 Stat. 1055; 21 U.S.C. 352, 355, 357, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Part 3 be amended by adding thereto the following new section:

§ 3.____ Drugs for human use in fixed combinations.

(a) In implementing the provision of the 1962 Kefauver-Harris Drug Amendments to the Federal Food, Drug, and Cosmetic Act, which requires that a new drug and an antibiotic drug be shown effective for its labeled indications through adequate and well controlled clinical investigations by qualified experts, the Food and Drug Administration has found the unique problems presented by fixed combinations to require a more clearly defined position on such drugs.

(b) Fixed combinations represent a significant proportion of all marketed drugs. A 1969 survey indicated that of the 200 most widely used prescription drugs, approximately 40 percent were fixed combination dosage forms. Over-the-counter drugs are for the most part combination drugs.

(c) The Council on Drugs of the American Medical Association has consistently expressed the need for a sound medical rationale for using drugs in fixed combinations and has recently reaffirmed its longstanding position that the use of fixed-ratio combination drugs, antibiotics included, is with few exceptions neither a sound nor judicious practice. The United States Pharmacopeia has long had a policy against inclusion of combination drugs.

(d) The National Academy of Sciences-National Research Council in its reevaluation of all drugs marketed through the new-drug prcoedures between 1938 and 1962 to determine if the products were effective for all their labeled indications has clearly indicated the limitations in medical practice of fixed combination drugs. As a result of their recommendations, a number of widely used fixed antibiotic combinations have been removed from the market.

(e) The complexities of the problems were apparent to the Food and Drug Administration in evaluating several hundred fixed combination drugs in the Drug Efficacy Study; through the review of pending new drug applications and Notices of Claimed Exemption for Investigational Drugs, and in reviewing the labeling of other marketed drugs. Policies resulting from consideration of these problems would have significant impact on the pattern of medical practice. As a result, an Ad Hoc Committee was convened, consisting of outstanding experts representative of a cross section of medical disciplines, to assist in formulating the most scientifically sound guidelines for general application to determine when a fixed combination drug is rational. In addition, an Ad Hoc Committee consisting of members of the American Society of Pharmacology and Experimental Therapeutics prepared

recommendations on this problem at the request of the Food and Drug Administration.

(f) It is recognized that fixed combination drugs have or may have certain advantages, in addition to enhanced safety or efficacy, over use of the individual ingredients. These include:

(1) Better adherence to a therapeutic regimen, greater patient convenience, and greater economy than if each of the ingredients were given separately but concurrently.

(2) Availability of information on biopharmaceutic compatibility or unanticipated drug interactions.

(g) However, fixed combination drugs also present disadvantages to their use. The most common objections to these products are:

(1) Lack of flexibility to adjust the dosage of each component to the individual patient's needs.

(2) Exposure of patients to unnecessary drugs when one drug component alone would be effective.

(3) Increased possibility of adverse reactions without increased efficacy.

(h) Based on the above considerations, and in line with the recommendations of expert advisors and sound principles of medical practice, the Food and Drug Administration concludes:

(1) The concomitant administration of two or more medicinal agents may be indicated in the treatment of a patient. However, the effects of drugs are intrinsically so complex that it is generally advisable to administer therapeutic agents separately in order that the dosage and frequency of administration of the individual drugs may be varied in accordance with the patient's requirements.

(2) A combination of drugs in one product suggests and implies an added usefulness over one component alone. The implied or suggested usefulness, as well as the claims in the labeling of a drug, must be considered by the Food and Drug Administration in its evaluation of the validity of labeling claims.

(3) Fixed combinations of drugs may be approved where there is evidence of safety and substantial evidence of effectiveness showing that each active component contributes to the effect claimed for the product in the following circumstances:

(i) Where components are combined to:

(a) Enhance efficacy (increase potency, prolong duration of effect, etc.), or

(b) Enhance safety (decrease the incidence or severity of adverse reactions), or

(c) Prevent abuse or misuse.

(ii) Or where components would be given concurrently and the dosage (amount and interval of administration) of each component is such that the fixed combination is safe and effective for patients requiring such concurrent therapy. The advantage of the combination must obtain for all conditions for which it is labeled, for the various dose schedules recommended, for the duration of dosage suggested, and for most patients for which the produce is recommended.

(iii) And studies demonstrate that the pharmaceutical compounding of the fixed combination does not interfere with the bioavailability of each of the ingredients as compared with administration of the individual ingredients separately but concurrently.

(iv) In the event that a combination, presently the subject of an approved NDA or antibiotic monograph, has not been recognized as effective by the Commissioner based on his evaluation of the appropriate NAS/NRC panel report, or for which substantial evidence of effectiveness has not otherwise been presented, formulation, labeling or dosage changes may be proposed and any resulting combination may meet the appropriate criteria listed above.

Interested persons may, within 30 days after publication hereof 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 16, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-2283 Filed 2-17-71;8:52 am]

[21 CFR Part 130]

ADMINISTRATIVE REVIEW OF DECISIONS ON PROBABLY AND POSSIBLY EFFECTIVE INDICATIONS FOR DRUGS

Notice of Proposed Rule Making

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that a new section be added to the new-drug regulations, Part 130, as follows:

§ 130.____ **Administrative review of decisions on probably and possibly effective indications for drugs.**

(a) The Food and Drug Administration is publishing announcements setting forth its conclusions as to the effectiveness of drugs in implementing the drug efficacy study participated in by the National Academy of Sciences—National Research Council. Some drugs for which there is a lack of substantial evidence of effectiveness have been classified as "possibly" or "probably" effective. Applicants are being allowed 6 months and 12 months respectively to obtain and submit data to provide the required substantial evidence for the indications so classified. Planning, executing, and evaluating these studies require time, the expertise of appropriate investigators, adequate physical facilities, and a suitable patient population. The Food and Drug Administration encourages applicants to discuss the protocols of their proposed studies on a timely basis with officials of the Bureau of Drugs to assure that any studies undertaken to develop data establishing the effectiveness of the drug are adequately planned and executed. The decisions made by the Bureau of Drugs which affect the plan and the course of study of a drug may have a significant impact on the continued availability of a number of drugs.

(b) Based on the above considerations, the Commissioner of Food and Drugs concludes that to assure a fair analysis and adequate administrative review of unfavorable decisions made during the 6 to 12 months allowed, or at the end of these periods, administrative review procedures are appropriate on the following issues:

(1) The acceptability of protocols designed to obtain evidence of effectiveness.

(2) The granting of additional time to complete studies or to analyze results of ongoing studies.

(3) The adequacy of the final results of a study undertaken to establish effectiveness of the drug.

(c) Extensions of time may be justified under the following circumstances:

(1) There is reason to believe the drug may be effective and useful and preliminary study results are encouraging in regard to establishing the effectiveness of the drug; and

(2) A practical protocol can be devised for the studies to satisfy the requirements of an adequate and well-controlled study as described in § 130.12 (a review of the proposed protocol by the appropriate Division of the Bureau of Drugs is desirable prior to initiation of the study and is required prior to granting an extension of time beyond the initial 6 or 12 months period); and

(3) It is likely that the study can be completed within a reasonable time frame; and

(4) The applicant has proceeded expeditiously in planning and conducting the studies to obtain the required data; and

(5) If the drug is a fixed combination it complies with the agency guidelines for combination drugs.

The availability of alternative drugs will be a consideration in making such a decision.

(d) Procedures for obtaining a review of adverse decisions not to accept a protocol, not to grant additional time, or not to accept the applicant's data as substantial evidence of effectiveness are as follows:

(1) After the applicant has been advised of a Bureau decision on any of the above issues, he may request (orally or in writing) a conference with appropriate experts in the Bureau or with outside consultants to the Bureau within 10 days after notification of such decision.

(2) He will be notified of the date of the scheduled conference and must submit a written well-organized statement setting forth the issues, summarizing the

background and data, and explaining his position at least 5 days prior to the date of the scheduled conference, if it is to be held by the Bureau of Drugs, or 10 days if it is scheduled with outside consultants.

(3) The conference will be promptly scheduled by the Bureau of Drugs to assure expeditious handling and final resolution. The Director of the Bureau will chair a conference held with Bureau representatives and will notify the applicant of the decision and the reasons therefor.

(4) If a conference involving outside experts is requested, and the Bureau Director believes it appropriate, he will request the chairman of the FDA committee in the subject area involved, if any, to nominate three experts (either from among the committee members or outsiders). In the event there is no FDA standing committee in the subject area, the Director will request nominations from appropriate organizations to form a committee of three. The advisory committee will be convened and chaired by one of its members to evaluate the evidence available. The applicant shall be entitled to examine and obtain a copy of the data submitted to the committee and shall be entitled to consult with it. The committee will make a written recommendation to the Director of the Bureau who will make his decision and notify the applicant in writing of the conclusions he has reached and the reasons therefor.

(5) The Commissioner will not participate in the medical decision of the Bureau, but may be asked by the applicant to review the record of the proceedings. He may at his discretion schedule a conference with the applicant prior to making his decision.

Interested persons may, within 30 days after publication hereof 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 16, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71–2284 Filed 2–17–71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71–15]

HYPOCHLORITE SOLUTION CONTAINERS

Notice of Proposed Rulemaking

The Coast Guard is considering amending the dangerous cargoes regulations to allow shipment of hypochlorite solutions, not to exceed 11 percent available chlorine, in specification 6D and 37M overpacks with either 2S or 2SL inside polyethylene liners.

Interested persons are invited to submit written data, views or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number, CGFR 71–15, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, March 30, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. All communications received on or before April 6, 1971, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

By a separate document published at page 3130 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes an amendment to Part 173 of Title 49, Code of Federal Regulations, relating to the authorization of shipments of hypochlorite solutions, not to exceed 11 percent available chlorine, in specification 6D (49 CFR 178.102) or 37M (49 CFR 178.134) overpacks with either 2S (49 CFR 178.35) or 2SL (49 CFR 178.35a) polyethylene liners. For reasons fully stated in that document, the Board has concluded that satisfactory special permit performance during the past 4 years with the specification 37M overpack for hypochlorine solutions containing up to 10.20 percent available chlorine supports that proposal.

The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would make these container specifications available to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make these container specifications available to carriers by water.

In consideration of the foregoing, it is proposed to amend in § 146.23–100 of Title 46, Code of Federal Regulations, the column headed "Required conditions for transportation-cargo vessel" by adding the words "Authorized only for hypochlorite solutions not to exceed 11 percent available chlorine by weight: Cylindrical steel overpack (DOT–6D or 37M) NRC with inside specification 2S or 2SL polyethylene liners" for the article "Hypochlorite solutions containing more than 7 percent available chlorine by weight."

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: February 5, 1971.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71–2222 Filed 2–17–71;8:49 am]

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 10849; Notice 71–3]

AIRCRAFT CLASSIFICATION

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations so as to relieve turboprop aircraft from the requirement that they operate at or above the designated floors while within the lateral limits of the terminal control area.

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 regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 19, 1971, will be considered by the Administrator before taking action on the final rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Recently § 91.90 was added to the Federal Aviation Regulations to deal with flight within a terminal control area. Section 91.90 (a)(1)(ii) and (b)(1)(ii) specified that large turbine engine powered aircraft operating to or from a primary airport must operate at or above the designated floors while within the lateral limits of the terminal control area. Experience with terminal control area operations indicates that certain large turbopropeller powered aircraft do not have the climb capability to satisfy the requirement as it presently exists. In terms of climb performance, some turbopropeller powered aircraft are not at all comparable to turbojet powered aircraft and on occasion it has been necessary for turbopropeller powered aircraft to utilize off course climbs and other maneuvers in order to reach the terminal control area floors. Because of this situation, it is felt that large turbopropeller powered aircraft should possibly be classified

with reciprocating engine powered aircraft rather than with turbojet powered aircraft, and action is taken herein to reflect this proposal.

In consideration of the foregoing, it is proposed that § 91.90 (a) (1) (ii) and (b) (1) (ii) of Part 91 be amended by deleting the phrase "turbine engine powered" in each subdivision and inserting the phrase "turbojet powered" in place thereof.

This amendment is proposed under the authority of sections 301(c) and 313 (a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c) and 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 10, 1971.

ROBERT W. MARTIN,
Acting Director,
Air Traffic Service.

[FR Doc.71-2190 Filed 2-17-71;8:47 am]

[14 CFR Part 91]

[Docket No. 10850; Notice 71-4]

FLIGHTS WITHIN TERMINAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulatons to more clearly delineate the extent of permissible flight within a terminal control area by nontransponder equipped aircraft.

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 regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-34, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 19, 1971, will be considered by the Administrator before taking action on the final rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 91.90 of Part 91 of the Federal Aviation Regulations describes the operating rule and equipment requirements for operations within a terminal control area. Paragraphs (a) (3) (iii) and (b) (2) (iii) of § 91.90, as originally drafted, were designed to provide ATC with a limited degree of latitude and discretion in the utilization of the airspace within a terminal control area. Since the adoption of the terminal control area concept, operational experience has been such that the FAA is now able to calculate the extent of desirable operation by nontransponder equipped aircraft within a terminal control area. Also, it has come to the attention of the FAA that some persons have chosen to interpret the above-mentioned subparts in a manner that was never intended. These persons have interpreted the exclusionary provisions pertaining to "IFR flights to or from an airport other than the primary airport" as permitting IFR en route operations through a terminal control area regardless of destination and regardless of the distance beyond the terminal control area that that destination happens to be. As stated above, the interpretation was never intended nor is it desirable. What was intended by the exclusion was to permit such nontransponder equipped operations through a terminal control area only when such operations were en route to or departing from an airport wherein the commonly used approach or departure procedure involved flight within or through the terminal control area.

In consideration of the foregoing, it is proposed that the last sentence in § 91.90 (a) (3) (iii) of the Federal Aviation Regulations be amended to read as follows: "This requirement is not applicable to helicopters operating within the terminal control area, or to IFR flights operating to or from a secondary airport located within the terminal control area, or to IFR flights operating to or from an airport without the terminal control area but which is in close proximity to the terminal control area, when the commonly used transition, approach or departure procedures to such airport, require flight within the terminal control area."

In addition, it is proposed that the last sentence of § 91.90(b) (2) (iii) be amended to read as follows: "This requirement is not applicable to helicopters operating within the terminal control area or to VFR aircraft operating within the terminal control area, or to IFR flights operating to or from a secondary airport located within the terminal control area, or to IFR flights operating to or from an airport without the terminal control area but which is in close proximity to the terminal control area, when the commonly used transition, approach, or departure procedures to such airport, require flight within the terminal control area."

This amendment is proposed under the authority of sections 307(c) and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c) and 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 10, 1971.

ROBERT W. MARTIN,
Acting Director,
Air Traffic Service.

[FR Doc.71-2191 Filed 2-17-71;8:47 am]

[14 CFR Part 91]

[Docket No. 10851; Notice 71-5]

TRANSPONDER FAILURE

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations. The purpose of the proposed amendment is to alter the transponder requirements applicable in terminal control areas so as to permit an aircraft to proceed to its final destination, or to an airport with suitable repair facilities, even though the aircraft transponder has become inoperable.

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 regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 19, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Recently, § 91.90 was added to the Federal Aviation Regulations to provide certain rules applicable to operations in terminal control areas. With certain exceptions as to helicopters and IFR satellite airport traffic, when an aircraft has experienced an inflight transponder failure and wishes to enter a Terminal Control Area, § 91.90 (a) (3) (iii) and (b) (2) (iii) authorize ATC to permit same. However, once the aircraft has landed at the primary airport, so long as the transponder remains inoperable, § 91.90 (a) (3) (iii) and (b) (2) (iii) do not authorize that aircraft to depart the Terminal Control Area. Also, in the case of a transponder becoming inoperable while the aircraft is on the ground at some intermediate point in its flight plan, § 91.90 does not authorize that aircraft to proceed to its final destination or to a location where repairs can be made if in either case that destination or location happens to be the primary airport within a Terminal Control Area.

Because an aircraft's transponder might fail early in its flight, and because it might be completely impracticable to repair or replace the equipment prior to the aircraft reaching its final destination or a suitable repair facility, the FAA believes that the requirements of § 91.90 (a) (3) (iii) and (b) (2) (iii) should be relaxed. The FAA is of this opinion even though, as more terminal control areas are implemented, this may mean that a given aircraft with an inoperable transponder may of necessity pass through one or more terminal control areas en route to a suitable repair facility.

As indicated by the following proposed amendment, this change is not intended nor is it to be construed as in anyway relaxing the requirements applicable to VOR, TACAN, or two-way radio equipment.

In consideration of the foregoing, it is proposed that that portion of the lead-in sentence of § 91.90 (a) (3) and (b) (2) of the Federal Aviation Regulations which reads "Unless otherwise authorized by ATC in the case of in-flight failure" be deleted and lead-in language

reading "Unless otherwise authorized by ATC in the case of an in-flight VOR, TACAN or two-way radio failure, or unless otherwise authorized by ATC in the case of a transponder failure occurring at any time," be inserted in place thereof.

This amendment is proposed under the authority of sections 307 (a) and (c), and 1354(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a) and (c), and 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 10, 1971.

ROBERT W. MARTIN,
Acting Director,
Air Traffic Service.

[FR Doc.71-2192 Filed 2-17-71;8:47 am]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-78; Notice 71-5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Hypochlorite Solutions in Specification 37M Steel Overpack With 2S or 2SL Inner Container

The Hazardous Materials Regulations Board is considering amending § 173.277 by changing paragraph (a) (4) to authorize shipment of hypochlorite solutions, not to exceed 11 percent available chlorine, in specification 6D and 37M overpacks with either 2S or 2SL inside polyethylene liners.

This proposal is based on the satisfactory special permit performance during the past 4 years, of a specification 37M steel overpack with inside 2S or 2SL liners in the shipment of chlorine dioxide solution containing up to 10.2 percent available chlorine by weight. No reports of adverse experience on shipments made under special permit have been received by the Department.

Currently, § 173.277(a)(4) authorizes a specification 6D steel overpack with inside 2S or 2SL liner for not over 16 percent sodium hypochlorite solution. Specification 6D and 37M overpacks with identical liners are similar, except that the former is built from heavier steel to allow for reuse, and as experience under the regulations with other corrosive products supports this comparability, the Board concludes that good experience with the specification 37M overpack in hypochlorite solutions containing up to 10.20 percent available chlorine justifiably supports amending paragraph (a) (4) to include the specification 37M. Further, given the experience under special permit, this paragraph can be reasonably changed to cover a broader spectrum of low concentration hypochlorite solutions.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.277 paragraph (a)(4) would be amended to read as follows:

§ 173.277 Hypochlorite solutions.

(a) * * *

(4) Spec. 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§§ 178.35, 178.35a of this chapter) polythylene liners. Authorized for solutions having not over 11 percent available chlorine by weight.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 6, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on February 11, 1971.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard,
by direction of the Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the
Federal Aviation Administration.

[FR Doc.71-2221 Filed 2-17-71;8:49 am]

[49 CFR Part 173]

[Docket No. HM-79; Notice 71-6]

TRANSPORTATION OF HAZARDOUS MATERIALS

Transportation of Inhibited Vinyl Fluoride in Cargo Tanks

The Hazardous Materials Regulations Board is considering amending Note 11 following the Table in § 173.315(a)(1) to change the basis for the minimum filling density for inhibited vinyl fluoride from a specified quantitative limit to a limit based on performance standards for the cargo tank in which the commodity is transported.

This proposal is based on a petition to lower the present minimum filling density when loading at a lower commodity temperature of minus 5° F. The current regulation prescribes a minimum filling density of 60 percent on the basis of a 0° F. commodity loading temperature. For approximately 8 years, millions of pounds of inhibited vinyl fluoride have been allowed by special permit to be transported with a minimum filling density of 55 percent on the basis of the lower loading temperature.

