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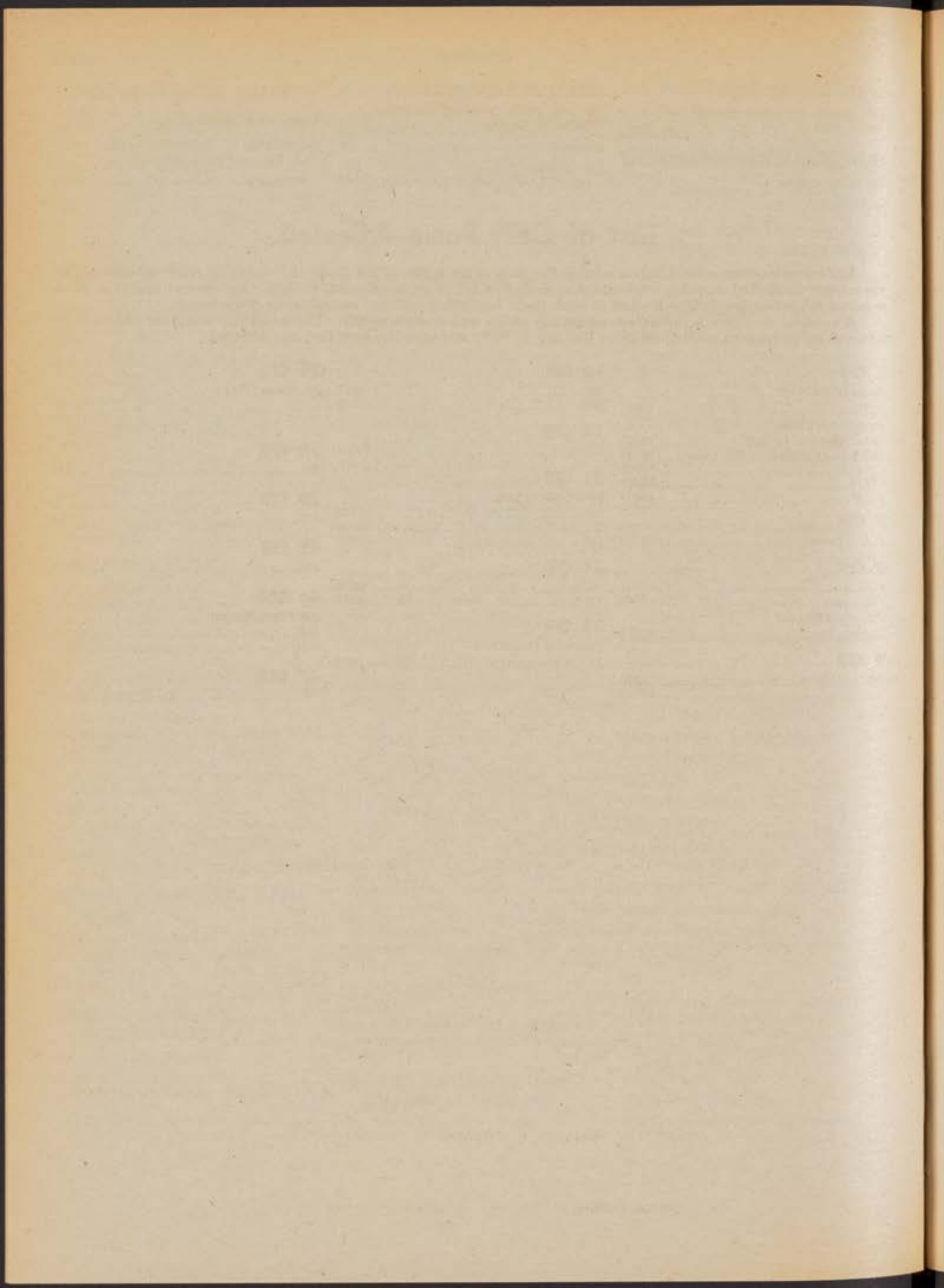
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# Presidential Documents

## Title 3—The President

PROCLAMATION 4087

### National Day of Prayer, 1971

*By the President of the United States of America*

#### A Proclamation

The great need of our time is that of reconciliation. Nations should be reconciled to nations, races to races, families to families, individuals to individuals. Reconciliation is needed among communities, among ethnic groups, among religious denominations, among social and economic classes, among family members.

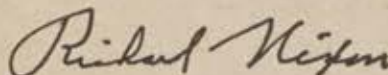
The work of reconciliation is too great to be left to man alone. In this work, man needs God, the Supreme Reconciler. The Bible tells us God is the source of reconciliation, in Whom all things are one. Under the fatherhood of God, there flourishes the brotherhood of man.

The world yearns for reconciliation, and for the renewal and the solidarity and the healing that reconciliation brings. This hunger can only be met in its fullness through prayer.

In 1952 the Congress directed the President to set aside a suitable day other than a Sunday each year as a National Day of Prayer. On this day we give special recognition to the Nation's deep religious heritage, and we ask God's help and His blessing.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Wednesday, October 20, as National Day of Prayer, 1971. On this day I urge that Americans pray for the fullness of reconciliation among all peoples, and for progress toward ending divisiveness in our own land and in the international community. Let us especially pray for reconciliation in Southeast Asia, and for a speedy return to their loved ones of our long-suffering prisoners of war.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of October, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.



[FR Doc.71-15110 Filed 10-13-71;10:00 am]

Historical Documents

Vol. 1, No. 1

Washington, D.C.

The following is a list of the documents contained in this volume. The documents are arranged in chronological order, and each is accompanied by a brief description of its contents. The documents are as follows:

1. The Declaration of Independence, 1776.
2. The Constitution of the United States, 1787.
3. The Bill of Rights, 1791.
4. The Emancipation Proclamation, 1862.
5. The Gettysburg Address, 1863.
6. The Lincoln-Douglas Debates, 1858.
7. The Dred Scott Decision, 1857.
8. The Fugitive Slave Act, 1850.
9. The Missouri Compromise, 1820.
10. The Compromise of 1850, 1850.

John Doe



## EXECUTIVE ORDER 11623

**Delegating to the Director of Selective Service Authority To Issue Rules and Regulations Under the Military Selective Service Act**

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 *et seq.*, hereinafter referred to as the Act), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Director of Selective Service (hereinafter referred to as the Director) is authorized to prescribe the necessary rules and regulations to carry out the provisions of the Act. Regulations heretofore issued by the President to carry out such provisions shall continue in effect until amended or revoked by the Director pursuant to the authority conferred by this Order.

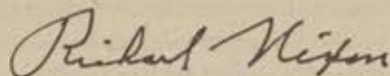
SEC. 2. (a) In carrying out the provisions of this Order, the Director shall cause any rule or regulation which he proposes to issue hereunder to be published in the FEDERAL REGISTER as required by section 13(b) of the Act. Prior to such publication, the Director shall request the views of the Secretary of Defense, the Attorney General, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Transportation (when the Coast Guard is serving under the Department of Transportation), the Director of the Office of Emergency Preparedness, and the Chairman of the National Selective Service Appeal Board with regard to such proposed rule or regulation, and shall allow not less than 10 days for the submission of such views before publication of the proposed rule or regulation.

(b) Any proposed rule or regulation as published by the Director shall be furnished to the officials required to be consulted pursuant to subsection (a). The Director may (not less than 30 days after publication in the FEDERAL REGISTER) issue such rule or regulation as published unless, within 10 days after being furnished with the proposed rule or regulation as published, any such official shall notify the Director that he disagrees therewith and requests that the matter be referred to the President for decision.

(c) Any rule or regulation issued by the Director pursuant to this Order shall be published in the FEDERAL REGISTER with (1) a statement reciting compliance with the prepublication requirement of section 13(b) of the Act, and (2) either (i) approval of such rule or regulation by the President, or (ii) a certification of the Director that he has requested the views of the officials required to be consulted pursuant to subsection (a) and that none of them has timely requested that the matter be referred to the President for decision. Such rule or regulation shall be effective

upon such publication in the FEDERAL REGISTER or on such later date as may be specified therein.

SEC. 3. Nothing in this Order shall be deemed to (i) authorize the exercise by the Director of the President's authority to waive the requirements of section 13(b) of the Act, or (ii) derogate from the authority of the President himself to waive the requirements of such section 13(b), or (iii) derogate from the authority of the President himself to issue such rules or regulations as he may deem necessary to carry out the provisions of the Act.



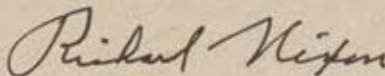
THE WHITE HOUSE,  
October 12, 1971.

[FR Doc. 71-15111 Filed 10-13-71; 10:00 am]

## EXECUTIVE ORDER 11624

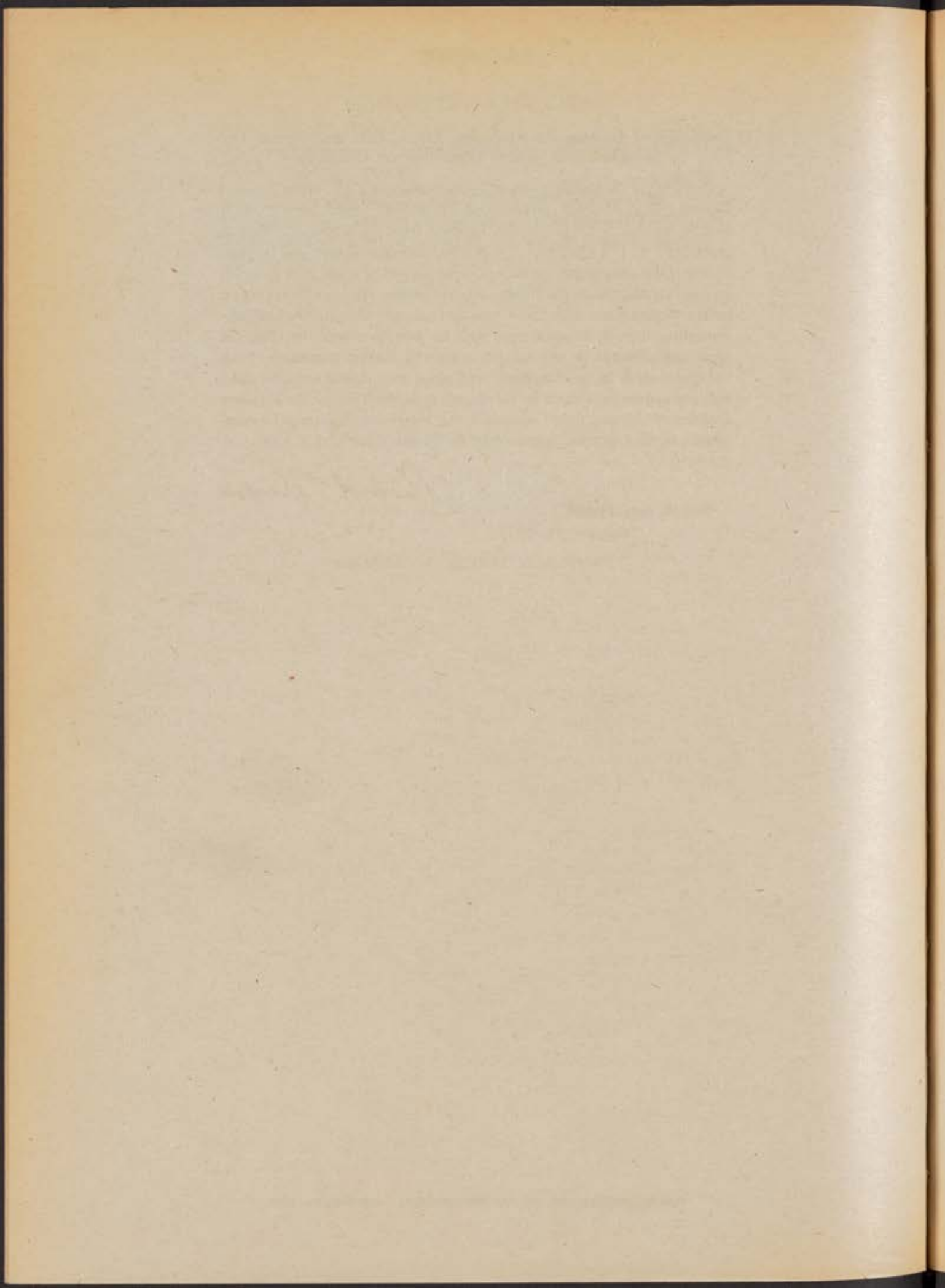
**Inspection of Income, Excess-Profits, Estate, Gift, and Excise Tax Returns by the Senate Committee on Commerce**