The present regulation is unsatisfactory in that it does not relate loading temperature to holding time for the tank in which the commodity is loaded. This proposal would eliminate specific minimum filling densities and loading temperatures and substitute in place thereof a performance standard that would relate filling density, commodity loading temperature, and cargo tank holding time to each other. The standard proposed is identical to one described in many special permits covering the transportation of flammable cryogenic gas in cargo tanks. The standard has been in use for over 3 years. On the basis of the experience reports submitted to the Board, and the comments received by industry, it has been found adequate. In addition, the Board has not found it necessary to include in these special permits a reporting requirement as presently set forth in Note 11 to § 173.315 (a) (1). The Board proposes to delete this reporting requirement, which requires notification to the Bureau of Explosives when a cargo tank exceeds 5 days in transportation, on the basis that special permit experience has demonstrated that there is no apparent need for such a requirement.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.315 paragraph (a)(1), Note 11 following the table would be amended to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

NOTE 11: MC 330 or MC 331 cargo tanks must be insulated. Cargo tanks must meet all of the following requirements. Each tank must be designed for a service temperature no higher than minus 100° F. and must comply with the low temperature requirements of the ASME Code. The maximum allowable transportation distance must be that normally accomplished within the holding time of the cargo tank as loaded, with a margin of 100 percent of the normal travel time or 24 hours if less, before venting will occur. Before transportation in an empty condition, each cargo tank having previously transported inhibited vinyl fluoride must have been drained and vented or blown down sufficiently so that there will be no venting during movement of the empty tank. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

* * * * *

Interested persons are invited to give their views on this proposal. Communication should identify the docket number and be submitted in duplicate to the

Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 6, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on February 12, 1971.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71-2223 Filed 2-17-71;8:49 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Proposed Establishment of Interim Amount of Financial Protection and Interim Indemnity Fee for General Electric Company Midwest Fuel Recovery Plant

Following a public hearing on November 28, 1967, before an atomic safety and licensing board, the Atomic Energy Commission, on December 28, 1967, issued to the General Electric Co. (GE), a provisional construction permit under section 104b of the Atomic Energy Act of 1954, as amended (the Act), for the construction of a production facility for the chemical processing of irradiated fuel elements. GE is constructing and proposes to operate the Midwest Fuel Recovery Plant (MFRP) on property it owns in Grundy County, Ill. The GE facility is the second spent fuel processing plant for which the Commission has issued a construction permit. In April 1963, the Commission issued a provisional construction permit and in April 1966 a provisional operating license, to Nuclear Fuel Services, Inc. (NFS), and the New York State Atomic and Space Development Authority for construction and operation of the NFS spent fuel reprocessing facility in Cattaraugus County, N.Y.

Section 170 of the Act provides that each license issued under section 104 shall have as a condition of the license a requirement that the licensee have and maintain financial protection of such type and in such amounts as the Commission shall require to cover public liability claims; that the licensee execute and maintain an indemnification agreement with the Commission; and that the Commission collect a fee from each licensee with whom an indemnification agreement is executed.

The Act also provides that the amount of financial protection required shall be equal to the maximum amount of nuclear liability insurance available from private sources except that the Commission may establish a lesser amount on the basis of written criteria, taking into consideration such factors as (1) the cost and terms of private insurance; (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard; and (3) the nature and purpose of the licensed activity.

The indemnity fee is set by the Act (subsection 170f) at $30 per thousand kilowatts of thermal energy capacity for facilities licensed under section 103, but for facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce this fee. The Commission is directed to establish written criteria for determination of the fee, taking into consideration such factors as (1) the type, size, and location of the facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility.

The Commission's regulations in 10 CFR Part 140 prescribe criteria for determining the amounts of financial protection and indemnity fees with specific reference to reactors. No similar criteria have been prescribed for other types of facilities such as processing plants because the number and variety of such facilities, operating or under construction, has been insufficient to permit identification of relationships between different facilities at different locations significant to the establishment of corresponding financial protection requirements.

On March 2, 1965, the Commission published in the FEDERAL REGISTER a notice which established, on an interim basis, the amounts of financial protection and indemnity fee for the NFS plant for both preoperational storage of fuel at the site and for plant operations. The interim levels for NFS, which are to remain in effect pending further study and development of a formula having general applicability to spent fuel processing plants, were established at (1) $5 million in financial protection for preoperational storage of fuel and $20 million in financial protection for plant operations; (2) an annual indemnity fee of $500 for storage only of fuel and of $4,000 for plant operations.

In addition to the factors specifically designated in the Act, the Commission also took into account, in setting an interim amount of financial protection for NFS, the amounts of nuclear liability insurance carried by fabricators of unirradiated fuel and the amounts of insurance carried by a substantial number of firms engaged in nonnuclear chemical and petroleum industries.

Since NFS received an operating license for full-scale plant operation in April 1966, the operating experience for the purpose of determining a broad formula for establishing the level of financial protection for licensed spent fuel processing plants is still quite limited. The Commission's review of the MFRP license application has similarly not yielded sufficient information to assist in developing a generally applicable formula for spent fuel processing plants. Applications for construction permits are now pending for the proposed Barnwell Nuclear Fuel Plant in Barnwell County, S.C., and the proposed Atlantic-Richfield fuel reprocessing plant at Leeds, S.C. It is expected that the evaluation of these applications may produce additional information which will be useful in developing a generally applicable formula.

The Commission is considering the extension of the interim financial protection requirement to MFRP of the $5 million for preoperational storage of fuel and $20 million for plant operations established for NFS, and also the interim annual indemnity fees of $500 for storage only of fuel and $4,000 for plant operations.

The Commission is continuing to study the feasibility of establishing generally applicable criteria for determining amounts of financial protection to be required for spent fuel processing plants. Among the factors to be evaluated for this purpose are (a) types of irradiated fuel to be processed; (b) rate of processing; and (c) irradiation history of fuel in terms of reactor flux and period of irradiation. In connection with its continuing study, the Commission invites comments and suggestions from interested persons as to these and other factors that should be taken into account, and the weight that should be accorded them.

Notice is hereby given that the Commission is considering establishment on an interim basis, of the above specified amounts of financial protection and indemnity fees for the MFRP. All interested parties who desire to submit written comments and suggestions for consideration (1) in connection with the proposed interim amounts of financial protection and indemnity fees for the MFRP, and (2) with regard to the development of financial protection and indemnity fee requirements of general applicability to spent fuel processing plants, should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 42 U.S.C. 2201, 2210)

Dated at Washington, D.C., this 27th day of January 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-2206 Filed 2-17-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN INTRASTATE AIR QUALITY CONTROL REGIONS IN KANSAS

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Kansas as set forth in the following new §§ 481.227 to 481.229 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, 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 Kansas and Missouri and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 100 p.m., February 25, 1971, in Room 307, Post Office Building, Fifth and Kansas Avenues, Topeka, Kans.

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 Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.227 Southeastern Kansas Intrastate Air Quality Control Region.

The Southeastern Kansas Intrastate Air Quality Control Region 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 Kansas:

Allen County.	Montgomery County.
Bourbon County.	Neosho County.
Cherokee County.	Wilson County.
Crawford County.	Woodson County.
Labette County.	

§ 481.228 Metropolitan Topeka Intrastate Air Quality Control Region.

The Metropolitan Topeka Intrastate Air Quality Control Region (Kansas) 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 Kansas:

Douglas County.	Shawnee County.
Franklin County.	

§ 481.229 Wichita-Hutchinson-Salina Intrastate Air Quality Control Region.

The Wichita-Hutchinson-Salina Intrastate Air Quality Control Region (Kansas) 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. 1857 h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Butler County.	Reno County.
Cowley County.	Saline County.
Harvey County.	Sedgwick County.
McPherson County.	Sumner County.

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604.

Dated: February 12, 1971.

William D. Ruckelshaus,
Administrator.

[FR Doc.71-2199 Filed 2-17-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 89]

[Docket No. 19149; FCC 71-139]

SINGLE SIDEBAND RADIOTELEPHONE TECHNICAL SPECIFICATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 89 of the Commission's rules to provide technical standards for the use of single sideband radiotelephone emission on frequencies below 25 MHz and convert to single sideband operation.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Recognizing the advantages of single sideband radiotelephone transmission over conventional double sideband transmission in regard to conservation of the radio frequency spectrum, more efficient transmission of intelligence at minimum power and reduction of interference, the Commission has established requirements for single sideband radiotelephone operation on frequencies below 25 MHz in the fixed, aviation and marine radio services. Recently in the proceedings in Docket No. 12221 the Commission established technical standards for single sideband radiotelephone operation below 10 MHz in the land mobile and fixed services under Part 91 of the Commission's rules (Industrial Radio Services).

3. It is the purpose of this rule making to establish technical standards for single sideband radiotelephone operations under Part 89 of the Commission's rules (Public Safety Radio Services) on frequencies below 25 MHz. The requirements proposed are similar to those adopted in the proceedings in Docket No. 12221 with the same schedule for conversion of double sideband radiotelephone operations to single sideband radiotelephony; that is, in 1 year new systems would be required to use single sideband and in an overall period of 6 years all systems would use single sideband.

4. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 23, 1971, and reply comments on or before April 2, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: February 10, 1971.

Released: February 12, 1971.

Federal Communications Commission,[1]

[SEAL] Ben F. Waple,
Secretary.

Part 89 of the Commission's rules is amended as follows:

A new § 89.123 is added to read as follows:

§ 89.123 Single sideband radiotelephone technical specifications.

(a) The use of A3J emission (single sideband radiotelephony) in these services on frequencies below 25 MHz shall be in accordance with the provisions of this section, notwithstanding any other

[1] Commissioner Houser not participating.

technical provisions of this part to the contrary.

(b) The frequency coinciding with the center of the authorized frequency band of emission shall be the assigned frequency. Both the authorized carrier frequency and assigned frequency shall be specified in the authorization. The authorized carrier frequency shall be 1400 Hz lower in frequency than the assigned frequency. Only upper sideband emission shall be used.

(c) The carrier frequency shall be maintained within 50 Hz of the authorized carrier frequency.

(d) The bandwidth occupied by the emission shall not exceed 3500 Hz. The emission designator shall be 3.5A3J. Authorization to use A3J emission is construed to include the use of tone signals or signalling devices whose sole function is to establish or maintain communications between stations.

(e) The maximum audio frequency to be transmitted is 2800 Hz.

(f) Authorized power shall be in terms of peak envelope power, which is the average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation. The maximum peak envelope power for single sideband operation is 2 kW.

(g) Except for short periods necessary for tuning and testing, the carrier frequency power shall be at least 40 dB below the peak envelope power.

(h) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 1.75 Hz up to and including 5.25 kHz: At least 25 dB;

(2) On any frequency removed from the assigned frequency by more than 5.25 kHz up to and including 8.75 kHz: At least 35 dB;

(3) On any frequency removed from the assigned frequency by more that 8.75 kHz: At least 43 plus 10 $\log_{10}$ (mean output power in watts) dB.

(i) In the case of regularly available double sideband radiotelephone channels, an assigned frequency for A3J emission is available either 1.6 kHz below or 1.4 kHz above the double sideband radiotelephone assigned frequency.

(j) The transmitter shall automatically limit the peak envelope power to that shown in the Radio Equipment List, or to the manufacturer's rated peak envelope power for the particular transmitter specifically listed on the authorization.

(k) A3J emission for radiotelephone is mandatory in all new radiotelephone systems operating on frequencies below 25 MHz on or after (1 year from date of adoption of this rule) and in all systems 5 years after that date.

[FR Doc.71-2246 Filed 2-17-71;8:51 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 90]

PRINCIPAL U.S. DIPLOMATIC OFFICER IN COSTA RICA

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Costa Rica with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or unpublished), policy directives, policy determinations, memoranda, and other instructions.

The authority delegated hereby may be redelegated to the officer at the post principally responsible for A.I.D. activities.

This delegation of authority shall be effective as of the date entered below.

Dated: February 10, 1971.

JOHN A. HANNAH,
Administrator.

[FR Doc.71-2184 Filed 2-17-71;8:46 am]

POST OFFICE DEPARTMENT

POSTAGE RATES AND FEES

Proposed Changes

Correction

In F.R. Doc. 71-1556 appearing at page 2571 in the issue of Saturday, February 6, 1971, the following changes should be made:

1. In the first column of Table B-IV, the entry reading "Minimum (50,000 or more copies)" should read "Minimum (5,000 or more copies)".

2. The entry in column (3) of Table E-1 reading "Additional charges may be made based on consideration of weight, space, and value." should also appear as the last entry in column (4).

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of Arizona natural disasters have caused a general need for agricultural credit:

ARIZONA

Cochise.

Emergency loans will not be made in the above-named county under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 11th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2196 Filed 2-17-71;8:47 am]

OKLAHOMA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of Oklahoma natural disasters have caused a general need for agricultural credit:

OKLAHOMA

Hughes.

Emergency loans will not be made in the above-named county under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 11th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2197 Filed 2-17-71;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. A-564]

ANDREW JAMES BARLOW

Notice of Loan Application

FEBRUARY 11, 1971.

Andrew James Barlow, Post Office Box 43, Wrangell, AK 99929, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 29.4-foot registered length wood vessel to engage in the fishery for salmon and halibut.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2200 Filed 2-17-71;8:47 am]

Office of the Secretary

[Department Organization Order 25-5B, Amdt. 1]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce, effective February 4, 1971. This material amends the material appearing at 35 F.R. 16601 of October 24, 1970.

Department Organization Order 25-5B, dated October 9, 1970, is hereby amended as follows:

1. In section 7 *Special Staff Offices* add the following new paragraph .05:

.05 The Office of Ecology and Environmental Conservation shall act as a

central point to which ecological and environmental conservation interests can communicate their views on NOAA activities; act as a focal point for the review of all NOAA activities which impinge upon ecological and environmental conservation matters; review NOAA activities to insure full compliance with the purposes and provisions of sections 102 and 103 of the National Environmental Policy Act of 1969; coordinate preparation, within NOAA, of environmental statements and comments required by Section 102 of the Act; represent NOAA within the interagency councils of the Government on matters that involve ecology or environmental quality within NOAA's assigned responsibilities.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-2224 Filed 2-17-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. G-3894, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 9, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, 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 without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene 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.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3894 1-4-71 [1]	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Transcontinental Gas Pipe Line Corp., Greta Field, Refugio County, Tex.	[1]	----
G-4526 E 1-8-71	R. W. Stough (successor to Car-Tex Producing Co.), Post Office Box 555 Carthage, TX 75633.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	14.0	14.65
G-4535 1-4-71 [1]	Atlantic Richfield Co.	Transcontinental Gas Pipe Line Corp., Ray Field, Bee County, Tex.	[1]	----
G-4538 1-4-71 [1]	do	Transcontinental Gas Pipe Line Corp., West Tuleta Field, Bee County, Tex.	[1]	----
G-4545 1-4-71 [1]	do	Transcontinental Gas Pipe Line Corp. Mineral Field, Bee County, Tex.	[1]	----
G-4904 C 1-27-71	Pan American Petroleum Corp., Post Office Box 591, Tulsa, OK 74102.	Cities Service Gas Co., Panoma-Council Grove Field, Hamilton et al. Counties, Kans.	17.5	14.65
G-11818 C 1-28-71 [2]	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Natural Gas Pipeline Co. of America, LaGloria Field, Jim Wells and Brooks Counties, Tex.	16.72945	14.65
G-12362 D 1-22-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001 (partial abandonment).	Southern Natural Gas Co., Main Pass Block 46 Field, Plaquemines Parish, La.	[3]	----
G-16528 E 1-4-71 [4]	Harry D. Owen (Operator) et al. (successor to Fred LaRue (Operator) et al.), c/o John A. Bellan, Jr., Post Office Box 2599, Jackson, MS 39207.	United Gas Pipe Line Co., Maxie Field, Forrest County, Miss.	20.0	15.025
G-18044 E 1-13-71	Mabee Petroleum Corp. (successor to Mabee Royalties, Inc.), 1916 First National Bldg., Tulsa, OK 74103.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	18.6	14.65
G-18366 E 1-18-71	Harold D. Courson (successor to Bobby M. Burns), Box 520, Perryton, TX 79070.	Northern Natural Gas Co., Farnsworth Field, Ochiltree County, Tex.	17.565625	14.65
G-18621 D 1-27-71	J. M. Huber Corp., c/o James B. Reed, Attorney, 2300 West Loop, Houston, TX 77027.	Northern Natural Gas Co., McKinney Field, Meade County, Kans.	Decline in pressure	----
G-20016 1-4-71 [1]	Atlantic Richfield Co.	Transcontinental Gas Pipe Line Corp., Longhorn et al. Fields, Duval County, Tex.	[1]	
CI61-100 D 1-22-71	Mana Resources, Inc., 1216 Hartford Bldg., Dallas, TX 75201 (partial abandonment).	Transwestern Pipeline Co., Hansford Field, Ochiltree County, Tex.	Depleted	----
CI62-606 E 1-15-71 [4]	Emerald Oil Co., Agent (Operator) et al. (successor to Lamson & Bennett, Inc. (Operator) et al.), Box 51325, Lafayette, LA 70501.	Michigan Wisconsin Pipe Line Co., Lawtell Field, St. Landry Parish, La.	20.0	15.025
CI64-167 E 1-21-71 [4]	Magness Petroleum Co. (Operator) et al. (successor to N. V. Duncan Drilling Co. (Operator) et al.), 300 Hightower Bldg., Oklahoma City, OK 73102.	Arkansas Louisiana Gas Co., Ames Area, Major County, Okla.	15.0	14.65
CI64-232 B 1-19-71 [5]	Exchange Oil & Gas Corp., 1010 Common St., New Orleans, LA 70112.	Texas Gas Transmission Corp.,[6] Perry Field, Vermilion Parish, La.	Depleted	----
CI65-145 D 11-23-70	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	Northern Natural Gas Co., Texas Panhandle Field, Lipscomb County, Tex.	[7]	----
CI65-1286 C 10-26-70	Rincon Oil & Gas Corp., 20 Pine St., New York, NY 10015.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	[8] 13.0	15.025
CI66-1060 (G-15404) C&F 1-11-71 [9]	River Corp. (successor to Callery Properties, Inc.), 9900 Clayton Rd., St. Louis, MO 63124.	Southern Natural Gas Co., Coquille Bay Field, Plaquemines Parish, La.	[10] 19.75 [11] 15.0	15.025
CI67-1252 E 1-19-71	Texas Oil & Gas Corp. (successor to J. Lee Youngblood (Operator) et al.), Fidelity Union Tower, Dallas, TX 75201.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[12] 17.0	14.65
CI68-970 [13] (CI71-538) [14] B 1-11-71	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, TX 78205.	United Gas Pipe Line Co., West Dallas Husky Field, Bee and Goliad Counties, Tex.	Depleted	----
CI68-1166 (CI67-952) C 1-26-71 [15]	Franks Petroleum Inc. (Operator) et al., Post Office Box 7665, Shreveport, LA 71107.	United Gas Pipe Line Co., West Bryceland Field, Bienville Parish, La.	18.5	15.025
CI69-1053 C 1-25-71	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107.	Panhandle Eastern Pipe Line Co., State Line Field, Woods County, Okla.	[12] 17.0	14.65
CI70-751 E 1-22-71	Imperial-American Management Co. (successor to King Resources Co.), 777 Main Bldg., Houston, TX 77002.	Natural Gas Pipeline Co. of America, North Custer Field, Custer County, Okla.	[12] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-510 (G-8592) F 1-4-71	Wm. C. Huls (successor to Sun Oil Co.), c/o John A. Belian, Jr., Post Office Box 2599, Jackson, MS 39207.	United Gas Pipe Line Co., acreage in Forrest County, Miss.	20.0	15.025
CI71-526 A 1-14-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	19.0	14.65
CI71-527 (CI61-1273) F 1-15-71	W. M. Gallaway (successor to Tenneco Oil Co.), 101-2 Petroleum Plaza Bldg., Farmington, NM 87401.	El Paso Natural Gas Co., West Kutz Canyon Pictured Cliffs Field, San Juan County, N. Mex.	[13] 13.2534	15.025
CI71-528 A 1-18-71	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	Trunkline Gas Co., South Bearhead Creek Field, Beauregard Parish, La.	[12] 26.0	15.025
CI71-529 B 1-19-71	Shell Oil Co., One Shell Plaza, Houston, TX 77002.	Natural Gas Pipeline Co. of America, Nile Field, Willacy County, Tex.	Depleted	.....
CI71-530 A 1-18-71	Phillips Petroleum Co., Bartlesville, OK 74004.	El Paso Natural Gas Co., Goldsmith Plant, Ector County, Tex.	[12] 22.0	14.65
CI71-531 A 1-20-71	Dalco Oil Co., 1210 Mercantile Bank Bldg., Dallas, TX 75201.	Kansas-Nebraska Natural Gas Co., Inc., Castle Gardens Field, Fremont County, Wyo.	18.0	14.65
CI71-533 A 1-21-71	Jetgas Co., Post Office Box 1307, Sinton, TX 78387.	United Gas Pipe Line Co., Pargmann (7100) Field, Karnes County, Tex.	18.5	14.65
CI71-535 (CI64-425) F 1-11-71	Texaco, Inc. (successor to Cities Service Oil Co.), Post Office Box 2420, Tulsa, OK 74101.	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	[12] 17.0	14.65
CI71-536 A 1-21-71	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Cities Service Gas Co., East Niles Area, Canadian County, Okla.	[12] 22.0	14.65
CI71-537 A 1-21-71	Texaco, Inc.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	15.0	14.65
CI71-539 A 1-22-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Arkansas Louisiana Gas Co., Southeast Ames Field, Major County, Okla.	[17] 16.50	14.65
CI71-540 A 1-25-71	Mana Resources, Inc.	Northern Natural Gas Co., Hansford Field, Ochiltree County, Tex.	[12] 20.5	14.65
CI71-541 A 1-25-71	Lance Resources, Inc.	Southern Natural Gas Co., Franklin Field, St. Mary Parish, La.	[12] 26.0	15.025
CI71-542 A 1-25-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	El Paso Natural Gas Co., Cleveland Unit, Bagley Field, Lea County, N. Mex.	[12] 17.58	14.65
CI71-543 A 1-27-71	Morris Mizel, 4815 South Harvard, Room 249, Tulsa, OK 74135.	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	12.0	15.025
CI71-544 A 1-27-71	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112.	Texas Eastern Transmission Corp., Northeast Nada Field, Colorado County, Tex.	18.0	14.65
CI71-545 B 1-27-71	Pan American Petroleum Corp.	Mississippi River Transmission Corp., Waskom Field, Harrison County, Tex.	([18])	.....
CI71-546 A 1-27-71	William Gruenerwald (Operator) et al., Post Office Box 909, Colorado Springs, CO 80901.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Adams Ranch Field, Meade County, Kans.	[12] 17.5	14.65
CI71-547 A 1-28-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	United Fuel Gas Co., Erath Field, Vermilion Parish, La.	25.0	15.025
CI71-548 B 1-28-71	Gulf Oil Corp. (Operator) et al.	El Paso Natural Gas Co., South Penrose Skelly Unit, Eumont Field, Lea County, N. Mex.	Depleted	.....
CI71-549 B 1-28-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Transcontinental Gas Pipe Line Corp., LaGloria Field, Jim Wells and Brooks Counties, Tex.	([19])	.....
CI71-550 B 1-27-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Placedo Field, Victoria County, Tex.	Depleted	.....
CI71-551 B 1-27-71	do.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Sullivan Field, Starr County, Tex.	Depleted	.....
CI71-552 B 1-27-71	do.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Donna Field, Hidalgo County, Tex.	Depleted	.....
CI71-553 B 1-29-71	Cities Service Co., Post Office Box 300, Tulsa, OK 74102.	United Gas Pipe Line Co., Bourg Field, Terrebonne Parish, La.	([20])	.....
CI71-554 A 1-28-71	Mobil Oil Corp.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	[12] 26.5	14.65