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, gift, or excise tax return for the years 1939 to 1972, inclusive, shall, during the Ninety-second Congress, be open to inspection by the Senate Committee on Commerce, or any duly authorized subcommittee thereof, in connection with its investigation of the effects of organized criminal activity on interstate and foreign commerce. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.



THE WHITE HOUSE,  
October 12, 1971.

[FR Doc. 71-15112 Filed 10-13-71; 10:00 am]



## EXECUTIVE ORDER 11625

**Prescribing Additional Arrangements for Developing and Coordinating  
a National Program for Minority Business Enterprise**

The opportunity for full participation in our free enterprise system by socially and economically disadvantaged persons is essential if we are to obtain social and economic justice for such persons and improve the functioning of our national economy.

The Office of Minority Business Enterprise, established in 1969, greatly facilitated the strengthening and expansion of our minority enterprise program. In order to take full advantage of resources and opportunities in the minority enterprise field, we now must build on this foundation. One important way of improving our efforts is by clarifying the authority of the Secretary of Commerce (a) to implement Federal policy in support of the minority business enterprise program; (b) provide additional technical and management assistance to disadvantaged businesses; (c) to assist in demonstration projects; and (d) to coordinate the participation of all Federal departments and agencies in an increased minority enterprise effort.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

*SECTION 1. Functions of the Secretary of Commerce.* (a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall—

(1) Coordinate as consistent with law the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise.

(2) Promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of minority business enterprises, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies.

(3) Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the Nation in undertaking or promoting the establishment and successful operation of minority business enterprise.

(4) Within constraints of law and appropriations therefor, and according to his discretion, provide financial assistance to public and private organizations so that they may render technical and management assistance to minority business enterprises, and defray all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special

problems of minority business enterprises or otherwise to further the purposes of this order.

(b) The Secretary, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), may—

(1) With the participation of other Federal departments and agencies as appropriate, develop comprehensive plans and specific program goals for the minority enterprise program; establish regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of Federal support in achieving the objectives established by this order.

(2) Require a coordinated review of all proposed Federal training and technical assistance activities in direct support of the minority enterprise program to assure consistency with program goals and to avoid duplication.

(3) Convene, for purposes of coordination, meetings of the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order.

(4) Convene business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of minority business enterprise or who could contribute to its development, for the purpose of proposing, evaluating and coordinating governmental and private activities in furtherance of the objectives of this order.

(5) Confer with and advise officials of State and local governments.

(6) Provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented.

(7) Recommend appropriate legislative or executive actions.

SEC. 2. *Advisory Council for Minority Enterprise.* (a) The Advisory Council for Minority Enterprise (hereinafter referred to as "the Council"), established by Executive Order No. 11458 of March 5, 1969, shall continue in existence under the terms of this order.

(b) The Council shall be composed of members appointed by the President from among persons, including members of minority groups and representatives from minority business enterprises, who are knowledgeable in this field and who are dedicated to the purposes of this order. The members shall serve for a term of two years and may be reappointed.

(c) The President shall designate one of the members of the Council as the Chairman of the Council.

(d) The Council shall meet at the call of the Secretary.

(e) The Council shall be advisory to the Secretary in which capacity it shall—

(1) Serve as a source of knowledge and information on developments in different fields and segments of our economic and social life which affect minority business enterprise.

(2) Keep abreast of plans, programs, and activities in the public and private sectors which relate to minority business enterprise, and advise

the Secretary on any measures to better achieve the objectives of this order.

(3) Consider, and advise the Secretary, and such officials as he may designate, on problems and matters referred to the Council.

(f) For the purposes of Executive Order No. 11007 of February 26, 1962, the Council shall be deemed to have been formed by the Secretary.

(g) Members of the Council shall be entitled to receive travel and expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701-5708) for persons in the Government service employed intermittently.

(h) The Secretary shall arrange for administrative support of the Council to the extent necessary, including use of any gifts or bequests accepted by the Department of Commerce pursuant to law.

*SEC. 3. Responsibilities of Other Federal Departments and Agencies.*

(a) The head of each Federal department and agency, or a representative designated by him, when and in the manner so requested by the Secretary, shall furnish information, assistance, and reports to, and shall otherwise cooperate with, the Secretary in the performance of his functions hereunder.

(b) The head of each Federal department or agency shall, when so requested by the Secretary, designate his Under Secretary or such other similar official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning minority business enterprise.

(c) The officials designated under the preceding paragraph, when so requested, shall review and report to the Secretary upon the policies and programs of the minority business enterprise program, and shall keep the Secretary informed of all proposed budgets, plans and programs of his department or agency affecting minority business enterprise.

(d) The head of each Federal department or agency, or a representative designated by him, shall, to the extent provided under regulations issued by the Secretary after consultation with the official designated in paragraph (b) above, report to the Secretary on any activity that falls within the scope of the minority business enterprise program as defined herein and in those regulations.

(e) Each Federal department or agency shall, within constraints of law and appropriations therefor, continue all current efforts to foster and promote minority business enterprises and to support the program herein set forth, and shall cooperate with the Secretary of Commerce in increasing the total Federal effort.