[1] Amendment to certificate filed to delete acreage, extend terms of contract and provide for rates of 19 cents, 21 cents, and 25 cents per Mcf, depending on vintage.
[2] Amendment to certificate filed to increase daily contract quantity.
[3] Acreage assigned to Penton & Penton.
[4] Change in operator.
[5] Original application in Docket No. CI64-232 sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[6] Successor to Consolidated Gas Supply Corp.
[7] Acreage has been released from contract.
[8] By letter dated Jan. 19, 1971, Applicant agreed to accept authorization at a rate of 13 cents per Mcf.
[9] Adds acreage acquired from Callery Properties, Inc., Docket No. G-15404.
[10] Gas-well gas.
[11] Casinghead gas.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Original application in Docket No. CI68-970 sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[14] Application erroneously assigned Docket No. CI71-538. Docket No. CI71-538 is canceled and application will be processed under Docket No. CI68-970.
[15] Rate in effect subject to refund in Docket No. RI69-465.
[16] Includes 0.83 cent per Mcf downward B.t.u. adjustment.
[17] Includes 1.50 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment. Price also subject to deduction for compression, if required.
[18] Production from unit has ceased and leaseholds comprising said unit have been released.
[19] Termination of contract by its own terms.
[20] Expiration of leases.

[FR Doc. 71-2099 Filed 2-17-71;8:45 am]

[Docket No. E-7604]

APPALACHIAN POWER CO.

Notice of Proposed Rate Schedule Changes

FEBRUARY 10, 1971.

Take notice that on January 28, 1971, American Electric Power Corp. filed on behalf of Appalachian Power Co. (Appalachian) rate schedule changes to the interconnection agreement between Appalachian and Virginia Electric Power Co. Subject to Commission approval Appalachian proposed that the changes become effective on January 1, 1971.

The proposed changes are submitted as Modification No. 6 dated January 1, 1971, to the Interconnection Agreement dated February 1, 1948, between Appalachian and Virginia Electric Power Co., which agreement is designated Appalachian Rate Schedule FPC No. 16. The modification includes the following changes: (1) An increase in the demand charge for short-term power from 30 cents per kilowatt per week to 40 cents per kilowatt per week and (2) a change in the reduction of weekly demand charges in the event that the supplying party is unable to fulfill any part of its commitment from 3.333 mills for each kilowatt hour of reduction to one-sixth of the total weekly demand charge for each day (except Sundays) any such reduction is in effect.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2186 Filed 2-17-71;8:47 am]

[Docket No. E-7603]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

FEBRUARY 10, 1971.

Take notice that on January 28, 1971, the Iowa Electric Light and Power Co. (applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $30 million aggregate principal amount of short-term notes.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission, and sale at retail of electric energy in 51 counties in the State of Iowa.

The notes to be issued to commercial banks and commercial paper dealers or either of such types of facilities will have a term not in excess of 1 year with a final maturity date of not later than December 31, 1972. Interest on the notes to banks will be the prime rate in effect or the prime rate in effect at the time of the borrowing. The interest rate on commercial paper will be at the rate then in effect of such commercial paper of such quality and term.

The proceeds from the issuance of the notes are to provide funds for the construction, completion, extension, and improvement of Applicant's facilities. The estimated construction program for 1971 totals $62.8 million and includes the expenditure of $47.8 million for its share of the cost of construction of a 550,000-kw. nuclear generating station being constructed on a site near Palo, Iowa. Two Iowa generating and transmission cooperatives, Central Iowa Power Cooperative and Corn Belt Power Cooperative each will have a 10 percent undivided ownership in this plant and its generating capacity.

Any person desiring to be heard or to make any protest with reference to this application should on or before March 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2187 Filed 2-17-71;8:47 am]

[Project 472]

UTAH POWER AND LIGHT CO.

Notice of Application for New License for Constructed Project

FEBRUARY 10, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a–825r) by Utah Power and Light Co. (correspondence to: Lee S. Sherline, Leighton and Sherline, Suite 406, 1701 K Street NW., Washington, DC 20006) for its constructed Oneida Project No. 472, located on the Bear River in the vicinity of Preston, in Franklin County, Idaho. The original license for the project expired June 30, 1970, and the project is presently operating under an annual license.

The Oneida project consists of: (1) A concrete gravity dam about 110 feet high and 380 feet long containing 5 taintor gates each 15 feet wide and 12.5 feet high; (2) an earth dike about 40 feet high and 1,100 feet long; (3) a reservoir having a surface area of 480 acres at normal water surface elevation 4,882.9 feet and a usable storage capacity of 11,500 acre-feet at a drawdown of 32 feet; (4) three 16-foot-diameter steel penstocks through the earth dike and extending 2,200 feet to a 40-foot diameter, steel surge tank 117 feet high; (5) a powerhouse containing three 10,000-kw. generators; (6) appurtenant electrical facilities and transmission lines leading to a substation on the interconnected transmission system of the licensee located close to the powerhouse; and (7) all other facilities and interests necessary for operation of the project.

Recreational features include boat docking and launching facilities, immediately north of the earth dike, on the east side of the reservoir, and Applicant proposes a development here to include several picnic and camping areas together with sanitary and water supply facilities. At a second area, 2 miles further north, applicant maintains a boat dock. According to the application no further development is planned here unless there is an apparent demand for it but continued cooperation is planned with the affected Federal and State agencies.

According to the application: (1) The plant is used primarily for peaking purposes on applicant's interconnected system and as the main auxiliary power source available to start up applicant's thermal units in the event of a blackout of a major portion of its generating units; (2) the net investment in the project is estimated to be about $2,104,553 as of December 31, 1969, which is less than the estimated fair value; (3) the estimated severance damages in event of "takeover" by the United States is $7,500,000; and (4) for the year of 1969, it is estimated that the project provided $57,919 in local tax revenues.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2189 Filed 2-17-71;8:47 am]

[Docket No. R-394, etc.]

TERMINATION OF MORATORIUM PROVISIONS IN SOUTHERN LOUISIANA AND AREA RATE PROCEEDING (SOUTHERN LOUISIANA)

Order Denying Rehearing and Request for Stay

FEBRUARY 10, 1971.

Termination of moratorium provisions in southern Louisiana, Docket No. R-394; area rate proceeding (southern Louisiana), Docket No. AR61-2, etc., and Docket No. AR69-1.

Pan American Petroleum Corp. on January 11, 1971, Mobil Oil Corp. (Mobil) on January 22, 1971, and Lake Washington, Inc., and U.S. Oil of Louisiana, Inc., on January 25, 1971, filed applications for rehearing of the Commission's order on rehearing issued December 24, 1970, in the above-entitled proceedings insofar as that order modified Order No. 413 so as to prohibit any increased rate filing for a sale of natural gas in southern Louisiana in excess of the applicable ceiling prescribed therein. Concurrently with its application for rehearing, Mobil filed a request for a stay of the December 24 order pending the outcome of judicial review of the Commission's action therein.

The applications for rehearing set forth no further facts or principles of law which were not fully considered in the December 24 order, or which, having now been considered, warrant any modification of that order. Nor is there any justification for granting a stay here.

The Commission orders: The above applications for rehearing and Mobil's request for a stay of the order issued December 24, 1970 in the above-entitled proceedings are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2188 Filed 2-17-71;8:47 am]

CIVIL SERVICE COMMISSION

MINIMUM RATES AND RATE RANGES

Notice of Adjustment

Under the authority of 5 U.S.C. 5303 (d), the Civil Service Commission has adjusted the minimum rates and rate ranges for occupations and grade levels for which special salary rates were approved under 5 U.S.C. 5303. The following tables contain the basic special salary

rate information for each occupation and grade level for which special rates are authorized. The effective date is the first day of the first pay period beginning on or after the date shown. Only the special minimum and special maximum rate (i.e. 10th step) are shown; however, a full special rate range is authorized for each occupation and grade level specified. The full range of special rates can be prepared by successively adding the amount of the within grade increase, as shown for each grade, beginning with the special minimum rate to produce a rate for each step up to the special maximum rate.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

GS-000 MISCELLANEOUS OCCUPATIONS GROUP

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-081 Firefighter (General) Firefighter (Structural) Firefighter (Airfield) Table No. 001	Naval Training Center, Great Lakes, Ill., and Federal installations within a 22-mile radius of the center.	GS-3 GS-4 GS-5 GS-6 GS-7	$6,444 7,030 7,631 8,243 8,868	$8,100 8,893 9,710 10,565 11,442	$184 207 231 258 286	1-1-71
GS-081 Firefighter (General)* Firefighter (Structural)* Firefighter (Airfield)* Fire protection Inspector* Fire Chief *Note: Covers both nonsupervisory and supervisory positions at applicable grade levels. Table No. 002	San Francisco and 35-mile radius extended to include Travis Air Force Base near Fairfield, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11	7,180 8,065 8,555 9,017 9,726 10,441 11,168 11,901 13,036	8,836 9,928 10,634 11,339 12,300 13,285 14,309 15,357 16,825	184 207 231 258 286 316 349 384 421	1-1-71
GS-081 Fire Protection and Prevention Series Table No. 003	Washington, D.C. Standard Metropolitan Statistical Area, including Quantico Marine Base.	GS-3 GS-4 GS-5 GS-6 GS-7 GS-8	6,996 7,444 7,862 8,501 9,154 9,809	8,652 9,307 9,941 10,823 11,728 12,653	184 207 231 258 286 316	1-1-71
GS-081 Fire Protection and Prevention Series Table No. 004	San Diego County, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11	7,180 8,065 8,555 9,017 9,726 10,441 11,168 11,901 13,036	8,836 9,928 10,634 11,339 12,300 13,285 14,309 15,357 16,825	184 207 231 258 286 316 349 384 421	1-1-71
GS-081 Fire Protection and Prevention Series Table No. 005	Ventura County, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7 GS-8	6,812 7,237 7,862 8,501 9,154 9,809	8,468 9,100 9,941 10,823 11,728 12,653	184 207 231 258 286 316	1-1-71
GS-081 Fire Protection and Prevention Series Table No. 006	City of Stockton, Calif., including Sharpe Army Depot, and Defense Depot, Tracy, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7	6,444 7,030 7,631 8,243 8,868	8,100 8,893 9,710 10,565 11,442	184 207 231 258 286	1-1-71
GS-083 Police Series Table No. 008	Washington, D.C.; Dulles International and Washington National Airports.	GS-5 GS-6 GS-7 GS-8	8,324 8,759 9,154 9,809	10,403 11,081 11,728 12,653	231 258 286 316	1-1-71
GS-085 Guard Series Table No. 007	Washington, D.C. Standard Metropolitan Statistical Area, including District of Columbia Children's Center, Laurel, Md., and Quantico Marine Base.	GS-2 GS-3 GS-4 GS-5 GS-6 GS-7 GS-8	6,364 7,180 7,858 8,324 8,759 9,154 9,809	7,831 8,836 9,721 10,403 11,081 11,728 12,653	163 184 207 231 258 286 316	1-1-71

GS-100 SOCIAL SCIENCE, PSYCHOLOGY AND WELFARE GROUP

GS-180 Psychology Series Table No. 050	Worldwide	GS-11 GS-12	$14,299 15,541	$18,088 20,050	$421 501	1-1-71

GS-300 General Administrative, Clerical, and Office Services Group

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-301 Police Cadet Table No. 150	District of Columbia Metropolitan Police Department.	GS-2 GS-3	$5,875 6,444	$7,342 8,100	$163 184	1-1-71
GS-312 Shorthand Reporter Table No. 151	New York, N.Y.	GS-9	10,819	13,960	349	1-1-71
GS-312 Clerk-Stenographer GS-316 Clerk-Dictating Machine Transcriber GS-318 Secretary GS-322 Clerk-Typist Table No. 152	Cook County, Ill. (includes city of Chicago).	GS-2 GS-3 GS-4 GS-5	5,386 6,076 6,616 7,169	6,853 7,732 8,479 9,248	163 184 207 231	1-1-71
GS-312 Clerk-Stenographer GS-316 Clerk-Dictating Machine Transcriber GS-318 Secretary GS-322 Clerk-Typist In addition to above series, coverage includes all positions in grades GS-2 through GS-5 with the following parenthetical titles: (Typing); or (Stenography); or (Dictating Machine Transcribing). Use of any of the parenthetical titles cited indicates that a substantial requirement for the skill identified exists in the position, and the requirement is of sufficient significance to warrant selective certification from an appropriate clerical register (or equivalent selectivity in noncompetitive actions). In all cases the position description must reflect those duties which necessitated the use of the parenthetical title. Table No. 900.	New York, N.Y. (includes the counties of Bronx, Kings, New York, Queens, and Richmond).	GS-2 GS-3 GS-4 GS-5	5,549 6,076 6,616 7,169	7,016 7,732 8,479 9,248	163 184 207 231	1-1-71
GS-343 GAO Management Auditor Table No. 250	Worldwide (except for New York, N.Y., Standard Metropolitan Statistical Area	GS-7 GS-9	10,584 11,517	13,158 14,658	286 349	1-1-71
GS-343 GAO Management Auditor Table No. 251	New York, N.Y., Standard Metropolitan Statistical Area	GS-7 GS-9 GS-11	11,156 12,215 13,457	13,730 15,356 17,246	286 349 421	1-1-71
GS-356 Card Punch Operation Series Table No. 155	City of Sacramento and 15 mile radius, California	GS-3 GS-4	5,892 6,409	7,548 8,272	184 207	1-1-71
GS-356 Card Punch Operation Series Table No. 156	San Francisco-Oakland Standard Metropolitan Statistical Area (includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties); Santa Clara County; Solano County; Los Angeles County; Orange County; and Government Activities at Edwards AFB in Kern County, Calif.	GS-3 GS-4 GS-5	6,076 6,616 7,169	7,732 8,479 9,248	184 207 231	1-1-71
GS-356 Card Punch Operation Series, grade 3 only. GS-359 Electric Accounting Machine Operating Series, Grades 3 and 4. GS-362 Electric Accounting Machine Project Planning Series, grade 7 only. Table No. 154	Juneau Election District, Alaska	GS-3 GS-4 GS-7	5,708 6,823 8,868	7,364 8,686 11,442	184 207 286	1-1-71
GS-400 Biological Sciences Group						
GS-403 Microbiology Series Table No. 220	Nationwide	GS-5 GS-7	$7,862 8,868	$9,941 11,442	$231 286	1-1-71
GS-500 Accounting and Budget Group						
GS-510 Accounting Series GS-512 Internal Revenue Agent Series Table No. 258	Worldwide (except for New York, N.Y., Standard Metropolitan Statistical Area).	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10	$9,017 9,791 10,584 11,073 11,517 11,901	$11,096 12,113 13,158 13,917 14,658 15,357	$231 258 286 316 349 384	1-1-71
GS-510 Accounting Series GS-512 Internal Revenue Agent Series Table No. 259	New York, N.Y., Standard Metropolitan Statistical Area	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11	9,017 10,049 11,156 11,705 12,215 12,669 13,457	11,096 12,371 13,730 14,549 15,356 16,125 17,246	231 258 286 316 349 384 421	1-1-71