*SEC. 4. Reports.* The Secretary shall, not later than 120 days after the close of each fiscal year, submit to the President a full report of his activities hereunder during the previous fiscal year. Further, the Secretary shall, from time to time, submit to the President his recommendations for legislation or other action as he deems desirable to promote the purposes of this order. Each Federal department or agency shall report to the Secretary as hereinabove provided on a timely basis so that the Secretary may consider such reports for his report and recommendations to the

President. Each Federal department or agency shall develop and implement systematic data collection processes which will provide to the Office of Minority Business Enterprise Information Center current data helpful in evaluating and promoting the efforts herein described.

SEC. 5. *Policies and Standards.* The Secretary may establish such policies, standards, definitions, criteria, and procedures to govern the implementation, interpretation, and application of this order, and generally perform such functions and take such steps as he may deem to be necessary or appropriate to achieve the purposes and carry out the provisions hereof.

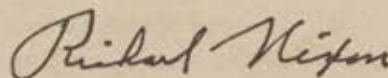
SEC. 6. *Definitions.* For purposes of this order, the following definitions shall apply:

(a) "Minority business enterprise" means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, Negroes, Puerto Ricans, Spanish-speaking Americans, American Indians, Eskimos, and Aleuts.

(b) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

SEC. 7. *Construction.* Nothing in this order shall be construed as subjecting any function vested in, or assigned pursuant to law to, any Federal department or agency or head thereof to the authority of any other agency or office exclusively, or as abrogating or restricting any such function in any manner.

SEC. 8. *Prior Executive Order.* Executive Order No. 11458 of March 5, 1969, is hereby superseded.



THE WHITE HOUSE,  
October 13, 1971.

[FR Doc.71-15127 Filed 10-13-71;12:28 pm]



# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Executive Office of the President

Section 213.3303 is amended to show that the position of Deputy Executive Director, President's Commission on Personnel Enticement, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (10-14-71), subparagraph (2) of paragraph (e) of § 213.3303 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

##### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.71-14982 Filed 10-13-71;8:47 am]

#### PART 213—EXCEPTED SERVICE

##### Department of Agriculture

Section 213.3313 is amended to show that one position of Private Secretary (interdepartmental activities) to the Associate Administrator, Soil Conservation Service, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (10-14-71), subparagraph (5) of paragraph (k) is added to § 213.3313 as set out below.

##### § 213.3313 Department of Agriculture.

(k) *Soil Conservation Service.* . . .

(5) One Private Secretary (interdepartmental activities) to the Associate Administrator.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

##### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.71-14981 Filed 10-13-71;8:47 am]

#### PART 213—EXCEPTED SERVICE

##### Small Business Administration

Section 213.3332 is amended to show that one position of Special Assistant to the Associate Administrator for Investment is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (10-14-71), paragraph (h) of § 213.3332 is amended as set out below.

##### § 213.3332 Small Business Administration.

(h) One Special Assistant to the Associate Administrator for Investment.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

##### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.71-14983 Filed 10-13-71;8:47 am]

## Title 7—AGRICULTURE

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

[Grapefruit Reg. 23]

#### PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

##### Limitation of Shipments

On September 25, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 19036) regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 7 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Texas Valley Citrus Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The recommendation by the Texas Valley Citrus Committee reflects its appraisal of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about October 16, 1971. The grade and size requirements provided herein are necessary to prevent the handling on and after October 16, 1971, of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide con-

sumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

The grade requirements provided herein are the same as those currently in effect, while the size requirements for the periods specified are comparable to those in effect during the past season, except that the more stringent size requirement applies for a shorter period of time this season. The more stringent size requirement, for the period November 8, 1971, through February 27, 1972, is designed to prevent a weakening of the market during a period of normally heavy shipments, and to maintain the competitiveness of Texas grapefruit when other areas are shipping greater volumes of larger grapefruit. Grade and size requirements are currently in effect under § 906.347 *Grapefruit Regulation* 22, published September 10, 1970, in the FEDERAL REGISTER (35 F.R. 14254), and Amendment 1 thereto, published April 1, 1971, in the FEDERAL REGISTER (36 F.R. 5962). The proposed requirements would become effective October 16, 1971, while those currently in effect expire October 15, 1971.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 19036), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such grapefruit are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such grapefruit in order to effectuate the declared policy of the act, and corrects an inadvertent error in the citation of the standards for Texas citrus fruits.

## § 906.349 Grapefruit Regulation 23.

(a) Order: During the period October 16, 1971, through October 15, 1972, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(2) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(3) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) During the period October 16, through November 7, 1971, and the period February 28, through October 15, 1972, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, which are of a size smaller than  $3\frac{3}{16}$  inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than  $3\frac{3}{16}$  inches in diameter.

(c) During the period November 8, 1971, through February 27, 1972, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, which are of a size smaller than  $3\frac{3}{16}$  inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than  $3\frac{3}{16}$  inches in diameter.

(d) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620-51.653 of this title).

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

Dated: October 8, 1971.

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

[FR Doc. 71-15012 Filed 10-13-71; 8:50 am]

[Valencia Orange Reg. 370]

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

### Limitation of Handling

#### § 908.670 Valencia Orange Regulation 370.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), 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 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 October 12, 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 October 15, 1971, through October 21, 1971, are hereby fixed as follows:

- (i) District 1: 111,000 cartons;
- (ii) District 2: 539,000 cartons;
- (iii) District 3: Unlimited.

(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: October 13, 1971.

ARTHUR E. BROWNE,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[R Doc. 71-15121 Filed 10-13-71; 11:31 am]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION AND ANIMAL PRODUCTS

### PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

#### Payment of Indemnities

##### Correction

In F.R. Doc. 71-11814 appearing at page 15426 in the issue of Saturday, August 14, 1971, the following changes should be made in § 56.7:

1. In that part of paragraph (a) which follows subparagraph (2), the fourth and fifth lines should read in part, "an indemnity may be paid".