GS-600 MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-602 Medical Officer Series	Worldwide	GS-11	$16,404	$20,193	$421	1-1-71
		GS-12	19,549	24,058	501	
		GS-13	22,497	27,825	592	
		GS-14	24,285	30,531	694	
Table No. 290		GS-15	25,867	33,139	808	
GS-610 Nurse Series	Galveston, Tex.	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
		GS-6	8,243	10,565	258	
Table No. 306		GS-7	8,868	11,442	286	
GS-610 Nurse Series	State of California (excluding San Francisco, California and 35-mile radius extended to include Travis Air Force Base; San Diego County; and Division of Indian Health Nurses).	GS-4	8,065	9,928	207	1-1-71
		GS-5	8,555	10,634	231	
		GS-6	8,759	11,081	258	
		GS-7	9,154	11,728	286	
Table No. 301		GS-8	9,809	12,653	316	
GS-610 Nurse Series	San Francisco, Calif., and 35-mile radius extended to include Travis Air Force Base.	GS-4	8,065	9,928	207	1-1-71
		GS-5	9,017	11,096	231	
		GS-6	9,533	11,855	258	
		GS-7	10,012	12,586	286	
		GS-8	10,757	13,601	316	
		GS-9	11,517	14,658	349	
		GS-10	12,285	15,741	384	
Table No. 303		GS-11	13,036	16,825	421	
GS-610 Nurse Series	San Diego County, Calif.	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
Table No. 302		GS-6	8,243	10,565	258	
GS-610 Nurse Series GS-615 Public Health Nurse Series	State of Alaska	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
		GS-6	8,243	10,565	258	
Table No. 291		GS-7	8,868	11,442	286	
GS-610 Nurse Series GS-615 Public Health Nurse Series	Division of Indian Health, Public Health Service, Continental United States; Ellsworth Air Force Base, Rapid City, S. Dak.; Albuquerque, N. Mex., including Kirtland Air Force Base and Sandia Base Military Reservation; Fort Sill, Okla.; Job Corps center Box Elder, S. Dak.	GS-4	7,444	9,307	207	1-1-71
		GS-5	7,862	9,941	231	
		GS-6	8,243	10,565	258	
Table No. 293						
GS-610 Nurse Series	Pierce County (Includes Tacoma), Wash.	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
Table No. 298		GS-6	8,243	10,565	258	
GS-610 Nurse Series	State of Nevada (excluding Division of Indian Health Nurses).	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
		GS-6	8,501	10,823	258	
Table No. 294		GS-7	8,868	11,442	286	
GS-610 Nurse Series	Seattle and Bremerton, Wash.	GS-4	7,237	9,100	207	1-1-71
		GS-5	7,631	9,710	231	
Table No. 299		GS-6	7,985	10,307	258	
GS-610 Nurse Series	Philadelphia, Pa.	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
Table No. 297		GS-6	8,243	10,565	258	
GS-610 Nurse Series	New Orleans, La.	GS-4	7,237	9,100	207	1-1-71
Table No. 295		GS-5	7,631	9,710	231	
GS-610 Nurse Series	Baltimore, Md., Standard Metropolitan Statistical Area	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,324	10,403	231	
		GS-6	8,501	10,823	258	
Table No. 292		GS-7	8,868	11,442	286	
GS-610 Nurse Series	Boston, Mass., Standard Metropolitan Statistical Area and Fort Devens, Mass.	GS-4	8,065	9,928	207	1-1-71
		GS-5	8,555	10,634	231	
		GS-6	8,759	11,081	258	
		GS-7	9,154	11,728	286	
Table No. 305		GS-8	9,809	12,653	316	
GS-615 Public Health Nurse Series	Washington, D.C., Standard Metropolitan Statistical Area.	GS-5	8,786	10,865	231	1-1-71
Table No. 300		GS-7	9,440	12,014	286	
GS-610 Nurse Series	Washington, D.C., Standard Metropolitan Statistical Area including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.	GS-4	8,065	9,928	207	1-1-71
		GS-5	8,786	10,865	231	
		GS-6	9,017	11,339	258	
		GS-7	9,154	11,728	286	
Table No. 304		GS-8	9,809	12,653	316	
GS-610 Nurse Series	New York, N.Y.	GS-4	8,065	9,928	207	1-1-71
		GS-5	8,786	10,865	231	
		GS-6	9,275	11,597	258	
		GS-7	9,726	12,300	286	
		GS-8	10,441	13,285	316	
		GS-9	11,168	14,309	349	
Table No. 296		GS-10	11,901	15,357	384	
GS-621 Nursing Assistant Series	City of Palo Alto and Federal Installations within a 10-mile radius, California.	GS-2	5,549	7,016	163	1-1-71
		GS-3	5,892	7,548	184	
		GS-4	6,409	8,272	207	
Table No. 307		GS-5	7,169	9,248	231	
GS-621 Nursing Assistant Series (excluding Licensed Practical Nurse).	New York, N.Y., Standard Metropolitan Statistical Area (includes New York City; Nassau, Rockland, Suffolk, and Westchester Counties).	GS-2	5,549	7,016	163	1-1-71
		GS-3	6,076	7,732	184	
		GS-4	6,616	8,479	207	
Table No. 333		GS-5	7,169	9,248	231	

GS 600 MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-621 Licensed Practical Nurse	New York, N.Y., Standard Metropolitan Statistical Area	GS-3	7,180	8,836	184	1-1-71
		GS-4	7,651	9,514	207	
		GS-5	8,093	10,172	231	
Table No. 334		GS-6	8,501	10,823	258	
GS-621 Licensed Practical Nurse	Cook County, Ill. (including the city of Chicago)	GS-3	6,444	8,100	184	1-1-71
		GS-4	6,823	8,686	207	
Table No. 337		GS-5	7,169	9,248	231	
GS-621 Nursing Assistant Series (excluding Licensed Practical Nurse).	East Orange and Lyons Veterans Administration Hospitals, New Jersey.	GS-2	5,549	7,016	163	1-1-71
		GS-3	5,892	7,548	184	
Table No. 335		GS-4	6,409	8,272	207	
GS-621 Licensed Practical Nurse	East Orange and Lyons Veterans Administration Hospitals, New Jersey.	GS-3	6,444	8,100	184	1-1-71
		GS-4	6,823	8,686	207	
Table No. 336		GS-5	7,169	9,248	231	
GS-631 Occupational Therapists GS-633 Physical Therapists	Washington, D.C., Standard Metropolitan Statistical Area	GS-6	8,243	10,565	258	1-1-71
		GS-7	8,868	11,442	286	
Table No. 308						
GS-631 Occupational Therapist GS-633 Physical Therapist	Los Angeles-Long Beach Calif., Standard Metropolitan Statistical Area	GS-5	8,786	10,865	231	1-1-71
		GS-6	9,275	11,597	258	
		GS-7	9,726	12,300	286	
Table No. 309		GS-8	10,125	12,969	316	
GS-633 Physical Therapist	Cincinnati, Ohio, Standard Metropolitan Statistical Area	GS-5	8,324	10,403	231	1-1-71
		GS-6	8,501	10,823	258	
Table No. 311		GS-7	8,868	11,442	286	
GS-631 Occupational Therapist GS-633 Physical Therapist	New York City and Suffolk County, N.Y.	GS-5	9,017	11,096	231	1-1-71
		GS-6	9,275	11,597	258	
		GS-7	9,440	12,014	286	
Table No. 310		GS-8	9,809	12,653	316	
GS-644 Medical Technologist Series	Washington, D.C., Standard Metropolitan Statistical Area	GS-5	8,093	10,172	231	1-1-71
Table No. 318						
GS-644 Medical Technologist Series	Omaha, Nebr., Standard Metropolitan Statistical Area	GS-5	8,093	10,172	231	1-1-71
Table No. 317						
GS-644 Medical Technologist Series	Ann Arbor, Mich., Standard Metropolitan Statistical Area	GS-5	9,017	11,096	231	1-1-71
Table No. 316		GS-7	9,440	12,014	286	
GS-644 Medical Technologist Series	New Orleans, La.	GS-5	7,862	9,941	231	1-1-71
Table No. 315						
GS-644 Medical Technologist Series	Milwaukee, Wis.	GS-5	8,555	10,634	231	1-1-71
		GS-6	9,017	11,339	258	
		GS-7	9,440	12,014	286	
		GS-8	10,125	12,969	316	
Table No. 314		GS-9	10,819	13,960	349	
GS-644 Medical Technologist Series	Baltimore, Md., Standard Metropolitan Statistical Area	GS-5	8,093	10,172	231	1-1-71
Table No. 312		GS-6	8,243	10,565	258	
GS-644 Medical Technologist Series	State of California	GS-5	9,017	11,096	231	1-1-71
		GS-6	9,533	11,855	258	
		GS-7	10,298	12,872	286	
		GS-8	10,757	13,601	316	
		GS-9	11,168	14,309	349	
Table No. 313		GS-10	11,901	15,357	384	
GS-644 Medical Technologist Series	Chicago and Hines, Ill.	GS-5	8,093	10,172	231	1-1-71
		GS-6	8,501	10,823	258	
Table No. 319		GS-7	8,868	11,442	286	
GS-644 Medical Technologist Series	New York City, N.Y. (includes Bronx, Kings, New York, Queens, and Richmond Counties).	GS-5	8,324	10,403	231	1-1-71
Table No. 331		GS-7	8,868	11,442	286	
GS-647 Medical Radiology Technician	New York City	GS-4	7,444	9,307	207	1-1-71
		GS-5	8,093	10,172	231	
		GS-6	8,759	11,081	258	
		GS-7	9,440	12,014	286	
		GS-8	10,125	12,969	316	
Table No. 320		GS-9	10,819	13,960	349	
GS-647 Medical Radiology Technician	San Francisco, Calif., and Federal installations within a 35-mile radius.	GS-5	8,093	10,172	231	1-1-71
		GS-6	8,759	11,081	258	
		GS-7	9,440	12,014	286	
		GS-8	10,125	12,969	316	
Table No. 321		GS-9	10,819	13,960	349	
GS-649 Inhalation Therapy Technician	West Haven, Conn.	GS-4	6,616	8,479	207	1-1-71
		GS-5	7,862	9,941	231	
Table No. 330		GS-6	8,501	10,823	258	
		GS-7	9,154	11,728	286	
GS-660 Pharmacist	State of California	GS-9	12,564	15,705	349	1-1-71
		GS-10	13,437	16,893	384	
		GS-11	14,299	18,088	421	
Table No. 322		GS-12	15,541	20,050	501	
GS-660 Pharmacist	Indianapolis, Ind., Standard Metropolitan Statistical Area	GS-9	10,819	13,960	349	1-1-71
Table No. 323						
GS-665 Speech Pathology and Audiology Series	Worldwide	GS-11	14,299	18,088	421	1-1-71
Table No. 324		GS-12	15,541	20,050	501	
GS-668 Podiatrist	Washington, D.C., Standard Metropolitan Statistical Area	GS-9	12,564	15,705	349	1-1-71
		GS-10	13,821	17,277	384	
Table No. 325		GS-11	15,141	18,930	421	

GS-600 MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-682 Dental Hygienist Series Table No. 327	Norfolk and Newport News-Hampton, Va., Standard Metropolitan Statistical Areas.	GS-4 GS-5	8,065 9,017	9,928 11,096	207 231	1-1-71
GS-682 Dental Hygienist Series Table No. 328	States of California and Nevada	GS-4 GS-5 GS-6 GS-7	7,651 8,555 9,017 9,726	9,514 10,634 11,339 12,300	207 231 258 286	1-1-71
GS-682 Dental Hygienist Series Table No. 338	Denver, Colo., Standard Metropolitan Statistical Areas	GS-4 GS-5 GS-6 GS-7	7,858 8,324 9,017 9,726	9,721 10,403 11,339 12,300	207 231 258 286	1-1-71
GS-682 Dental Hygienist Series Table No. 332	Boston Standard Metropolitan Statistical Areas, Brockton and Fort Devens, Mass.	GS-4 GS-5	7,030 7,631	8,893 9,710	207 231	1-1-71
GS-690 Industrial Hygiene Series Table No. 329	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11	8,786 9,791 10,870 11,389 12,215 13,053 13,878	10,865 12,113 13,444 14,233 15,356 16,509 17,667	231 258 286 316 349 384 421	1-1-71
	GS-700 VETERINARY MEDICAL SCIENCE GROUP					
GS-701 Veterinarian Series Table No. 400	Worldwide	GS-9	$11,168	$14,309	$349	1-1-71
	GS-800 ENGINEERING AND ARCHITECTURE GROUP					
GS-800—All Professional Series in the Engineering and Architecture Group. Professional Series in the GS-800 Group are: GS-801 General GS-803 Safety GS-804 Fire Prevention GS-806 Materials GS-807 Landscape Architecture GS-808 Architecture GS-810 Civil GS-819 Sanitary GS-830 Mechanical GS-840 Nuclear GS-850 Electrical GS-855 Electronic GS-861 Aerospace GS-870 Marine GS-871 Naval Architecture GS-880 Mining GS-881 Petroleum GS-890 Argiculture GS-892 Ceramic GS-893 Chemical GS-894 Welding GS-896 Industrial Table No. 410	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11 GS-12	$9,017 10,049 11,156 11,705 12,564 13,437 14,299 15,541	$11,096 12,371 13,730 14,549 15,705 16,893 18,088 20,050	$231 258 286 316 349 384 421 501	1-1-71
GS-818 Engineering Draftsman Table No. 411	Point Mugu and Point Hueneme in Ventura County, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7	6,260 7,030 7,631 8,243 8,868	7,916 8,893 9,710 10,565 11,442	184 207 231 258 286	1-1-71
	GS-1100 BUSINESS AND INDUSTRY GROUP					
GS-1169 Revenue Officer Table No. 550	State of California	GS-5 GS-7	$7,862 8,868	$9,941 11,442	$231 286	1-1-71
	GS-1200 COPYRIGHT, PATENT, AND TRADE-MARK GROUP					
GS-1221 Patent Adviser GS-1223 Patent Classifying GS-1224 Patent Examining Table No. 575	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11 GS-12	$9,017 10,049 11,156 11,705 12,564 13,437 14,299 15,541	$11,096 12,371 13,730 14,549 15,705 16,893 18,088 20,050	$231 258 286 316 349 384 421 501	1-1-71
	GS-1300 PHYSICAL SCIENCES GROUP					
GS-1301.1 Physical Science Subseries Table No. 585	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11 GS-12	$9,017 10,049 11,156 11,705 12,564 13,437 14,299 15,541	$11,096 12,371 13,730 14,549 15,705 16,893 18,088 20,050	$231 258 286 316 349 384 421 501	1-1-71

GS–1300 PHYSICAL SCIENCES GROUP—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
Certain Series in the GS–1300 Group as follows:	Worldwide					
		GS–5	8,786	10,865	231	1–1–71
		GS–6	9,791	12,113	258	
		GS–7	10,870	13,444	286	
GS–1306 Health Physics		GS–8	11,389	14,233	316	
GS–1310 Physics		GS–9	12,215	15,356	349	
GS–1313 Geophysics		GS–10	13,053	16,509	384	
GS–1315 Hydrology		GS–11	13,878	17,667	421	
GS–1320 Chemistry						
GS–1321 Metallurgy						
GS–1330 Astronomy and Space Science						
GS–1340 Meteorology						
GS–1360 Oceanography						
GS–1372 Geodesy						
GS–1380 Forest Products Technology						
GS–1386 Photographic Technology						
Table No. 586						
GS–1350 Geology Series	Worldwide	GS–5	9,017	11,096	231	1–1–71
		GS–7	10,012	12,586	286	
Table No. 587		GS–9	11,168	14,309	349	
GS–1370 Cartographer Series GS–1301 Physical Science Series	(1) Cartographer, GS–1370, in grades GS–5 through 10, in the St. Louis, Mo., Standard Metropolitan Statistical Area, and the Washington, D.C. SMSA. (2) Physical Scientists, GS–1301, in grades GS–7 through 10 at the Air Force Aeronautical Chart and Information Center in the St. Louis, Mo., SMSA. (Incumbents of these positions perform professional work in cartography in combination with professional work in at least one other recognized scientific occupation, such as geodesy. Such positions are normally filled by reassignment or promotion from positions of cartographer.)	GS–5	8,093	10,172	231	1–1–71
		GS–6	9,017	11,339	258	
		GS–7	10,012	12,586	286	
		GS–8	10,441	13,285	316	
		GS–9	11,168	14,309	349	
		GS–10	11,901	15,357	384	
Table No. 588						
	GS–1500 MATHEMATICS AND STATISTICS GROUP					
GS–1510 Actuary	Worldwide	GS–5	$8,555	$10,634	$231	1–1–71
GS–1515 Operations Research		GS–6	9,275	11,597	258	
GS–1529 Mathematical Statistics		GS–7	10,298	12,872	286	
		GS–8	11,073	13,917	316	
		GS–9	12,215	15,356	349	
Table No. 695		GS–10	13,053	16,509	384	
		GS–11	13,878	17,667	421	
GS–1520 Mathematics Series	Worldwide	GS–5	8,324	10,403	231	1–1–71
		GS–6	9,275	11,597	258	
		GS–7	10,298	12,872	286	
		GS–8	11,073	13,917	316	
		GS–9	12,215	14,356	349	
Table No. 696		GS–10	13,053	16,509	384	
		GS–11	13,878	17,667	421	
	GS–1600 EQUIPMENT, FACILITIES, AND SERVICE GROUP					
GS–1654 Printing Management Series (Note: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major in printing management.)	Nationwide	GS–5	$9,017	$11,096	$231	1–1–71
		GS–7	9,726	12,300	286	
Table No. 725						
	GS–1700 EDUCATION GROUP					
GS–1710 Teacher (Note: Eligibility for these special rates is limited to employees engaged in teaching students with "special needs" in the school identified.)	Mary G. Zeigler School, Department of Public Welfare, District of Columbia Government, Laurel, Md.	GS–5	$8,786	$10,865	$231	1–1–71
		GS–7	9,154	11,728	286	
Table No. 750		GS–8	9,809	12,653	316	
	GS–1800 INVESTIGATION GROUP					
GS–1811 Criminal Investigator (limited to positions of Special Agent (Intelligence) in the Internal Revenue Service).	Nationwide (except New York, N.Y. Standard Metropolitan Statistical Area.).	GS–5	$9,017	$11,096	$231	1–1–71
		GS–6	9,791	12,113	258	
		GS–7	10,584	13,158	286	
		GS–8	11,073	13,917	316	
Table No. 260		GS–9	11.517	14,658	349	
		GS–10	11,901	15,357	384	
GS–1811 Criminal Investigator (limited to positions of Special Agent (Intelligence) in the Internal Revenue Service).	New York, N.Y. Standard Metropolitan Statistical Area	GS–5	9,017	11,096	231	1–1–71
		GS–6	10,049	12,371	258	
		GS–7	11,156	13,730	286	
		GS–8	11,705	14,549	316	
		GS–9	12,215	15,356	349	
Table No. 261		GS–10	12,669	16,125	384	
		GS–11	13,457	17,246	421	
GS–1825 Certain Air Carrier Operations Inspectors and Specialists.[1]	Worldwide	GS–13	19,537	24,865	592	1–1–71
		GS–14	22,897	29,143	694	
Table No. 775		GS–15	25,059	32,331	808	
GS–1825 Aviation Operations Specialist, Grade 15 only.[1]	Washington, D.C.	GS–15	25,059	32,331	808	1–1–71
Table No. 776						
[1] (Note: Eligibility for these special rates is limited to incumbents of positions cited whose duties require them to be type rated on one or more turbojet aircraft used by commercial airlines, and to maintain their proficiency by recurrent training.)						

GS–1800 INVESTIGATION GROUP—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS–1899 Customs Security Officer	New York, N.Y. Standard Metropolitan Statistical Area. Newark, N.J., Standard Metropolitan Statistical Area.	GS–4	7,651	9,514	207	1–1–71
		GS–5	8,555	10,634	231	
		GS–7	10,584	13,158	286	
		GS–9	11,168	14,309	349	

Table No. 777

(Note: The special salary rates authorized herein will be automatically terminated effective the beginning of the first pay period which commences on or after Sept. 1, 1971, unless a specific determination is made to take other appropriate action.)