2. The third and fourth lines of paragraph (b) (1) should read in part, "an indemnity may be paid".

3. The sixth and seventh lines of paragraph (b) (3) should refer to "purebred, inbred, or hybrid swine".

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

#### Permitted Dips

##### Correction

In F.R. Doc. 71-14389 appearing at page 19157 in the issue of Thursday, September 30, 1971, in § 72.13(b) (2), the trade name for Dioxathion, now reading "Delnav®", should read "Deinav®".

## Title 12—BANKS AND BANKING

### Chapter V—Federal Home Loan Bank Board

#### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-975]

### PART 531—STATEMENTS OF POLICY

#### Policy on Certificate Account Maturities

SEPTEMBER 23, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 531.7 of the regulations for the Federal Home Loan Bank System (12 CFR 531.7) for the purpose of clarifying its policy concerning distribution of certificate account maturities. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 531.7 by revising it to read as follows:

#### § 531.7 Distribution of maturities of certificate accounts of one year or more.

(a) This is a statement of the Federal Home Loan Bank Board's policy concerning distribution of maturities of certificate accounts of one year or more. Section 526.5 of this subchapter no longer contains any percentage-of-savings limitations on certificate accounts of one year or more and less than \$100,000. Such limitations were removed by the Board, effective August 28, 1971, to provide for greater flexibility in the management of savings by member institutions. However, member institutions should continue to avoid having substantial amounts of certificate accounts of one year or more maturing in the same month.

(b) In conducting examinations of member institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation, the Board's examiners will review the maturity structure of each institution's certificate accounts. Supervisory comment will be made if the institution has an undue "bunching" of maturities of certificate accounts of one year or more. No supervisory comment will be made with respect to such certificate accounts issued or renewed prior to August 28, 1971, if the member institution was, at the time of such issuance or renewal, in compliance with the regulatory limitations then in effect. However, with respect to certificate accounts of one year or more issued or renewed on or after August 28, 1971, member institutions should avoid maturities in any month which already has maturities of certificate accounts of one year or more in a total amount in excess of 5 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts.

(c) Member institutions should consider entering into agreements with holders of certificate accounts of one year or more, prior to maturity thereof, to extend such accounts for varying time periods. However, member institutions should bear in mind that the time period

from the date of any such extension to the extended maturity date must equal or exceed the minimum term or qualifying periods specified for such accounts in § 526.5(a) of this subchapter.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended, secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1425b, 1437, 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc. 71-15000 Filed 10-13-71; 8:49 am]

#### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71-974]

### PART 569—PROXIES

SEPTEMBER 23, 1971.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 12217) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board determines that it is advisable to amend the rules and regulations for Insurance of Accounts (12 CFR Chapter V, Subchapter D) for the purpose of regulating proxies and proxy solicitation respecting voting rights in institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said Subchapter D of Chapter V by adding a new Part 569 thereto, to read as follows, effective December 1, 1971:

Sec.

- 569.1 Definitions.
- 569.2 Form of proxies.
- 569.3 Holders of proxies.
- 569.4 Proxy soliciting material.

**AUTHORITY:** The provisions of this Part 569 issued under secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.

#### § 569.1 Definitions.

As used in this part—

(a) *Security holder.* The term "security holder" means any person having the right to vote in the affairs of an insured institution by virtue of (1) ownership of any security of the institution or (2) any indebtedness to the institution.

(b) *Person.* The term "person" includes, in addition to natural persons, corporations, partnerships, pension funds, profit-sharing funds, trusts, and any other group of associated persons of whatever nature.

(c) *Proxy.* The term "proxy" includes every form of authorization by which a person is, or may be deemed to be, designated to act for the security holder in the exercise of his voting rights in the affairs of an insured institution. Such an authorization may take the form of failure to dissent or objection.

(d) *Solicit; solicitation.* The term "solicit" and "solicitation" refer to (1) any request for a proxy whether or not accompanied by or included in a form of proxy; (2) any request to execute, not execute, or revoke a proxy; or (3) the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding, or revocation of a proxy. The terms do not apply, however, to the furnishing of a form of proxy to a security holder upon the request of such security holder or to the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

#### § 569.2 Form of proxies.

Every form of proxy solicited on or after December 1, 1971, by any person shall conform to the following requirements:

(a) The proxy shall be revocable at will by the person giving it. The power to revoke may not be conditioned on any event or occurrence or be otherwise limited; except that, in the case of a proxy relating to capital stock if such proxy is coupled with an interest, states such fact on its face, and is valid under the laws of the State in which it is to be exercised, such proxy may be made irrevocable to the extent permitted by such State law.

(b) The proxy may not be part of any other document or instrument (such as an account card).

(c) The proxy shall be clearly labeled "Revocable Proxy" in boldface type (at least as large as 18 point).

#### § 569.3 Holders of proxies.

(a) No proxy may designate as a holder any corporation or partnership (including any person acting on behalf of any corporation or partnership), or any person other than a living, natural person. However, a proxy may designate:

(1) The holder of a specified title or office, if a natural person; or

(2) A committee composed solely of natural persons, including a committee composed of the board of directors of an insured institution.

(b) With respect to any proxy outstanding on October 15, 1971, no designation of a living, natural person shall be ineffective under this section solely for the reason that a corporation or partnership (including any person acting on behalf of any corporation or partnership), or any person other than a living, natural person, is named as an alternate or substitute holder.

#### § 569.4 Proxy soliciting material.

No solicitation of a proxy shall be made by means of any statement, form of proxy, notice of meeting, or other communication, written or oral, which:

(a) Solicits any undated or postdated proxy;

(b) Solicits any proxy that provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder; or

(c) (1) Contains any statement that is false or misleading with respect to any material fact, or (2) omits to state any material fact (i) necessary in order to make the statements therein not false or misleading or (ii) necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has subsequently become false or misleading.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary.  
[FR Doc.71-14999 Filed 10-13-71;8:49 am]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration PART 2—DELEGATIONS OF AUTHORITY

#### Arrests on Hospital or Domiciliary Reservations

In § 2.6(a), subparagraph (8) is added to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

Employees occupying or acting in the positions designated in this section are delegated authority as indicated:

(a) *Department of medicine and surgery.* The Chief Medical Director is delegated authority:

(8) To designate the Directors of Veterans Administration hospitals and domiciliaries to delegate authority to specific station personnel to make arrests for any crime or offense against the United States committed on the reservation of the hospital or domiciliary.