Grade	Statutory range [1]										Extended range for special rates									Within grade increases	Grade
GS–1	$4,326	$4,470	$4,614	$4,758	$4,902	$5,046	$5,190	$5,334	$5,478	$5,622	$5,766	$5,910	$6,054	$6,198	$6,342	$6,486	$6,630	$6,774	$6,918	$144	GS–1
GS–2	4,897	5,060	5,223	5,386	5,549	5,712	5,875	6,038	6,201	6,364	6,527	6,690	6,853	7,016	7,179	7,342	7,505	7,668	7,831	163	GS–2
GS–3	5,524	5,708	5,892	6,076	6,260	6,444	6,628	6,812	6,996	7,180	7,364	7,548	7,732	7,916	8,100	8,284	8,468	8,652	8,836	184	GS–3
GS–4	6,202	6,409	6,616	6,823	7,030	7,237	7,444	7,651	7,858	8,065	8,272	8,479	8,686	8,893	9,100	9,307	9,514	9,721	9,928	207	GS–4
GS–5	6,938	7,169	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248	9,479	9,710	9,941	10,172	10,403	10,634	10,865	11,096	231	GS–5
GS–6	7,727	7,985	8,243	8,501	8,759	9,017	9,275	9,533	9,791	10,049	10,307	10,565	10,823	11,081	11,339	11,597	11,855	12,113	12,371	258	GS–6
GS–7	8,582	8,868	9,154	9,440	9,726	10,012	10,298	10,584	10,870	11,156	11,442	11,728	12,014	12,300	12,586	12,872	13,158	13,444	13,730	286	GS–7
GS–8	9,493	9,809	10,125	10,441	10,757	11,073	11,389	11,705	12,021	12,337	12,653	12,969	13,285	13,601	13,917	14,233	14,549	14,865	15,181	316	GS–8
GS–9	10,470	10,819	11,168	11,517	11,866	12,215	12,564	12,913	13,262	13,611	13,960	14,309	14,658	15,007	15,356	15,705	16,054	16,403	16,752	349	GS–9
GS–10	11,517	11,901	12,285	12,669	13,053	13,437	13,821	14,205	14,589	14,973	15,357	15,741	16,125	16,509	16,893	17,277	17,661	18,045	18,429	384	GS–10
GS–11	12,615	13,036	13,457	13,878	14,299	14,720	15,141	15,562	15,983	16,404	16,825	17,246	17,667	18,088	18,509	18,930	19,351	19,772	20,193	421	GS–11
GS–12	15,040	15,541	16,042	16,543	17,044	17,545	18,046	18,547	19,048	19,549	20,050	20,551	21,052	21,553	22,054	22,555	23,056	23,557	24,058	501	GS–12
GS–13	17,761	18,353	18,945	19,537	20,129	20,721	21,313	21,905	22,497	23,089	23,681	24,273	24,865	25,457	26,049	26,641	27,233	27,825	28,417	592	GS–13
GS–14	20,815	21,509	22,203	22,897	23,591	24,285	24,979	25,673	26,367	27,061	27,755	28,449	29,143	29,837	30,531	31,225	31,919	32,613	33,307	694	GS–14
GS–15	24,251	25,059	25,867	26,675	27,483	28,291	29,099	29,907	30,715	31,523	32,331	33,139	33,947	34,755	35,563	[2] 36,371	[2] 37,179	[2] 37,987	[2] 38,795	808	GS–15

[1] Effective as of the first day of the first pay period beginning on or after Jan. 1, 1971.

[2] Rates may not exceed the rate for Executive Level V. As of January 1971, Executive Level V rate was $36,000.

[FR Doc.71–2094 Filed 2–17–71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 0084 NV]

CHLORAMPHENICOL

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 drug: Chloromycetin Intramuscular (Steri-Vial No. 65); each vial contains 1 gram of chloramphenicol; suspension for use is prepared by injecting 3 cubic centimeters of water for injection into the vial and suspending the contents by agitation; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.

The Academy evaluated chloramphenicol as probably effective for treating infections in cats, dogs, and colts when such infections are caused by pathogens sensitive to chloramphenicol. The Academy stated that 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.

The Food and Drug Administration concurs with the Academy's findings and, in addition, concludes that more information is needed for each claim for which the product is recommended and at the dosage recommended.

Efficacy data covering the below-listed products marketed by Parke, Davis, & Co. have also been reviewed by the Administration. The above findings apply to these products.

1. Kapseals; each containing 250 milligrams of chloramphenicol, and capsules containing 50 milligrams or 100 milligrams of chloramphenicol;

2. Palmitate Suspension; each 4 cubic centimeters is equivalent to 125 milligrams of chloramphenicol (31.25 milligrams per cubic centimeter);

3. Ophthalmic; each vial contains 25 milligrams of chloramphenicol; and

4. Ophthalmic Ointment; each gram contains 10 milligrams of chloramphenicol.

Furthermore, the Administration finds that for safe use the labeling for all noted products must be revised to comply with § 1.106(c) (21 CFR 1.106) and, in addition, the labeling must indicate that:

A. These chloramphenicol products must not be used in or on food-producing animals. The length of time that residue persists in milk or tissue has not been determined.

B. The systemic chloramphenicol products must be limited to use in dogs only.

C. Systemic chloramphenicol products should not be administered to dogs maintained for breeding purposes and should not be administered in conjunction with or 2 hours prior to the induction of general anesthesia with pentobarbital.

This announcement is published (1) to inform manufacturers 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 30 days from the date of publication hereof in the FEDERAL REGISTER to submit revised safe use labeling as needed to conform to the conditions described herein.

Holders of new animal drug applications are provided 30 days from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the recommended uses.

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 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, as amended, 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: February 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2164 Filed 2–17–71;8:45 am]

[DESI 5740]

PENICILLIN FOR TOPICAL USE

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 drugs:

1. Penicillin G Crystalline-Potassium Ointment and Ophthalmic Ointment (4 reports); Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 60-405 and 5-740).

2. Penicillin G Crystalline-Potassium Ophthalmic Ointment; Day-Baldwin, Inc., 1460 Chestnut Avenue, Hillside, New Jersey 07205 (NDA 60-313).

3. Potassium Penicillin G Ophthalmic Ointment; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, New Jersey 08903 (NDA 60-364).

4. Penicillin Topical Ointment and Penicillin G Crystalline Potassium Ophthalmic Ointment; Biocraft Laboratories, Inc., 92 Route 46, East Paterson, New Jersey 07407 (NDA 60-311).

5. Penicillin Ointment Topical; Bryan Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, New York 10550 (NDA 60-329).

6. Penicillin Ointment and Topical Ointment (2 reports); Day-Baldwin, Inc. (NDA 60-313).

7. Crystalline Potassium Penicillin G Ointment; E. R. Squibb & Sons, Inc. (NDA 60-364).

8. Ledercillin Ointment; containing procaine Division, American Cyanamid tories Division, American Cyanamid Co., Pearl River, New York 10965 (NDA 60-416).

Preparations containing these drugs are subject to the antibiotic procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act.

The Academy commented that the potential hazards from topical use of antibiotics include: Systemic toxicity due to percutaneous absorption in sufficient amounts; interference with the normal bacterial flora of the skin; encouragement of antibiotic resistant strains; and contact sensitization. In the case of penicillin, contact dermatitis has been a major problem in patients and also in pharmacists, nurses, and physicians handling the drug. Resulting sensitization may contraindicate the drug's later systemic use in serious infections. The Panel felt that "there is little question that penicillin should not be used for the treatment of cutaneous infections."

The Food and Drug Administration has considered the Academy reports, as well as other available information, and concludes that there is a lack of evidence that the effectiveness of topical penicillin is sufficient to justify its use in view of the known serious hazards associated with such use.

Accordingly, the Commission of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations to delete from the list of drugs acceptable for certification or release the above-listed drugs and any similar drugs for topical administration in man.

Prior to initiating such action, however, the Commissioner invites all interested persons who might be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this announcement in the FEDERAL REGISTER. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include dat.. from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the 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 removal of these drugs from the market.

A copy of the NAS-NRC report has been furnished to the firms referred to above. Any other 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 5740 and should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration.

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

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-5), Bureau of Drugs, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 21, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-2165 Filed 2-17-71;8:45 am]

ALPINE GEOPHYSICAL ASSOCIATES, INC.

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 9A2323) has been filed by Alpine Geophysical Associates, Inc., 65 Oak Street, Norwood, N.J. 07698, proposing that § 121.1202 *Whole fish protein concentrate* (21 CFR 121.1202) be amended:

1. By deleting paragraph (d), which specifies that the additive is for use only in the household as a protein supplement in food and is limited to 20 grams a day when consumed regularly by children up to 8 years of age.

2. By deleting paragraph (e), which specifies that the additive is to be packaged in consumer-sized units not exceeding 1 pound net weight.

3. By revising paragraph (f) to read as follows:

(f) To assure safe use of the additive, the label and labeling should bear in addition to other information required by the act the name of the additive "whole fish protein concentrate."

Dated: February 9, 1971.

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

[FR Doc.71-2167 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-278; NDA 1-726, etc.]

AMERICAN CYANAMID CO.

Certain OTC Combination Drugs for Topical Use; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In the FEDERAL REGISTER of April 18, 1970 (35 F.R. 6333), the Food and Drug Administration announced its conclusions (DESI 1726) pursuant to evaluation by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, of the following drugs:

1. Rhulitol Solution, containing 5 percent tannic acid, with chlorobutanol, phenol, camphor, alum, and isopropyl alcohol; Lederle Laboratories Division, American Cyanamid Co., Post Office Box 500, Pearl River, N.Y. 10965 (NDA 4-875).

2. Zirnox Topical Lotion, containing phenyltoloxamine citrate and zicronium oxide, formerly marketed by Bristol Laboratories, Division of Bristol-Myers Co., Thompson Road, Post Office Box 657, Syracuse, N.Y. 13201 (NDA 8-084).

3. Enzo-Cal Topical Cream, containing benzocaine with calamine and zinc oxide; Crookes-Barnes Laboratories, Inc., Division of Chemway Corp., Fairfield Road, Wayne, N.J. 07470 (NDA 1-726).

The announcement stated that these drugs are regarded as possibly effective for their labeled indications, i.e., Rhulitol Solution for the temporary relief of the itching and discomfort of ivy, oak, and sumac poisoning; Zirnox Topical Lotion for use in the prevention and treatment of poison ivy, oak, sumac, and for the relief of itching due to nonpoisonous insect bites, mild sunburn, and other minor skin irritations; and Enzo-Cal Topical

Cream in relieving the itching associated with minor skin irritations, poison ivy, minor burns, nonpoisonous insect bites and stings, and to soothe and protect. Holders of previously approved new-drug applications and any person marketing such drugs without approval were allowed 6 months from the date of publication of the announcement to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness of the drugs for those indications classified as possibly effective. The 6-month period has expired, and such data have not been received by the Food and Drug Administration.

Therefore, notice is given to the holders of the new-drug applications listed above, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new-drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to such drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant(s), and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application(s) should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-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, 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 approval of the new-drug application(s). 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 the Commissioner finds 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, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-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 justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2170 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-273; NDA 12-718]

AYERST LABORATORIES

Mesulfin Tablets; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In an announcement (DESI 10240) published in the FEDERAL REGISTER of September 27, 1969 (34 F.R. 14907), Ayerst Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017, holder of new-drug application No. 12–718 for Mesulfin Tablets, containing 250 milligrams sulfamethizole and 250 milligrams methenamine mandelate per tablet, and any interested person, were invited to submit pertinent data bearing on the proposal to withdraw approval of the new-drug application for Mesulfin Tablets.

On October 27, 1969, Ayerst Laboratories submitted information concerning Mesulfin Tablets to the Food and Drug Administration. The information received, together with information previously available, does not provide substantial evidence of effectiveness of the drug for use in man for the conditions for which it is recommended in the labeling.

Therefore, notice is hereby given to Ayerst Laboratories, Inc., and any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new-drug application No. 12–718, and all amendments and supplements applying thereto, on the grounds that new information before the Commissioner with respect to this drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have 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 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-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, 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 approval of the new-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 the Commissioner finds 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, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-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 justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 2, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2168 Filed 2–17–71;8:45 am]

[Docket No. FDC–D–284; NDA Nos. 758, 8–808]

CARNRICK LABORATORIES AND TAYLOR PHARMACAL CO.

Hormotone "T" Tablets and Triple Hormones Suspension; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of August 29, 1970 (35 F.R. 13802), the Commissioner of Food and Drugs announced (DESI 758) his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the efficacy of an oral tablet containing estradiol, estrone, and thyroid and an injectable suspension containing estradiol, progesterone, and testosterone for human use and stated his intention to initiate proceedings to withdraw approval of the new-drug applications for the preparations.

Carnrick Laboratories, Division of G. W. Carnrick Co., 65 Horse Hill Road, Cedar Knolls, N.J. 07927, holder of new-drug application No. 758 for Hormotone "T" Tablets (spelled as Hormone "T" in the announcement) containing estradiol, estrone, and thyroid, and Taylor Pharmacal Co., 1222 West Grand Avenue, Decatur, Illinois 62525, holder of new-drug application No. 8–808 for Triple Hormones Suspension containing estradiol, progesterone, and testosterone have stated that these drugs are no longer marketed and have requested withdrawal of approval of the applications, thereby waiving their opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated together with the evidence available when the applications were approved that there is a lack of substantial evidence that the above-listed drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the listed new-drug applications, and all amendments and supplements applying thereto, is withdrawn effective on the date of signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2169 Filed 2–17–71;8:45 am]

[DESI 0002]

DIAMOND LABORATORIES, INC.

Neomycin-Sulfonamide-Kaolin-Pectin With or Without Neojel (Colloidal Calcium Phosphate) or Electrolytes; Notice of Drugs Deemed Adulterated

An announcement published in the FEDERAL REGISTER of May 2, 1970 (35 F.R. 7031), concerning Keosul Suspension with Neojel, Keosul Tablets with Neojel, NM–660 Suspension, Trans-Sul-N Suspension, Keosul Boluses with Neojel, NM–660 Boluses with Electrolytes, and Trans-Sul-N Boluses with Electrolytes manufactured by Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50303, set forth the findings of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and the Food and Drug Administration that there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have in the treatment and prevention of bacterial diarrhea (scours) and enteritis in large and small animals and for the treatment of other inflammatory conditions of the gastrointestinal tract of dogs and cats. Said announcement provided the manufacturer and all interested parties a 6-month period in which to submit new animal drug applications.

Diamond Laboratories, Inc., did not submit a new animal drug application for the above-named products within the 6-month period.

Based on the foregoing and the information before him, the Commissioner of Food and Drugs concludes that the above-named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subject of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to Diamond Laboratories, Inc., and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343–351; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2163 Filed 2–17–71;8:45 am]

[Docket No. FDC–D–166; NADA No. 8–839V, etc.]

E. I. DU PONT DE NEMOURS & CO., INC. ET AL.

Sodium Propionate; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of April 8, 1969 (34 F.R. 6260), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following preparations which contain sodium propionate as the designated active drug ingredient:

1. Impedex; NADA (new animal drug application) No. 8–839V; E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898;

2. Keenate; NADA No. 9–114V; Anchor Serum Co., Division of Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502; and

3. Whit Pro; NADA No. 9–117V; by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067.

The announcement invited the above-named holders of said new animal drug applications and any other interested persons to submit pertinent data on the drugs' effectiveness.

No data were received in response to the announcement and available information still fails to provide substantial evidence of effectiveness of the drugs for their recommended use as an aid in the prevention and treatment of primary bovine ketosis.

Therefore, notice is given to the above-named firms, and any interested person who may be adversely affected, that the Commissioner 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 the new animal drug applications listed above and all amendments and supplements thereto held by said firms for the listed drug products on the grounds that:

Information before the Commissioner with respect to the drugs was evaluated together with the evidence available to him when the applications were approved. These data do not provide substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants, and any interested person who would 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 the listed new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above-listed drug products and 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, Food, Drug, and Environmental Health Division, 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 applications.

Failure of such persons to file a written appearance of election within 30 days following date of publication of this notice in the FEDERAL REGISTER 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 to this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that 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 there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his 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. The time shall not be more than 90 days after the expiration of said 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: February 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2171 Filed 2–17–71;8:45 am]

[Docket No. FDC–D–252; NDA 11–324]

E. R. SQUIBB & SONS, INC.

Duografin Injection; Notice of Withdrawal of Approval of New-Drug Application

A notice was published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16705), extending to E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903, holder of the subject new-drug application, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order withdrawing approval of new-drug application No. 11–324, and all amendments and supplements thereto, for Duografin Injection, containing 40 percent meglumine diatrizoate and 20 percent meglumine iodipamide, on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of that part of new-drug application No. 11–324 applying to Duografin Injection, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: February 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2178 Filed 2–17–71;8:46 am]

[Docket No. FDC–D–215; NDA 11–339, etc.]

NORTH AMERICAN PHARMACAL, INC., AND ARMOUR PHARMACEUTICAL CO.

Styramate-Containing Drugs; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of September 27, 1969 (34 F.R. 14907), the Food and Drug Administration announced (DESI 10240) its conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drugs.

Myospaz Tablets, containing 200 milligrams styramate, 210 milligrams salicylamide, 150 milligrams phenacetin, and 30 milligrams caffeine; North American Pharmacal, Inc., 6851 Chase Road, Dearborn, Mich. 48126 (NDA 12–844).

Strexate Tablets, containing 200 milligrams styramate, 210 milligrams salicylamide, 150 milligrams phenacetin, and 30 milligrams caffeine; Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901 (NDA 12–466).

Sinaxar Tablets, containing 200 milligrams styramate; Armour Pharmaceutical Co. (NDA 11–339).

The announcement invited the submission of pertinent data bearing on the Commissioner's intention to initiate proceedings to withdraw approval of these new-drug applications. No pertinent data were received.

By letters of December 9, 1969, and February 9, 1970, Armour Pharmaceutical Co. voluntarily requested withdrawal of approval of their new-drug applications Nos. 12–466 and 11–339, respectively, and waived opportunity for a hearing.

In a notice published in the FEDERAL REGISTER of August 20, 1970 (35 F.R. 13323), North American Pharmacal, Inc., was given the opportunity for a hearing to show why approval of their new-drug

application No. 12–844 should not be withdrawn. The firm's failure to file a written appearance in response to the notice is construed as an election not to avail itself of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (CFR 2.120), finds on the basis of new information before him with respect to the above-listed drugs, evaluated together with the evidence available to him when the applications were approved, that there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the above-listed new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: January 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2173 Filed 2–17–71;8:45 am]

[Docket No. FDC–D–212; NDA Nos. 10–465; 9–947]

NORTH AMERICAN PHARMACAL, INC., AND B. F. ASCHER & CO., INC.

Estrosed Tablets and Sergynol Tablets; Notice of Withdrawal of Approval of New-Drug Applications

A notice was published in the FEDERAL REGISTER of August 19, 1970 (35 F.R. 13223), extending to the North American Pharmacal, Inc., 6851 Chase Road, Detroit, Mich. 48126, and B. F. Ascher & Co., Inc., 5100 East 59th Street, Kansas City, Mo. 64130, holders of new-drug applications Nos. 10–465 and 9–947 respectively, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order withdrawing approval of the new-drug applications, and all amendments and supplements thereto, for Estrosed Tablets (NDA 10–465) containing 0.1 milligram of reserpine and 0.01 milligram ethinyl estradiol, and for Sergynol Tablets (NDA 9–947) containing 0.167 milligram reserpine and 0.02 milligram ethinyl estradiol per tablet.

Neither the applicant nor any interested person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2172 Filed 2–17–71;8:45 am]

[Docket No. FDC–D–251; NDAs 11–383, 11–947]

ORMONT DRUG AND CHEMICAL CO., INC., AND ABBOTT LABORATORIES

Preparations Containing Bemegride; Notice of Withdrawal of Approval of New-Drug Applications

On October 27, 1970, there was published in the FEDERAL REGISTER (35 F.R. 16645) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of new-drug application No. 11–947 for Mikedimide, containing 50 milligrams bemegride per 10 milliliters, held by Panray Division of Ormont Drug and Chemical Co., Inc., 520 South Dean Street, Englewood, N.J. 07631, on the grounds that new information, evaluated together with the evidence available when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, and suggested in its labeling. By letter of November 3, 1970, Panray Division elected not to avail themselves of the opportunity for a hearing, stating the sale of the drug had been discontinued. No other interested person responded to the notice. Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064, holder of new-drug application No. 11–383 for Megimide, containing 50 milligrams bemegride per 10 milliliters, had previous to the October 27, 1970, notice waived opportunity for hearing concerning that application and indicated that the drug had been discontinued.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: January 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2166 Filed 2–17–71;8:45 am]

[Docket No. FDC–D–267; NADA No. 8–962V]

PITMAN-MOORE, INC.