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

This VA regulation is effective the date of approval.

Approved: October 7, 1971.

By direction of the Administrator,

[SEAL] FRED B. RHODES,  
Deputy Administrator.  
[FR Doc.71-14978 Filed 10-13-71;8:47 am]

## Title 39—POSTAL SERVICE

### Chapter I—U.S. Postal Service PART 123—NONMAILABLE MATTER Contraceptive Matter in the Mails

Regulations codified in § 123.7(b) of Title 39, Code of Federal Regulations, are revised in order to reflect enactment of Public Law 91-662 (39 U.S.C. 3001(e)).

That law permits the mailing of contraceptive matter and advertisements therefor when such mailings have been solicited by addressees. It also permits mailings of samples of unsolicited contraceptive matter, and advertisements, to certain classes of persons, such as physicians.

Accordingly, in § 123.7 *Special materials*, amend paragraph (b) to read as follows:

§ 123.7 *Special materials.*

(b) *Abortive and contraceptive materials.* (1) Any article or thing designed, adapted, or intended for producing abortion, and any written or printed matter, advertisement, or notice of any kind giving information as to how to obtain any such article or thing or which is intended to induce or incite the use or application of any such article or thing for producing abortion.

(2) (i) Except as provided in subdivision (ii) of this subparagraph, any unsolicited article or thing which is designed, adapted, or intended for preventing conception or any unsolicited advertisement of any such article or thing. Advertisements contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, are not "unsolicited."

(ii) Unsolicited samples of articles or things which are designed, adapted, or intended for preventing conception, and unsolicited advertisements for such articles or things, sent through the mails to a manufacturer of such articles or things, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital or clinic, are allowable.

(39 U.S.C. 401, 3001(e))

DAVID A. NELSON,  
Senior Assistant Postmaster  
General and General Counsel.

[FR Doc.71-15010 Filed 10-13-71;8:50 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter II—Civil Aeronautics Board [Reg. EB-700; Amdt. 13]

#### PART 221—CONSTRUCTION, PUBLICATION, FILING, AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

##### Stay of Effective Date

By Regulation No. ER-691 adopted August 24, 1971, 36 F.R. 17034, the Board added a new § 221.176 to the Economic Regulations (14 CFR Part 221, § 221.176) to require air carriers and foreign air carriers which avail themselves of limitations on liability for loss of, damage to, or delay in the delivery of passenger baggage to give notice of such limitations in

the manner therein prescribed. These rules are to become effective October 26, 1971, except for the requirement to provide a ticket notice which is deferred until January 1, 1972.

Certain member carriers of the Air Transport Association of America (ATA) have jointly filed a petition and supplemental petition for rule making seeking modification of the baggage notice rules. The requests involve, inter alia, changes in the language of the notices. If the Board determines to modify the language, carriers who have made expenditures in reliance upon ER-691 will be put to unnecessary and burdensome expenditures. In light of the foregoing, the Board hereby stays the effectiveness of ER-691 pending further consideration of the matter.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324)

Effective: October 8, 1971.

Adopted: October 8, 1971.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.71-15007 Filed 10-13-71;8:50 am]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

##### Diversification of Control Over Communications Media

*Order.* In the matter of editorial amendment of § 74.1131, rules and regulations.

1. In order to clarify the Commission's intent in its adoption of § 74.1131 of the Commission's rules; *It is ordered*, That the "effective date" paragraph which now appears as paragraph (d) of Note 3 to § 74.1131(a) of the rules is hereby redesignated as Note 4 to § 74.1131(a) of the Commission's rules.

2. Authority for this amendment is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations. Since this change is entirely editorial in nature, the "notice" and "effective date" provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. This amendment shall become effective October 15, 1971.

(Secs. 4, 5, 303, 48 Stat., as amended, 1006, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: October 5, 1971.

Released: October 5, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] JOHN M. TORBET,  
Executive Director.

[FR Doc.71-15016 Filed 10-13-71;8:50 am]

**Title 24—HOUSING AND HOUSING CREDIT**

**Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development**

**SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM**

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**List of Eligible Communities**

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

**§ 1914.4 List of eligible communities.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Connecticut	Fairfield	Westport				Oct. 8, 1971.
Florida	Pinellas	Pinellas Park				Do.
Georgia	Fulton	Atlanta	I 13 121 0280 11 through I 13 121 0280 21	Bureau of State Planning and Community Affairs, 270 Washington St. SW., Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, GA 30334.	City Planning Department, Room 700, City Hall, Atlanta, Ga. 30303.	Do.
Do.	Chatham	Garden City				Do.
Indiana	LaPorte	Long Beach				Do.
Louisiana	Calcasieu Parish	Unincorporated areas.				Do.
Massachusetts	Bristol	Fairhaven				Do.
Do.	Plymouth	Marion				Do.
Missouri	Jasper and Newton	Joplin				Do.
New Jersey	Monmouth	Sea Bright Borough.	I 34 025 2980 02 I 34 025 2980 03	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Clerk, Borough of Sea Bright, Monmouth County, 1099 East Ocean Ave., Monmouth County, NJ 07760.	Do.
Texas	Galveston	Crystal Beach				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: October 7, 1971.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.71-15019 Filed 10-13-71;8:51 am]

**PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS**

**List of Communities With Special Hazard Areas**

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

**§ 1915.3 List of communities with special hazard areas.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Connecticut	Fairfield	Westport				Oct. 8, 1971.
Florida	Pinellas	Pinellas Park				Do.
Georgia	Fulton	Atlanta	H 13 121 0280 11 through H 13 121 0280 21	Bureau of State Planning and Community Affairs, 270 Washington St. SW., Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, GA 30334.	City Planning Department, Room 700, City Hall, Atlanta, Ga. 30303.	Do.
Do.	Chatham	Garden City				Do.
Indiana	LaPorte	Long Beach				Do.
Louisiana	Calcasieu Parish	Unincorporated areas.				Do.
Massachusetts	Bristol	Fairhaven				Do.
Do.	Plymouth	Marion				Do.
Missouri	Jasper and Newton	Joplin				Do.
New Jersey	Monmouth	Sea Bright Borough.	H 34 025 2980 02 I 34 025 2980 03	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Clerk, Borough of Sea Bright, Monmouth County, 1099 East Ocean Ave., Monmouth County, NJ 07760.	Dec. 15, 1970.
Texas	Galveston	Crystal Beach				Oct. 8, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: October 7, 1971.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.71-15020 Filed 10-13-71;8:51 am]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

National Park Service

[ 36 CFR Parts 5, 7 ]

### ACADIA NATIONAL PARK

#### Proposed Prohibition of Commercial Passenger-Carrying Vehicles

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 U.S.C. 535, as amended; 16 U.S.C. 3), the Act of February 26, 1919 (40 Stat. 1179, 16 U.S.C. 342), and 245 DM1 (34 F.R. 13879), as amended, it is proposed to amend § 5.4 and add § 7.82 to Title 36 of the Code of Federal Regulations as set forth below.

The amendment to paragraph (a) of 36 CFR 5.4 adds Acadia National Park to the list of parks contained therein, in which commercial passenger-carrying vehicles are generally prohibited. The proposed addition of 36 CFR 7.82 would provide an exception to the prohibition for certain nonscheduled tours.

The effect of the amendments is to provide a prohibition against commercial transportation by motor vehicles in Acadia National Park except under contract or permit from the Secretary or his representative, or in accordance with special regulations for Acadia National Park in the proposed § 7.82, adoption of which will except certain infrequent nonscheduled tours from the prohibition if the point of origin is outside Hancock County limits.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, objections, or suggestions to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Dated: October 5, 1971.

RAYMOND H. FREEMAN,  
Acting Director,  
National Park Service.

The introductory text of § 5.4(a) is amended to read as follows:

#### § 5.4 Commercial passenger-carrying motor vehicles.

(a) The commercial transportation of passengers by motor vehicles, except as authorized under a contract or permit from the Secretary or his authorized representative is prohibited in Acadia (prohibition does not apply to nonscheduled tours as defined in § 7.82 of this chapter), Bryce Canyon, Crater Lake (prohibition is limited to sightseeing tours on the Rim Drive), Glacier (prohibition does not apply to that portion

of the park road from the Sherburne entrance to the Many Glacier area), Grand Canyon (prohibition does not apply to nonscheduled tours as defined in § 7.4 of this chapter), Grand Teton (prohibition does not apply to that portion of Highways Nos. 89, 187, 287, and 26, commencing at the south boundary of the park and running in a northerly direction to the east boundary of the park), Mesa Verde (prohibition does not apply to transportation between points within the park and outside points), Mount McKinley (prohibition does not apply to that portion of the Denali Highway between the Nenana River and the McKinley Park Hotel), Sequoia-Kings Canyon, Yellowstone (prohibition does not apply to nonscheduled tours as defined in § 7.13 of this chapter, nor to that portion of U.S. Highway 191 traversing the northwest corner of the park), Yosemite, and Zion National Parks, and Cedar Breaks National Monument. The following principles will govern the interpretation and enforcement of the section:

Section 7.82 is added to read as follows:

#### § 7.82 Acadia National Park.

Commercial passenger-carrying motor vehicles: The prohibition against the admission of commercial passenger-carrying motor vehicles to Acadia National Park contained in § 5.4(a) of this chapter shall not apply to commercial passenger-carrying motor vehicles operated on an infrequent and nonscheduled tour on which a visit to the park is an incident to such tour and for which the point of origin is outside the limits of Hancock County, Maine.

[FR Doc.71-14976 Filed 10-13-71;8:47 am]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 52 ]

### GRADES OF PEANUT BUTTER

#### Proposed Standards<sup>1</sup>

Notice is hereby given that the U.S. Department of Agriculture is considering revising the U.S. Standards for Grades of Peanut Butter (7 CFR 52.3061-52.3073). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by pro-

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

ducers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than 60 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

*Statement of consideration leading to the proposed revision.* Definitions and standards of identity for peanut butter promulgated by the Food and Drug Administration of the U.S. Department of Health, Education, and Welfare became effective April 2, 1971 (36 F.R. 3965).

Current USDA grade standards do not cover peanut butter manufactured from unblanched peanuts (peanuts which have not had the skins removed).

The proposed revisions to the standards would:

- (1) Redefine the product to coincide with the Food and Drug standards;
- (2) Provide for peanut butter made from unblanched peanuts (peanuts which have not had the skins removed);
- (3) Change the nomenclature only of the present U.S. Grade C (U.S. Standard) grade name to U.S. Grade B (U.S. Choice).

The proposed revision is as follows:

#### Subpart—United States Standards for Grades of Peanut Butter

PRODUCT DESCRIPTION, TEXTURES, TYPES, STYLES, GRADES	
Sec.	
52.3061	Product description.
52.3062	Textures of peanut butter.
52.3063	Types of peanut butter.
52.3064	Styles of peanut butter.
52.3065	Grades of peanut butter.
FACTORS OF QUALITY	
52.3066	Ascertaining the grade.
52.3067	Ascertaining the rating for the factors which are scored.
52.3068	Color.
52.3069	Consistency.
52.3070	Absence of defects.
52.3071	Flavor and aroma.
EXPLANATIONS AND METHODS OF ANALYSES	
52.3072	Methods of analysis for water-insoluble inorganic residue and salt.
LOT COMPLIANCE	
52.3073	Ascertaining the grade of a lot.
SCORE SHEET	
52.3074	Score sheet for peanut butter.