Pyrahistine With Phenylephrine; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of May 10, 1969 (34 F.R. 7584), invited the holder of NADA (new animal drug application) No. 8–962V for Pyrahistine with Phenylephrine (a drug product containing phenylephrine hydrochloride and methapyrilene hydrochloride), and any other interested person, to submit pertinent data on the drug's effectiveness. The data submitted in response to the announcement was inadequate, and available information does not provide substantial evidence of effectiveness of the drug for its recommended use as a sympathomimetic and histamine antagonist in horses, cattle, and dogs.

Therefore, notice is given to Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034, and to any other 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 NADA No. 8–962V and all amendments and supplements thereto. This action is proposed on the grounds that there is a lack of 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 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b), the Commissioner will give the applicant, and any other interested person who would 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 NADA No. 8–962V should not be withdrawn. Promulgation of the proposed order will cause any drug of similar composition 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 to the grounds for this notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that 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 there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his 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. The time shall not be more than 90 days after the expiration of said 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: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2174 Filed 2–17–71;8:46 am]

[Docket No. FDC–D–149; NADA No. 2–586V, etc.]

PITMAN-MOORE, INC., ET AL.

Butyl Chloride Containing Drugs; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 274), invited Pitman-Moore, Division of the Dow Chemical Co., Zionsville, Ind. 46077, holder of NADA (new animal drug application) No. 2–586V for Buchlorin (a drug containing *n*-butyl chloride), and any other interested person, to submit pertinent data on the drug's effectiveness. Said firm subsequently transferred all rights pertaining to said application to Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034. No efficacy data were furnished in response to the announcement and available information fails to provide substantial evidence of effectiveness of the drug for its recommended use in dogs for removing whipworms.

Therefore, notice is given to Pitman-Moore, Inc., and to any other interested person who may be adversely affected by such action, including S. Pfeiffer Manufacturing Co., 3949 Laclede Avenue, St. Louis, Mo. 63108, holder of NADA 3–625V (Lynn's Dog Caps) and NADA 3–626V (Lynn's Puppy Caps), and Gabriel's Products Co., Tell City, Ind. 47586, holder of NADA 3–716V (Gabriel's Dog Capsules and Gabriel's Puppy Capsules), 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 the listed new animal drug applications and all amendments and supplements thereto on the grounds that there is a lack of substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants, and any other interested person who would 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 any new animal drug applications listed herein should not be withdrawn. Promulgation of the proposed order will cause any drug of similar composition and recommended 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 applications. Failure of such persons to file such 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 there is a genuine and substantial issue of fact that 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 there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his 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. The time shall be not more than 90 days after the expiration of said 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: January 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2175 Filed 2–17–71;8:46 am]

[Docket No. FDC–D–292; NDA 8–928]

ROCHE LABORATORIES

Combination Drug Containing Nicotinyl Alcohol and Aminophylline; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In a notice (DESI 8928) published in the FEDERAL REGISTER, September 17, 1970 (35 F.R. 14580), Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340

Kingsland Street, Nutley, N. J. 07110, holder of new-drug application No. 8-928 for Roniacol with Aminophylline Tablets, containing nicotinyl alcohol and aminophylline, and any interested person who may be adversely affected by removal of the drug from the market, were invited to submit pertinent data bearing on the announced intention to initiate proceedings to withdraw approval of the new-drug application in the absence of substantial evidence that the fixed combination is effective for its labeled indications.

No data pertinent to the proposal were received.

Therefore, notice is given to Roche Laboratories, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 8-928, and all amendments and supplements applying thereto, on the grounds that new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have 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 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-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, Room 6-65, 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-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 the Commissioner finds 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, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-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 justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2176 Filed 2-17-71;8:46 am]

[Docket No. 213; NDA 5-127]

SPICER-GERHART CO.

Ethylene Disulphonate; Notice of Withdrawal of Approval of New-Drug Application

On August 25, 1970, there was published in the FEDERAL REGISTER 35 F.R. 13535, a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 5-127 for Ethylene Disulphonate (Allergosil Brand) Ampoules and all amendments and supplements thereto, on the grounds that there is a lack of substantial evidence that this drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Spicer-Gerhart Co., 23 North Sycamore Street, Pasadena, California 91107, holder of the new-drug application No. 5-127 for Ethylene Disulphonate (Allergosil Brand) Ampoules, has waived opportunity for a hearing on the proposed withdrawal of approval of said new-drug application, in that no response has been received.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e)), 52 Stat. 1053, as amended; 21 U.S.C. 355(e), and under authority delegated to him (21 CFR 2.120), finds that on the basis of the new information before him with respect to said drug, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug application, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: February 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2177 Filed 2-17-71;8:46 am]

USP CORP.

Canned Peaches Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to USP Corp., San Jose, Calif. 95103. This permit covers limited interstate marketing tests of canned peaches deviating from their standard of identity (21 CFR 27.2) in that they will be packed in a liquid medium of clarified grape juice made from Thompson seedless grapes.

The principal display panels of the labels will bear the statement "in clear juice of white grapes".

This permit expires May 1, 1972.

Dated: February 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2180 Filed 2-17-71;8:46 am]

[Docket No. FDC-D-159; NADA No. 13-375V]

UPJOHN CO.

Predef 2x Liquid; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing proposing to withdraw approval of the NADA (new animal drug application) for Predef 2x Liquid was published in the

FEDERAL REGISTER of October 2, 1970 (35 F.R. 15407).

The Upjohn Co., Kalamazoo, Mich. 49001, holder of NADA No. 13-375V covering said drug, did not file within the 30-day period provided a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing. This is construed as an election by the firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in and the response to said notice, the Commissioner of Food and Drug concludes that approval of the new animal drug application should be withdrawn. Therefore, 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), approval of new animal drug application No. 13-375V including all amendments and supplements thereto is hereby withdrawn effective on the date of signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 71-2179 Filed 2-17-71;8:46 am]

[Docket No. FDC-D-275; NDA 12-673]

WARNER-CHILCOTT LABORATORIES

Perithiazide SA Tablets; Notice of Withdrawal of Approval of New-Drug Application

In the FEDERAL REGISTER of August 29, 1970 (35 F.R. 13807), the Commissioner of Food and Drugs announced (DESI 12673) his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the efficacy of Perithiazide SA Tablets (80 milligrams pentaerythritol tetranitrate and 25 milligrams hydrochlorothiazide) for human use, and stated his intention to initiate proceedings to withdraw approval of new-drug application No. 12-673 for the drug.

The Warner-Chilcott Laboratories, Division Warner Lambert Pharmaceutical Co., Morris Plains, N.J. 07950, holder of said application, by letter of October 6, 1970, waived opportunity for a hearing on the proposed withdrawal of approval of the application. No data or objections were filed by other interested persons.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120) finds that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug application, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2181 Filed 2-17-71;8:46 am]

[Docket No. FDC-D-285; NDA's 2-220, 11-568]

WILSON LABORATORIES AND SMITH KLINE & FRENCH LABORATORIES

Acticort and Eskay's Theranates; Notice of Withdrawal of Approval of New-Drug Applications

In notices (DESI 2220 and DESI 11568) published in the FEDERAL REGISTER of September 25, 1970 (35 F.R. 14953 and F.R. 14957, respectively), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drugs:

1. Eskay's Theranates, containing strychnine, sodium and calcium glycerophosphates, thiamine hydrochloride, alcohol, and phosphoric acid; Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 2-220).

2. Acticort, containing corticotropin any cyanocobalamin; The Wilson Laboratories, Division of Wilson Pharmaceutical & Chemical Corp., 4221 South Western Boulevard, Chicago, Ill. 60609 (NDA 11-568).

The notices stated that there is a lack of substantial evidence that these combination drugs are effective for their labeled indications and allowed 30 days for the submission of pertinent data bearing on the Commissioner's intention to initiate proceedings to withdraw approval of the new-drug applications. No such data were received and holders of the applications have informed the Administration that the drugs are no longer marketed, have requested withdrawal of approval of the applications, and have waived their opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2182 Filed 2-17-71;8:46 am]

Social Security Administration

EL SALVADOR

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that El Salvador, beginning January 1, 1969, has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of El Salvador, who leave El Salvador, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that El Salvador has in effect beginning with January 1, 1969, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding with respect to El Salvador published in the FEDERAL REGISTER of August 20, 1960 (25 F.R. 8057).

Dated: February 9, 1971.

HUGH F. MCKENNA,
Director, Bureau of Retirement and Survivors Insurance.

[FR Doc.71-2227 Filed 2-17-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Receipt of Application for Construction Permit and Operating License Time for Submission of Views on Antitrust Matter

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 850 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 450-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 4, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of January 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-1543 Filed 2-3-71;8:49 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, PR.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 28, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 21st day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-1141 Filed 1-27-71;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Jersey Central Power and Light Co., 260 Cherry Hill Road, Parsippany, NJ 07054, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 1, 1970, for authorization to construct and operate a pressurized water nuclear reactor designated as the Forked River Nuclear Generating Station, Unit 1, on the company's site located in Ocean County, N.J.

The site is located on the Atlantic Coast, approximately 2 miles south of the community of Forked River, 1½ miles inland from the shore of Barnegat Bay, about 7 miles west-northwest of Barnegat Light, and is adjacent to the Oyster Creek Nuclear Generating Station site in Lacey Township, Ocean County, N.J.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 18, 1971.

The proposed nuclear power plant is designed for initial operation at approximately 3390 thermal megawatts with a net electrical output of approximately 1129 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the office of the Mayor of Lacey Township, Frog Hill Road, Forked River, N.J.

Dated at Bethesda, Md., this 16th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2318 Filed 2-17-71;9:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22656; Order 71-2-52]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority February 10, 1971.

In response to a petition filed October 19, 1970, on behalf of Jim Hankins Air Service, Inc. (Hankins), by the Postmaster General, the Board established a final service mail rate of 82.6 cents per great circle aircraft mile for the transportation of mail by aircraft between Thermal and Los Angeles, Calif. This final service mail rate was fixed by Order 70-11-100, issued November 19, 1970.

On December 14, 1970, Hankins filed a petition to amend the service mail rate currently in effect. While maintaining the same overall revenue per flight, Hankins requests a correction of the mileage from 262 to 260 miles and a revision of the applicable rate from 82.6 cents to 83.3 cents per great circle aircraft mile between the above points. On February 3, 1971, the Postmaster General filed a petition in support of Hankins' request.

The Board finds it is in the public interest to adjust, determine, and fix the fair and reasonable rate of compensation to be paid to Hankins by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the carrier's petition, and other matters officially noticed, the Board proposes to issue an order[1] to include the following findings and conclusions:

1. On and after December 14, 1970, the fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 83.3 cents per great circle aircraft mile between Thermal and Los Angeles, Calif., based on five round trips per week.

2. The final service mail rate here fixed and determined is to be paid entirely by the Postmaster General;

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's Regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.16(f):

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.:

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Jim Hankins Air Service, Inc., and the Postmaster General.

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-2250 Filed 2-17-71;8:52 am]

[Docket No. 23096, etc.; Order 71-2-63]

NORTH CENTRAL AIRLINES, INC., AND OZARK AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of February 1971.

Increased general commodity rates proposed by North Central Airlines, Inc., Docket No. 23096; increased general commodity rates proposed by Ozark Air Lines, Inc., Docket No. 23097; domestic air freight rate investigation, Docket No. 22859.

By tariff revisions[1] bearing posting dates of January 12 and 13, and marked to become effective March 1, 1971, Ozark Air Lines, Inc. (Ozark), and North Central Airlines, Inc. (North Central), respectively, propose systemwide increases in general commodity rates, as follows: (1) Under 100-pound rates would typically be increased by 1 cent per pound; (2) rates for larger shipments would be increased by approximately 10 percent for Ozark and 8 percent for North Central.

In justification of their proposals the carriers refer, inter alia, to increasing costs and operating losses.[2]

The Board has recently determined to permit American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Eastern Air Lines, Inc. (Eastern), and Western Air Lines, Inc. (Western),[3] to place into effect, pending investigation, increases in freight rates of a similar order of magnitude to those in both of the current filings.[4] The Board, however, suspended the proposals of these carriers to the extent that they would be used in the determination of rates and minimum charges in conjunction with premium ratings, chiefly applicable to live animals.

Consistent with its prior orders and in view of other relevant matters, the Board has determined to permit the increases proposed by Ozark and North Central to become effective except as they apply to the determination of premium rates. The carriers' revenue need is clear. For the 12 months ended September 30, 1970, North Central reported a net loss after special items of over $213,000 for its total services and the carrier received over $3.9 million in subsidy. For the same period Ozark reported a net loss after special items of $4,259,000 and received subsidy of $2.5 million.

The Board finds, as it did in the noted orders, that the proposed increases applicable to general commodity traffic do not appear unreasonably large and should not adversely affect most shippers to a significant degree.[5] The tariff revisions are already under investigation in Docket 22859, Domestic Air Freight Rate Investigation, and the premium rates for live creatures are under investigation in Docket 21474, In the Matter of Air Freight Rates on Live Animals and Birds.

North Central and Ozark have provided no rationale for their proposed rate increases on premium rated traffic. Neither carrier has made any showing that existing rates on such traffic are not reasonably related to the costs of transportation, that there is any other basis for increasing those rates, or that there are any justifiable differences between premium rates and standard general commodity rates. In these circumstances, the Board will suspend the application of the increased rates on premium traffic.[6]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendices A and B attached hereto,[7] and rules, regulations, and practices affecting such rates 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 rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendices A and B attached hereto[7] (except rates and provisions applying to or from Canadian points) are suspended and their use deferred to and including May 29, 1971, 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;

3. The investigations herein, Dockets 23096 and 23097, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. The telegraphic complaint filed by the Allied American Bird Co. in Docket 23043 is dismissed; and

5. A copy of this order shall be filed with the tariffs and served upon North Central Airlines, Inc., which is hereby made a party to Docket 23096, and upon Ozark Air Lines, Inc., which is hereby made a party to Docket 23097.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2251 Filed 2-17-71;8:52 am]

[Docket No. 17665; Order 71-2-61]

REOPENED WASHINGTON/BALTIMORE HELICOPTER SERVICE INVESTIGATION

Order Denying Petition To Modify, Consolidating Applications and Granting Leave To Intervene

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of February 1971.

[1] Revisions to Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 8 (Agent J. Aniello Series).

[2] An untimely telegraphic complaint requesting suspension of Ozark's proposed rates, as they would pertain to live animal traffic, was filed by the Allied American Bird Co. The telegraphic complaint will not be considered as a request for investigation, since it was not followed up by a formal complaint as required by the Board's regulations.

[3] Orders 70-12-143, 71-1-63, 71-1-137, and 71-1-139.

[4] For shipments of 100 pounds and over, the increases of American, Eastern and Braniff amount to 6 percent for westbound general commodity rates and 10 percent for numerous eastbound and northbound rates. For smaller shipments, the general commodity rate increases are 1 or 2 cents per pound up to a maximum of 10 percent. Western's increases are of a similar order of magnitude.

[5] North Central forecasts that its proposal would result in a 4.5-percent increase in freight revenues, or about $150,000 for the last 10 months of 1971. Ozark estimates that the higher rates filed would up freight revenues by 5.9 percent, or $206,000, for the 12 months ended Nov. 30, 1970.

[6] The Board considers that it is desirable for the carriers to avoid publishing two sets of general commodity rates, one to be used with the exception percentage ratings for premium traffic and one for general application. The carriers may be able to avoid such dual publication by reducing the percentage ratings to apply to the increased general commodity rates.

[7] Filed as part of the original document.

This proceeding was reopened by Order 70–11–85 to consider, inter alia, the application of Washington Airways, Inc. (WAI), in Docket 22566 to abandon route 160 and to determine whether the area exemption issued to WAI by Order 68–11–72, as extended by subsequent orders, should be terminated. Also consolidated for disposition is the issue whether the public convenience and necessity require the certification of another carrier for route 160 in the event WAI's application for abandonment is granted.

Subsequently, by Order 71–1–75, we directed that the Reopened proceeding be conducted in accordance with the procedures outlined in our Policy Statement implementing the National Environmental Policy Act of 1969.

Triangle Airways, Inc. (Triangle), filed a petition seeking modification of Order 70–11–85 so as to include therein an issue relating to whether WAI, if granted permission to abandon route 160, should be required to provide financial support to whatever replacement carrier may be certificated to provide the service. The nub of Triangle's request rests on allegations that WAI has continuously refused to institute service over the route and should now be required to furnish subsidy assistance, of an indeterminate amount, to a replacement carrier conducting the service WAI was authorized to perform.

In answer, WAI maintains that it has never refused to provide the service for which it was certificated, but has been foreclosed from so doing by reason of the consistent refusals of the District of Columbia's zoning authorities to grant permission for a helicopter landing site in downtown Washington. WAI submits that lacking ability to serve the downtown Washington area, route 160 could not be operated without losses of a magnitude clearly not justified by the public interest. WAI also takes the position that the Board lacks legal authority under the Act to require it to provide a private subsidy to a successor carrier, as a condition for permission to abandon route 160.

Pioneer Airlines, Inc. (Pioneer), and Triangle have filed applications in Dockets 22866 and 22865, respectively, in which they seek authority to operate route 160. In the latter application Triangle also requests the same area exemption as that held by WAI, while Pioneer, in its application in Docket 22866, requests either exemption or certificate authority to operate between points within a 75-mile radius of the Washington Monument in Washington, D.C., and for similar authority between points within a 75-mile radius of the Washington Monument in Baltimore, Md. Motions to consolidate the proposals were filed contemporaneously with the applications.

A joint petition for leave to intervene has been filed by Concerned Citizens, Palisades Citizens Association, Inc., Committee Against National, and Citizens Association of Georgetown, Inc. The petitioners allege that they have a vital interest in the environmental effects that may flow from certification of helicopter service within the area involved, which interest will not be adequately protected by other parties to the proceeding.

Upon consideration of the foregoing petitions and motions, it is found that the matters alleged by Triangle in its petition seeking modification of the Board's Order 70–11–85 are insufficient to establish that this proceeding should be broadened to include the issue of whether a financial penalty should be imposed on WAI for its failure to institute service. The foregoing finding is made without regard to arguments directed to the question with respect to the legality of the Board's authority to require financial assistance in the circumstances of the case presented. In disposing of Triangle's petition the question need not be and is not decided.

It is further found that the applications of Pioneer and Triangle in Dockets 22866 and 22865, respectively, are concerned with the issues directly within the scope of the Reopened proceeding and the motions to consolidate those applications will be granted.

It is further found that in light of Order 71–1–75 directing that the proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110, the joint petition of Concerned Citizens, et al., sets forth matters sufficient to show that they are persons entitled to intervene and the said petitions will be granted.

Accordingly, it is ordered, That:

1. The petition seeking modification of Order 70–11–85, filed by Triangle Airways, Inc., be and it hereby is denied;

2. The motions to consolidate the applications of Pioneer Airlines, Inc., in Docket 22866, and Triangle Airways, Inc., in Docket 22865, be and they hereby are granted; and

3. The joint petition for leave to intervene filed by Concerned Citizens, Palisades Citizens Association, Inc., Committee Against National, and Citizens Association of Georgetown, Inc., be and it hereby is granted.

To the extent that the motion and petitions filed herein are not granted they will be and hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–2252 Filed 2–17–71;8:52 am]

ENVIRONMENTAL PROTECTION AGENCY

CHEMAGRO CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 420.8 *Withdrawal of Petitions Without Prejudice* of the pesticide regulations (21 CFR 420.8), Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, has withdrawn its petition (PP 0F0909), notice of which was published in the FEDERAL REGISTER of December 31, 1969 (34 F.R. 20442) proposing the establishment of tolerances (21 CFR 120) for negligible residues of the fungicide *p*-(dimethylamino), benzenediazo sodium sulfonate in or on the raw agricultural commodities avocados and sugar beets (roots and tops) at 0.1 part per million.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71–2212 Filed 2–17–71;8:48 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1104) has been filed by Niagara Chemical Division, FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of tolerances (21 CFR Part 420) for combined residues of the insecticide ethion and its oxygen analog in or on the raw agricultural commodities corn forage and fodder at 14 parts per million and corn grain at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a microcoulometric-gas chromatographic procedure using a sulfur-specific detector.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71–2213 Filed 2–17–71;8:49 am]

RETZLOFF CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1092) has been filed by the Retzloff Chemical Co., Post Office Box 45296, Houston, TX 77045, proposing the establishment of an exemption from the requirement of a tolerance (21 CFR Part 420) for residues of poly(methylene-*p*-nonylphenoxy)-poly(propyleneoxy) propanol when used as an inert ingredient in pesticide formulations applied to growing crops.

The analytical method proposed in the petition for determining residues of the inert ingredient is the method of P. W. Flanagan and R. A. Greff, J. Am. Oil Chemist, Volume 40, page 118 (1963).

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71–2214 Filed 2–17–71;8:49 am]

RHODIA, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1089) has been filed by Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide 4-(2,4-dichlorophenoxy)-butyric acid in or on the raw agricultural commodities alfalfa, barley, birdsfoot trefoil, clover, oats, peanuts and peanut hay, soybeans and soybean hay, and wheat at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a technique using gas-liquid chromatography with electron-capture detection of the methyl ester.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-2215 Filed 2-17-71;8:49 am]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1108) has been filed by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the insecticide carbophenothion in or on the raw agricultural commodities beans (dried), pecans, and walnuts at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a flame photometric detector for phosphorus.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-2216 Filed 2-17-71;8:49 am]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1084) has been filed by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide *S*-(*O*,*O*-diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide and its oxygen analog *S*-(*O*,*O*-diisopropyl phosphorothioate) of *N*-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodities carrots and onions (dry bulbs only) at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a phosphorus-sensitive thermionic detector with a cesium bromide tip.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-2217 Filed 2-17-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-129]

OPERATING POWER OF TELEVISION TRANSMITTERS

Interpretation of Rule

FEBRUARY 12, 1971.

Section 73.689(b) of the Commission's rules, pertaining to the operating power of a television transmitter, states, in pertinent part, that, "The operating power shall be maintained as near as is practicable to the authorized power and shall not be less than 80 percent nor more than 110 percent of the authorized power at any time, except as provided in subparagraph (3) * * *" which states:

> In the event it becomes technically impossible to operate with authorized power, the station may be operated with reduced power for a period of 10 days or less without further authority of the Commission: *Provided,* That the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule (specified in § 73.651) with authorized power and shall be subsequently notified upon resumption of operation with authorized power.

In letters to television broadcast Station KGLO-TV, Channel 3, Mason City, Iowa, and the Columbia Broadcasting System the Commission on February 3, 1971, interpreted the above rule to mean that the deliberate operation of a television transmitter at other than authorized power would not be in compliance with such rule. Should a station desire to operate its transmitter at other than authorized power, it must first secure an authorization from the Commission.

Action by the Commission February 3, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2249 Filed 2-17-71;8:52 am]

[1] Commissioners Burch (Chairman), Bartley, H. Rex Lee, Wells, and Houser, with Commissioner Johnson concurring in part and dissenting in part for the reasons stated in his dissenting opinion to the letter of Feb. 3, 1971, to Lee Enterprises, Inc. (KGLO-TV).

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 793]

EAGLE, INC., AND BOND FORWARDING CO.

Order of Revocation

By letter dated January 13, 1971, Eagle, Inc., Miami, Fla., and Bond Forwarding Co.—a division of Eagle, Inc., Post Office Box 3022, Miami, FL 33101 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 793 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 8, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Eagle, Inc., Miami, Fla., and Bond Forwarding Co.—a division of Eagle, Inc., has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (Dated 9-29-70):

It is ordered, That the Independent Ocean Freight Forwarder License No. 793 be returned to the Commission. Revocation of License No. 793 is effective February 8, 1971.

It is furthered ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the above forwarder.

AARON W. REESE,
Managing Director.

[FR Doc.71-2229 Filed 2-17-71;8:50 am]

[Commission Order 1 (Revised); Supplement 1, Amdt. 1]

ORGANIZATION AND FUNCTIONS

Specific Authorities Delegated to Managing Director

Section 7.19, subsections (a) through (f), published in the FEDERAL REGISTER November 19, 1970 (35 F.R. 17799), delegates to the Managing Director specific authorities to administer the Federal Maritime Commission's oil pollution financial responsibility program as set forth in General Order 27 (35 F.R. 15216), September 30, 1970, and (35 F.R. 19635) December 25, 1970.

Subsection 7.19 of the basic order is hereby amended by deleting the word "and" immediately preceding subsection "f", and by adding a new authority, subsection "g", reading as follows: "; and (g) exercise the various grants, waivers and requests relating to the filing of financial data by self-insurers and guarantors pursuant to the provisions of § 542.5(a) of General Order 27."

HELEN DELICH BENTLEY,
Chairman.

[FR Doc.71-2228 Filed 2-17-71;8:50 am]

FEDERAL RESERVE SYSTEM

FIRST UNION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Union, Inc., St. Louis, Mo., for approval of the acquisition of 80 percent or more of the voting shares of Bank of Springfield, Springfield, Mo.

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 First Union, Inc., St. Louis, Mo. (applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Bank of Springfield, Springfield, Mo. (bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner advised that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 24, 1970 (35 F.R. 19595), 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 managerial 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 two subsidiary banks with aggregate deposits of $721 million, representing 7.1 percent of the total commercial bank deposits in the State, and is the third largest banking organization and third largest bank holding company in Missouri. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board to date.)

Bank, with deposits of $8 million, is one of the smaller banks in Springfield, and ranks sixth among the eight banks in that city and sixth among the 12 banks in Greene County, which approximates the relevant banking market. Bank holds 3.3 percent of commercial bank deposits in the market area. Each of Applicant's present subsidiary banks is located more than 200 miles from Bank, and neither of them appears to compete with Bank to any significant extent. In the light of the facts of record, including Missouri's restrictive branching law and the distances separating Applicant's present subsidiaries from Bank, the development of such competition in the future is not considered likely. Since three of the Springfield banks (including the two largest on the basis of deposits) are subsidiaries of bank holding companies, Bank's affiliation with Applicant should foster competition by enabling Bank to become a stronger competitor to the local banks. It appears that consummation of the proposed acquisition 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 record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The banking factors, as they relate to Applicant, its subsidiaries, and Bank 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 participations with Applicant's subsidiaries, should be able to provide an additional source for larger loans in the expanding Springfield area. 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 St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] February 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2232 Filed 2-17-71;8:50 am]

UNION BANK

Order Approving Application for Merger of Banks Under Bank Merger Act

FEBRUARY 11, 1971.

In the matter of the application of Union Bank, Los Angeles, Calif., for approval of merger with The Stanford Bank, Palo Alto, Calif.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Union Bank, Los Angeles, Calif., a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Stanford Bank, Palo Alto, Calif., under the charter and name of Union Bank. As an incident to the merger, the sole office of The Stanford Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Union Bank (deposits $1.5 billion) is the seventh largest bank in California, having about 3.3 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1970.) It operates its main office and 16 branches in southern California; in northern California it maintains eight offices in and in close proximty to San Francisco, and one office in San Jose. The Stanford Bank (deposits $20 million) operates its sole office in Palo Alto, Calif., and it competes with 43 offices of 11 banks, including 35 offices of five of the six largest banks in the State, in a geographic area which lies between the communities of San Francisco and San Jose. The nearest offices of Union Bank to The Stanford Bank are the recently opened (September 14, 1970) office of Union Bank in San Jose, located 24 miles southeast of Palo Alto, and the offices of Union Bank in downtown San Francisco, located 30 miles north of Palo Alto. There are located in the densely populated areas intervening between the present offices of Union Bank and The Stanford Bank numerous offices of other banks. There is, therefore, no substantial existing competition between Union Bank and The Stanford Bank.

Under California law both Union Bank and The Stanford Bank could be permitted to establish de novo branch offices in the areas served by the other. The Stanford Bank is unlikely to establish such a de novo branch office. It does not appear probable that Union Bank would establish a de novo branch office in the area served by The Stanford Bank in the immediate future. The largest shares of deposits in the market area served by The Stanford Bank are held by offices of large banking institutions—Bank of America, Wells Fargo Bank, and Crocker-Citizens National Bank. The Stanford Bank is the seventh largest bank located in its market area in terms of market area deposits held by banks located therein. In these circumstances, the amount of potential competition between the merging banks which would be eliminated in this market area by the proposed transaction is not significant; at the same time, Union Bank's entry into the market by acquisition of The Stanford Bank would likely result in

[1] Voting for this action: Chairman Burns, and Governors Robertson, Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Governor Brimmer.

increased competition in the market between it and the larger banks located in the market.

Based upon the foregoing, the Board concludes that consummation of the proposal would not eliminate significant existing or potential competition. Considerations relating to the financial and managerial resources and future prospects of the banks involved are consistent with approval of the application. Customers of The Stanford Bank would benefit by the merger because Union Bank would offer to them a wider range of banking services and through its larger lending limit would be better able to meet the needs of medium-sized business customers. Convenience and needs considerations are, therefore, consistent with approval of the application. It is the Board's judgment that consummation of the proposed merger would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided,* That the merger so approved shall not be consummated (a) before the 30 calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[1]

February 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2233 Filed 2-17-71;8:50 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Regs. G-8]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Housing and Urban Development to represent the consumer interest of the Federal Government in a transportation rate proceeding.

2. *Effective date.* This regulation is effective January 25, 1971.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Housing and Urban Development to represent the interests of the civilian agencies of the Federal Government before the Interstate Commerce Commission in a proceeding involving rate increases for the transportation of modular homes, mobile homes, portable buildings, prefabricated buildings, and sectional trailers.

b. The Secretary of Housing and Urban Development may redelegate this authority to any officer, official, or employee of the Department of Housing and Urban Development.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 11, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-2230 Filed 2-17-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[811-708, 811-720]

INCOME FUND OF AMERICA UNIT PLANS AND INCOME FUND OF AMERICA, INC.

Notice of Proposal To Terminate Registration

FEBRUARY 10, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that Income Fund of America, Inc. (Fund), 1 North Dean Street, Englewood, NJ 07631, an open-end, diversified, management investment company, formerly known and registered as Great Companies of America, Inc. (Company) and Income Fund of America Unit Plans (Plans), a registered unit investment trust, formerly known as Great Companies of America Unit Plans (Company Plans) have ceased to be investment companies.

Company registered under the Act on January 30, 1956. On May 17, 1956, Company filed an amendment to its Form N-8B-1 to change its name to Fund. Company did not register this change of name with the Secretary of State of Delaware, the state of Company's incorporation. On October 29, 1958, Company filed a Certificate of Dissolution pursuant to which it was dissolved according to the laws of Delaware.

Company Plans registered under the Act on April 27, 1956. Its Form N-8A listed Company as the sponsor. On May 17, 1956, Company Plans filed an amended Form N-8B-1 changing its name to Plans. Neither Company, Company Plans nor its successors ever filed or had declared effective a Registration Statement pursuant to the Securities Act of 1933.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than March 5, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Emerging at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc. 71-2202 Filed 2-17-71;8:48 am]

[811-580]

JEFFERSON CUSTODIAN FUND, INC.

Notice of Proposal To Terminate Registration

FEBRUARY 10, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Jefferson Custodian Fund, Inc. (Jefferson) c/o Thomas J. Ahern, Jr. (Former Temporary Receiver) (LKA) 3 East 54th Street, New York, NY, formerly a Delaware corporation, registered under the Act as an open-end diversified management investment company, has ceased to be an investment company.

Jefferson registered under the Act on April 26, 1950. A registration statement

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

on Form S–5 under the Securities Act of 1933 was made effective on May 18, 1950.

Information available to the Commission indicates that in 1958, a temporary receiver was appointed for Jefferson after the Commission brought an injunctive action against certain officers and directors of Jefferson charging "gross misconduct" and "gross abuse of trust" within the meaning of section 36 of the Act (Litigation Release No. 1230). Pursuant to court order, a meeting of stockholders was held on September 30, 1958. At such meeting, Jefferson stockholders were asked to approve a plan proposed by the receiver to sell the assets of Jefferson to Broad Street Investing Corp. in exchange for shares of the latter and to distribute such shares to Jefferson shareholders in exchange for their shares of Jefferson, and then to dissolve Jefferson.

The Commission has been advised by counsel to the former receiver that Jefferson's shareholders approved the above plan as submitted and that the closing was held in October 16, 1958, and that Jefferson was thereafter dissolved. In June 1959, the court accepted the final report and accounting of the temporary receiver and discharged him. No person appears now available for the purpose of filing an application pursuant to section 8(f) of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 3, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Jefferson at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.71–2203 Filed 2–17–71;8:48 am]

[70–4976]

MAINE YANKEE ATOMIC POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Debentures

FEBRUARY 11, 1971.

Notice is hereby given that Maine Yankee Atomic Power Co. (Maine Yankee), 9 Green Street, Augusta, ME 04330, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Maine Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 800 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $25 million, is estimated at $200 million. Its 11 sponsor companies are committed by capital fund agreements and power contracts to provide Maine Yankee, in accordance with their stock percentages, the capital required by Maine Yankee, and to purchase a like percentage of the capacity and power output of the Maine Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

Maine Yankee presently proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50 million principal amount of first mortgage bonds, _____ percent bonds, Series B, due May 1, 2002. The interest rate (which shall be a multiple of one-eighth of or one-tenth of 1 percent) and the price, exclusive of accrued interest, to be paid to Maine Yankee (which will be not less than 99 percent and not more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the provisions of the first mortgage indenture dated as of November 1, 1970, between Maine Yankee and Old Colony Trust Co., as trustee, as supplemented by a first supplemental indenture, which includes a prohibition until March 1, 1976, against refunding the bonds with the proceeds of funds borrowed at a lower interest cost. The bonds will be secured by the physical properties of Maine Yankee and by an assignment to the indenture trustee of its interest in the power contracts and capital funds agreements with the sponsors, as specified in the indenture. The indenture further provides for a sinking fund, sufficient to retire $1,750,000 principal amount of bonds each 6 months, commencing on November 1, 1974, or 98 percent prior to maturity.

Maine Yankee also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $15 million principal amount of _____ percent debentures, Series A, due 1976. The interest rate of the debentures (which will be a multiple of one-eighth of or one-tenth of 1 percent) and the price, exclusive of accrued interest, to be paid to Maine Yankee (which will be not less than 99 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under the Indenture dated March 1, 1971, between Maine Yankee and New England Merchants National Bank, trustee, which includes a prohibition against refunding the debentures with the proceeds of funds borrowed at a lower effective interest cost. The debentures will be secured by the rights of Maine Yankee under its power contracts and capital funds agreements with the sponsors. The Indenture provides no sinking fund for retirement of the debentures prior to maturity, however, the company expects the internal cash flow will be more than adequate to retire the debentures at date of maturity.

The proceeds from the issue and sale of the bonds will be deposited with the trustee in a construction fund, as provided in the first mortgage indenture, and will be withdrawn to meet current and future construction costs. The proceeds from the issue and sale of debentures will be used to meet part of the costs of the initial fuel inventory for the plant. It is stated that the estimated requirements for the first core of fuel are approximately $22.5 million and the amounts above $15 million will be obtained through bank loans. The internal funds generated from depreciation after commencement of commercial operation and the effect of normalization of income taxes will be applied to the payment of the bank loans and debentures. It is further represented that after the retirement of the proposed $15 million issue of debentures in 1976, funds sufficient to purchase and maintain an inventory of nuclear fuel will be generated internally and no additional debt securities will be required for this purpose for the subsequent 15-year period.

The application states that the Maine Public Utilities Commission has authorized the issue and sale of the bonds and debentures. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with

the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than 12 m. February 23, 1971, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.71-2204 Filed 2-17-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 12, 1971.

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. 42131—*Chlorine to Henderson, Ky.* Filed by O. W. South, Jr., agent (No. A6225), for and on behalf of Illinois Central Railroad Co. Rates on chlorine, in tank carloads, as described in the application, from Memphis, Tenn., to Henderson, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 300 to Southern Freight Association, agent, tariff ICC S-484.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2243 Filed 2-17-71;8:51 am]

[Notice 11]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 12, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 97009 (Sub-No. 14) (Republication), filed September 24, 1968, published in the FEDERAL REGISTER issue of October 10, 1968, and republished this issue. Applicant: VINCENT J. HERZOG, 200 Delaware Street, Honesdale, PA 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. A decision and order of the Commission, Review Board No. 4, dated February 2, 1971, and served February 9, 1971, upon consideration of the record in this proceeding, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, motor oil, and groceries, between Carbondale, Pa., and Binghampton, N.Y., from Carbondale over U.S. Highway 106 to Kingsley, Pa., thence over U.S. Highway 11 to Binghampton, and return over the same route, restricted against service at all intermediate points except Kingsley, Pa., and limited to service at Kingsley for the purpose of joinder only with presently authorized regular and irregular route operations. The authority granted herein to the extent that it duplicates any authority now held by applicant shall be construed as conferring only a single operating right. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest and would be prejudiced by the lack of proper notice of the authority described under "service authorized" in the appendix to the order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication; during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 103993 (Sub-No. 487) (Republication), filed December 22, 1969, published in the FEDERAL REGISTER issue of February 5, 1970, and republished this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani, and Ralph H. Miller (same address as applicant). A decision and order of the Commission, Review Board No. 1, dated January 26, 1971, and served February 4, 1971, finds upon consideration of the application, as amended, and the record in the proceeding; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of noise silencers and noise reduction plenum panels from the plant-sites of Keene Corp., at or near East Brunswick and North Brunswick, N.J., to points in the United States in and west of Michigan, Indiana, Kentucky, Tennessee, and Mississippi, except Alaska and Hawaii. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114284 (Sub-No. 44) (Republication), filed July 27, 1970, published in the FEDERAL REGISTER August 20, 1970, and republished this issue. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., Post Office Box 82307, Stockyards Station, Oklahoma City, OK. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. The modified procedure has been followed in this proceeding and a supplemental order of the Commission, Operating Rights Board, dated February 2, 1971, and served February 8, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and

C of appendix I, to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Oklahoma City, Okla., to points in California, restricted to the transportation of traffic originating at the plantsite or storage facilities of Frisco Packing Co., and Wilson Certified Foods, at or near Oklahoma City, Okla., and destined to points in California. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 5944 (Notice of Filing of Petition for Modification of Certificate), filed January 22, 1971. Petitioner: C. M. GRIDLEY & SON, INC., 344 Schenectady Street, Schenectady, NY 12307. Petitioner holds authority in No. MC 5944 to operate as a motor common carrier, over irregular routes, in the transportation of: Heavy machinery, contractors equipment, and concrete pipe, between Schenectady, N.Y., and points in New York within 75 miles of Schenectady, on the one hand, and, on the other, points in Vermont on and south of U.S. Highway 4, and that part of Massachusetts and Connecticut west of the Connecticut River. By the instant petition, petitioner requests that the commodity descriptions be modified to authorize within the same territory the transportation of "Commodities, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reasons of size or weight require special equipment." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109430 (Notice of filing of petition to modify certificate), filed February 1, 1971. Petitioner: EQUIPMENT TRANSPORT, INC., Post Office Box 665, West Columbia, SC 29169. Petitioner's representative: Henry P. Willimon, Post Office Box 1075, Greenville, SC. Petitioner holds authority in No. MC 109430 to operate as a motor common carrier, over irregular routes, transporting: General commodities except tile, brick, roofing, fertilizer, dry goods, petroleum products, household goods, office furniture, tomb stones, and monuments, between points in Alabama and Georgia within 10 miles of Columbus, Ga. By the instant petition, petitioner requests that its certificate be modified to read: "Between points in Alabama and Georgia within 10 miles of Columbus, Ga., including Columbus." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 111656 (Sub-No. 5) (Notice of Filing of Petition to Modify Permit), filed February 1, 1971. Petitioner: FRANK LAMBIE, INC., New York, N.Y. Petitioner's representatives: Edward M. Alfano, and John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Petitioner is authorized in No. MC 111656 (Sub-No. 5), to transport, as a motor contract carrier, over irregular routes, *Yarn*, from carrier's storage facilities at New York, N.Y., to points in Union, Essex, Bergen, Passaic, and Hudson Counties, N.J., and to points in Nassau and Suffolk Counties, N.Y., under contract with National Spinning Co., Inc. By the instant petition, petitioner seeks to add the name of Blanchard Yarn Co., Inc., of Whitakers, N.C., as a contracting shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116816 (Sub-No. 10) (Notice of Filing of Petition To Modify Permit by Adding a New Shipper), filed February 1, 1971. Petitioner: MERIT TRUCKING CORP., Kearny, N.J. Petitioner's representative: Edward M. Alfano, 2 West 45th Street, New York, NY 10036. Petitioner holds authority in No. MC 116816 (Sub-No. 10), to conduct operations, as a contract carrier, over irregular routes, transporting: *Household appliances, air conditioning equipment, water heaters, central home heating and cooling units, radio, recorder, phonograph, and television sets, and parts and equipment therefor*, from site of carrier's warehouse at Kearny, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn.; and *Returned shipments* of the above-specified commodities, from the above-specified destination points to site of carrier's warehouse at Kearny, N.J., under contract with Apollo Distributing Co., of Newark, N.J., Warren-Connolly Co., Inc., of Long Island City, N.Y., L & P Distributors of New Jersey, of Maspeth, N.Y., Cooper Distributing Co., Inc., of Newark, N.J., and Philco Distributors, Inc., of New York, N.Y. By the instant petition, petitioner seeks to add the name of Motorola Metro, Inc., of Franklin Park, Ill., as an additional shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

TRANSFER APPLICATIONS TO BE ASSIGNED FOR ORAL HEARING

No. MC-FC-72427. Authority sought by transferee, Taylor Services, Inc., Post Office Box 8088, Freehold, NJ, to acquire the operating rights of Somco Freight Lines, Inc. (Frank G. Masini, Receiver), 433 Broad Street, Newark, N.J. Transferee's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Transferor's representative: William J. Hanlon, 744 Broad Street, Newark, NJ 07102. Operating rights in certificate No. 80402 sought to be transferred: (1) Material, not including classes A and B explosives, and equipment, consigned to, or intended for, the U.S. Army or U.S. Navy, between points in Essex, Bergen, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, except Philadelphia, Rhode Island, Virginia, and the District of Columbia, and (2) general commodities, except household goods as defined by the Commission, and points in Nassau County, N.Y., other than points in the New York, N.Y., commercial zone.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with the proceedings in MC-F-10976, MC-F-10977, and MC-F-10984 at a time and place to be fixed, for the purpose of determining, among other things, whether the subject operating rights are severable under the provisions of § 1132.5(a) (1) of the rules and regulations governing transfers of rights to operate as a motor carrier in interstate or foreign commerce, 49 CFR. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence.

No. MC-FC-72520. Authority is sought by transferee A. A. Martin Transportation Co., Inc., 19 Fair Oaks Road, Dedham, MA, to transfer to transferee a portion of the operating rights of transferor, R. S. Brine Transportation Co., 194 West First Street, South Boston, MA. Transferee's and transferor's representatives: Frank J. Weiner, Attorney at Law, 6 Beacon Street, Boston, MA 02108, Mary E. Kelley, Attorney at Law, 11 Riverside Avenue, Medford, MA 02155, Morris Fulman, Attorney at Law, 6 Pleasant Street, Malden, MA 02148. That portion of operating rights in certificate No. MC-31842 sought to be transferred: Heavy machinery, machine parts, and such commodities, requiring specialized handling or rigging because of size or weight, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Massachusetts, News Hampshire, Rhode Island, Connecticut, and that part of Maine south of a line beginning at the

Atlantic Ocean, 5 miles north of Cutler, Maine, and extending in a westerly direction through Machias, Bangor, and Wilsons Mills to the Maine-New Hampshire State line; between points in Maine; between points in Vermont.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record in the proceeding in MC–F–11032 at a time and place to be fixed, for the purpose of determining among other things, whether the proposed division of rights would be in conformity with § 1132.1(c) of the rules and regulations governing transfers of rights to operate as a motor carrier in interstate or foreign commerce. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11084. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, CA 90015, of the operating rights and certain property of CLINTON TRUCKING CO., INC., 623 Main Street, Clinton, MA 01510. Applicants' attorneys: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105, Francis E. Barrett, Sr., and Francis P. Barrett, 60 Adams Street, Milton, MA 02187. Operating rights sought to be transferred: *General commodities*, excepting, among others, high explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Clinton, Mass., and Newark, N.J., serving all intermediate points, and the off-route point of Middletown, Conn., between Clinton, Mass., and Boston and Worcester Mass., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Indiana, Oklahoma, New Mexico, California, Arizona, Texas, Arkansas, Tennessee, Alabama, Georgia, Mississippi, Ohio, Virginia, Nebraska, Iowa, Michigan, Pennsylvania, Maryland, New York, New Jersey, Delaware, and District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11085. Authority sought for purchase by ARROW TRUCK LINES, INC., 1220 Third Street West, Birmingham, AL 35207, of a portion of the operating rights of EQUIPMENT TRANSPORT, INC., Highway 378, West Columbia, SC 29169, and for acquisition by ROBERT L. RAGSDALE, also of Birmingham, Ala. 35207, of control of the operating rights through the purchase. Applicants' attorney: D. H. Markstein, 512 Massey Building, Birmingham, AL 35203. Operating rights sought to be transferred: *General commodities*, except tile, brick, roofing, fertilizer, dry goods, petroleum products, household goods, office furniture, tombstones, and monuments, as a *common carrier* over irregular routes, between points in Alabama and Georgia within 10 miles of Columbus, Ga. Vendee is authorized to operate under a certificate of registration, as a common carrier, in the State of Alabama. Application for corresponding permanent authority is pending in No. MC–121060 Sub-6. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11086. Authority sought for control by MENDENHALL ENTERPRISES, INC., 15045 East Salt Lake Avenue, City of Industry, CA 91747, of JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicants' attorney: Donald E. Leonard, Box 82028, Lincoln, NE 68501. Operating rights sought to be controlled: *Plumbing fixtures and supplies and air-conditioning and heating units* (except articles which, because of size, shape or weight, require the use of special equipment or special handling), as a *contract carrier* over irregular routes, from St. Louis, Mo., Port Huron, Mich., certain specified points in Pennsylvania, Braintree, Mass., Houston, Tex., East St. Louis, Ill., and Fort Smith, Ark., to points in Arizona, California, and Nevada; *plumbing fixtures and supplies*, from Kohler, Wis., Spartanburg, S.C., and Camden, N.J., to points in Arizona, California, and Nevada; *air-conditioning units*, from Maspeth, Long Island, N.Y., to points in Arizona, California, and Nevada, with restriction; and *electrical motors and component parts* thereof (except commodities, which because of size, weight, or length, require the use of special equipment or special handling), between Milford, Conn., Mena, Ark., St. Louis, Mo., Prescott, Ariz., Philadelphia, Miss., Chicago, Ill., and Los Angeles and Stanton, Calif., with restriction. MENDENHALL ENTERPRISES, INC., holds no authority from this Commission. However, it controls CONTINENTAL CONTRACT CARRIERS CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747, which is authorized to operate as a contract carrier under P–124796 in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11087. Authority sought for control by MILLER TRANSFER & RIGGING COMPANY, Post Office Box 6077, Akron, OH 44312, of RELIABLE MACHINERY HAULERS, INC., 1222 Waynesburg Drive SE., Canton, OH 44707, and for acquisition by JACK A. RODGERS, 2155 Ridgewood Road, Akron, OH 44313, and JOHN J. BRUTVAN, 2366 Short Hills Drive, Akron, OH 44313, of control of RELIABLE MACHINERY HAULERS, INC., through the acquisition by MILLER TRANSFER & RIGGING COMPANY. Applicants' attorneys: A. David Milner, 744 Broad Street, Newark, NJ 07102 and Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Operating rights sought to be controlled: *Uncrated machinery* and *printer's equipment*, as a *common carrier* over irregular routes, between points in New York, New Jersey, Pennsylvania and Ohio; *undercarriage assemblies, and parts, attachments and accessories* for the named commodities, between the plantsites of The Warner & Swasey Co., at New Philadelphia, Ohio, on the one hand, and, on the other, Winona, Minn., and Fort Dodge, Iowa. MILLER TRANSFER & RIGGING COMPANY is authorized to operate as a *common carrier* in Pennsylvania, Ohio, New York, Virginia, Maryland, West Virginia, Indiana, Illinois, New Jersey, Alabama, Minnesota, Oklahoma, California, Massachusetts, Connecticut, and the District of Columbia, and as a *contract carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–2242 Filed 2–17–71;8:51 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 12, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 5204 (Sub-No. 1) filed January 27, 1971. Applicant: MILAN EXPRESS, INC., U.S. Highway 45, South, Milan, TN 38358. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, commodities in bulk, and articles requiring special equipment because of their size or weight (1) applicant seeks removal of restriction in its present certificate which restricts applicant against

the transportation of shipments originating at or destined to the Milan Arsenal, Milan, Tenn.; and (2) between Jackson, Tenn., and Milan, Tenn., as follows: From Milan over U.S. Highway 45E to its junction with U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn., and return over same route, serving all intermediate points. All of said authority to be used in conjunction with all of applicant's certificates. Applicant does propose to handle interstate and foreign traffic. Both intrastate and interstate authority sought.

HEARING: March 4, 1971, at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, TN, at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219 and should not be directed to the Interstate Commerce Commission.

State Docket No. 71023–CCT, filed January 22, 1971. Applicant: SMALLEY INVESTMENTS, INC., doing business as SMALLEY TRANSPORTATION COMPANY, 2202 38th Street, Tampa, FL 33602. Applicant's representative: W. J. Smalley (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* by motor carrier, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, garments on hangers, commodities requiring refrigeration, building and construction materials and supplies in truckload lots on flatbed equipment, and commodities the transportation of which, because of size and weight, require the use of special equipment (except flatbed trailers), over regular routes and on regular schedules between all points and places in Polk County and over Interstate 4 from the Polk County line to its intersection with State Road 530, and all points and places on State Road 530 from the Polk County-Lake County line to its intersection with Interstate 4 and over Interstate 4 from its intersection with State Road 530 to Orlando, Fla., and including points and places within 10 miles of Orlando city limits. To the same extent, interstate authority is also sought. The applicant desires to tack the authority sought with the authority already held by the applicant under F.P.S.C. certificate No. 1013 and ICC certificate No. MC–121667. Both intrastate and interstate authority sought.

HEARING: (Examiner Hearing) Time and place not known. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–2241 Filed 2–17–71;8:51 am]

[Notice 640]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 27, 1971.

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–72494. By order of January 21, 1971, the Motor Carrier Board approved the transfer to Harry Hahn, Palmerton, Pa., of the operating rights in certificate No. MC–112485 issued July 6, 1955, to Russel R. Stahler, Tamaqua, Pa., authorizing the transportation of coal, from Hazleton, Pa., points in Luzerne County within 5 miles of Hazleton, and points in Schuylkill County, Pa., to Palisades Park, N.J., and points in Bronx County, N.Y. John W. Frame, 2207 Gettsburg Road, Box 626, Camp Hill, PA 17011, representative for applicants.

No. MC–FC–72535. By order of January 22, 1971, the Motor Carrier Board approved the transfer to Awawego Delivery, Inc., Syracuse, N.Y., of the operating rights in certificate No. MC–127282 (Sub-No. 1) issued May 22, 1967, to Robert L. Parrott, Sr., and Robert L. Parrott, Jr., a partnership, doing business as Flying Freight, Loudonville, N.Y., authorizing the transportation of general commodities, with usual exceptions, between Albany County Airport, N.Y., on the one hand, and, on the other, Bradley Airfield, Chester Airfield, and Old Saybrook, Conn., Newark Airport, N.J., Champlain, Glens Falls, Gloversville, John F. Kennedy International Airport, New York Municipal Airport (La Guardia Airfield), and Plattsburgh, N.Y., and Burlington, Vt., and between Glens Falls and Gloversville, N.Y., on the one hand, and, on the other, Newark Airport, N.J., John F. Kennedy International Airport, and New York Municipal Airport (La Guardia Airfield), N.Y., restricted to traffic having a prior or subsequent movement by air. Andrew P. Goldstein and Louis P. Haffer, 1730 Rhode Island Avenue NW., Washington, DC 20036, attorneys for applicants.

No. MC–FC–72592. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Rochester Transit Co., a corporation, Rochester, Pa., of the operating rights in certificates Nos. MC–124986 (Sub-No. 3), and MC–124986 (Sub-No. 5) issued July 6, 1964 and November 12, 1969, respectively, to Joseph T. Mignanelli (Florence M. S. Mignanelli, Executrix), doing business as Rochester Transit Co., Rochester, Pa., authorizing the transportation of passengers and their baggage, express and newspapers, between Beaver Falls, Pa., and East Liverpool, Ohio; between Ambridge, Pa., and Monaca, Pa.; between Aliquippa, Pa., and junction Pennsylvania Highways 18 and 51; between Chester, W. Va., and Waterford Park Racetrack. Brenda P. Murray, 530 Grant Building, Pittsburgh, PA 15219, attorney for applicants.

No. MC–FC–72565. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Osborne Grain, Inc., Osborne, Kans., of the operating rights in certificate No. MC–119345 issued August 21, 1964, to Prickett and Son, Inc., Plainville, Kans., authorizing the transportation of processed mill feeds and animal and poultry feeds from St. Joseph and Kansas City, Mo., to specified portion of Kansas. James R. Martin, 115 South First Street, Osborne, KS, attorney for transferee.

No. MC–FC–72608. By order of January 20, 1971, the Motor Carrier Board approved the transfer to William R. Brees, doing business as Eaton Transfer Co., Greenfield, Ind., of certificate No. MC–81346 issued February 19, 1957, to Leonard J. Bever, doing business as Eaton Transfer Co., Greenfield, Ind., authorizing the transportation of: General commodities, with exceptions, between Greenfield and Indianapolis, Ind., and Household goods, between Greenfield, Ind., and points in Illinois, Kentucky, and Ohio. Harry J. Harmon, 1 Indiana Square, Indianapolis, IN 46227, attorney at law.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–2238 Filed 2–17–71; 8:51 am]

[Notice 647A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 12, 1971.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–72690. By application filed February 10, 1971, COMBS TRUCKING CO., INC., Rural Delivery No. 2, Van Dusen Road, Glens Falls, NY 12801, seeks temporary authority to lease the operating rights of HELEN BROWN KELLY, EXECUTRIX OF THE ESTATE OF JOSEPH W. BROWN, DECEASED, 63 Burgoyne Avenue, Fort Edward, NY 12828, under section 210a(b). The transfer to COMBS TRUCKING CO., INC., of the operating rights of HELEN BROWN KELLY, EXECUTRIX OF THE ESTATE OF JOSEPH W. BROWN, DECEASED, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–2239 Filed 2–17–71;8:51 am]

[Notice 647B]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 12, 1971.

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-72144. By order of February 9, 1971, Division 3, acting as an Appellate Division, approved the transfer to Texas Tex-Pack Express, Inc., San Antonio, Tex., of certificates of registration Nos. MC-67485 (Sub-No. 2), MC-67485 (Sub-No. 5), and MC-67485 (Sub-No. 6) issued January 14, 1966, August 20, 1969, and August 11, 1970, to Texas Film Service, Inc., San Antonio, Tex., and certificates of registration Nos. MC-67691 (Sub-No. 2) and MC-67691 (Sub-No. 5) issued January 14, 1966, and August 18, 1969, respectively, to Valley Film Service, Inc., San Antonio, Tex. The first three certificates of registration evidence a right to engage in operations in interstate or foreign commerce corresponding in scope to (a) that portion of certificate of convenience and necessity No. 2674 as reissued by the Texas Railroad Commission January 1, 1965; (b) those portions of certificates of convenience and necessity Nos. 3000 and 4305 authorized by order of November 21, 1968, issued by said commission, and (c) certificate of convenience and necessity No. 3000, docket No. 3000, dated January 29, 1958, transferred and reissued November 2, 1968, by said commission. The last two certificates of registration evidence rights to conduct operations corresponding to (a) certificate of convenience and necessity No. 2697, docket No. A-1536, dated January 1, 1965, issued by the Railroad Commission of Texas and (b) that portion of certificate No. 2697 authorized by said commission's order of November 21, 1968. Austin L. Hatchell, 1102 Perry Brooks Building, Austin TX 78701, attorney for applicants.

No. MC-FC-72456. By order of February 9, 1971, Division 3, acting as an Appellate Division, approved the transfer to Liberty Express, Inc., Dallas, Tex., of the certificate and the certificates of registration in Nos. MC-96769 (Sub-No. 1), MC-96769 (Sub-No. 2), and MC-96769 (Sub-No. 3) issued January 3, 1963, November 27, 1964, and August 18, 1969, respectively, to Liberty Film Lines, Inc., Dallas, Tex., and the certificates of registration in Nos. MC-99172 (Sub-No. 1) and MC-99172 (Sub-No. 2) issued May 19, 1965, and August 15, 1969, respectively, to Bowen Express, Inc., Dallas, Tex. The certificate authorizes the transportation of magazines and periodicals, except newspapers, between Dallas, Tex., and Marshall, Tex., serving no intermediate points; between Dallas, Tex., and Tyler, Tex., serving no intermediate points, and between Dallas, Tex., and Paris, Tex., serving no intermediate points; the first two certificates of registration evidence rights to conduct operations in interstate or foreign commerce corresponding to certificate of convenience and necessity No. 2625, docket No. 4001, dated May 9, 1957, issued by the Texas Railroad Commission, and certificate No. 2625 authorized by order of November 21, 1968, issued by said commission; the last two certificates of registration evidence rights to conduct operations in interstate or foreign commerce coextensive to certificates of convenience and necessity No. 2745 issued September 22, 1962, by the Railroad Commission of Texas, and that portion of certificate of convenience and necessity No. 2745 authorized by order of November 21, 1968, issued by said Commission. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2240 Filed 2-17-71;8:51 am]

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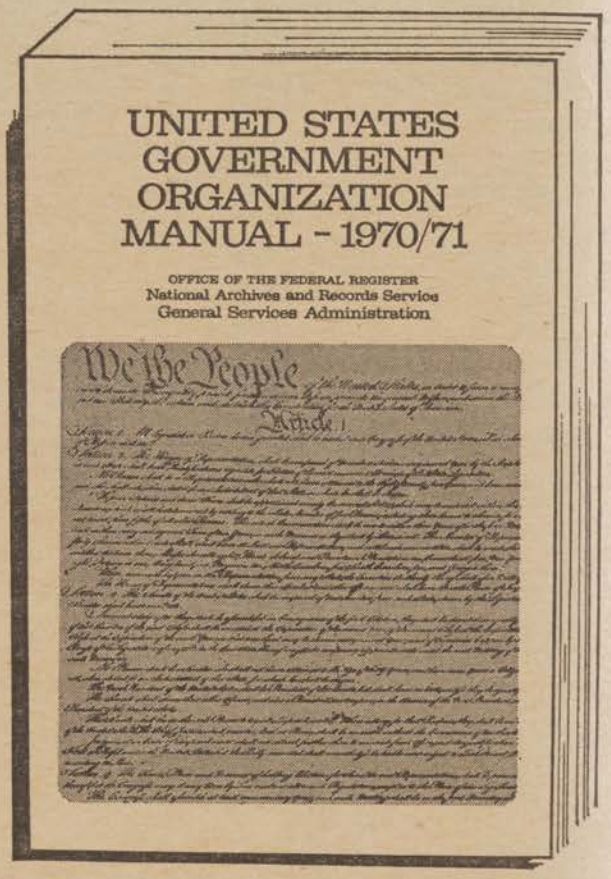

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