AUTHORITY: The provisions of this subpart issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

**Subpart—United States Standards for Grades of Peanut Butter**

**PRODUCT DESCRIPTION, TEXTURES, TYPES, STYLES, GRADES**

**§ 52.3061 Product description.**

"Peanut butter" means a product represented as the product defined in the Standards of Identity for Peanut Butter (21 CFR 46.1) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

**§ 52.3062 Textures of peanut butter.**

(a) "Smooth" texture means the peanut butter has a very fine, very even texture with no perceptible grainy peanut particles.

(b) "Medium" texture means the peanut butter has a definite grainy texture with perceptible peanut particles approximating not more than 1/16 inch in any dimension.

(c) "Chunky" or "crunchy" texture means peanut butter which has a partially fine or partially grainy texture with substantial amounts of peanut particles larger than 1/16 inch in any dimension.

**§ 52.3063 Types of peanut butter.**

(a) *Stabilized type.* Stabilized peanut butter is prepared by any special process and/or with any suitable added ingredient(s) designed to prevent oil separation.

(b) *Nonstabilized type.* Nonstabilized peanut butter is prepared without special process or added ingredient(s) to prevent oil separation.

**§ 52.3064 Styles of peanut butter.**

(a) *Regular pack style.* Regular pack peanut butter is a stabilized type peanut butter prepared from peanuts from which the skins have been removed and to which salt and suitable nutritive sweetener(s) have been added.

(b) *Specialty-pack style.* Specialty pack peanut butter is any type or style of peanut butter that is not described in paragraph (a) of this section. This style includes, but is not limited to, peanut butter that is made from unblanched peanuts, and to which salt and/or a nutritive sweetener may or may not have been added.

**§ 52.3065 Grades of peanut butter.**

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of peanut butter that has a good color, that has a good consistency, that is practically free from defects, that has a good flavor and good aroma, that has uniform dispersion of any added ingredient(s), and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of peanut butter that has a reasonably good color, that has a reasonably good consistency, that is reasonably free from defects, that has a reasonably good flavor and aroma, that has reasonably uniform dispersion of any added ingredient(s), and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of peanut butter that fails to meet the requirements of U.S. Grade B.

**FACTORS OF QUALITY**

**§ 52.3066 Ascertaining the grade.**

The grade of peanut butter may be ascertained by considering, in addition to other requirements of the respective grade, the following factors: Color, consistency, absence of defects, and flavor and aroma. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(1) Color .....	20
(2) Consistency .....	20
(3) Absence of defects.....	30
(4) Flavor and aroma.....	30
<b>Total score.....</b>	<b>100</b>

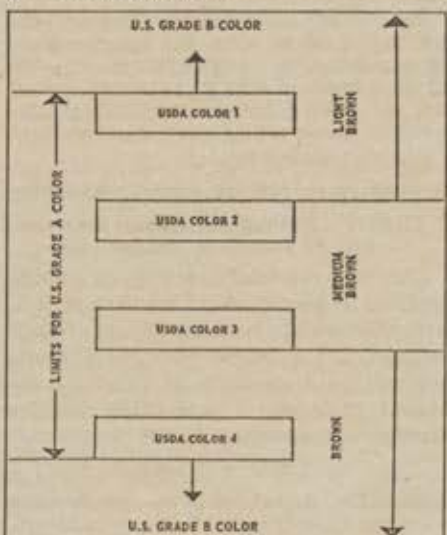
**§ 52.3067 Ascertaining the rating for the factors which are scored.**

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

**§ 52.3068 Color.**

(a) General: The color of peanut butter refers to the color hue and color intensity of the overall mass, regardless of the texture and regardless of the variety of peanuts from which prepared.

(b) Color standards: Peanut butter color may be classified in accordance with the following outline for the applicable U.S. Department of Agriculture Color Standards (hereinafter referred to as "USDA Colors"):



(c) The U.S. Department of Agriculture Color Standards shall be viewed under standard lighting conditions as follows: Compare the color of the color standard with a representative sample of peanut butter having an area and depth approximately equal to the color

standard. A suitable light source of approximately 250 foot candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7500 degrees Kelvin ±200 degrees is preferable. With the light source directly over the color standard and product, observation is made at an angle of 45 degrees and at a distance of about 24 inches from the product.

(d) The USDA Color Standards are available only from the licensed supplier: Magnuson Engineers, Inc., 1010 Timothy Drive, San Jose, CA 95133

(e) (A) classification: Peanut butter that has a good color may be given a score of 18 to 20 points. "Good color" means a rich color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut butter; such typical color is no less brown than USDA Color 1 or no more brown than USDA Color 4, and is without any tinge of a dull, grey, or other abnormal cast.

(f) (B) classification: Peanut butter that has a reasonably good color may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut butter; such typical color may be slightly dull and/or may have a slight grey cast; may be lighter brown in color than USDA Color 1 but is not excessively pale as indicative of insufficient roasting; or, such typical color may be more brown than USDA Color 4 but is not excessively brown as indicative of excessive roasting.

(g) (SStd) classification: Peanut butter that is off color for any reason or that fails to meet the requirements of paragraph (f) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.3069 Consistency.**

(a) General: The factor of consistency refers to the spreadability of the product, and to the degree of oil separation, if any.

(b) Determination of consistency: Consistency of peanut butter is determined at a product temperature of not less than 70° F. nor more than 80° F. without mixing the product in the stabilized type, and after reasonable mixing of the product in the nonstabilized type.

(c) (A) classification: Peanut butter that has good consistency may be given a score of 18 to 20 points. "Good consistency" means that the peanut butter shall spread easily, shall not be thin nor more than slightly stiff; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there is no noticeable oil separation or (2) in nonstabilized type of peanut butter, there is no more than slight mixing required to disperse any separated oil.

(d) (B) classification: Peanut butter that has reasonably good consistency may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the peanut butter is spreadable; may be moderately, but not excessively, thin; may be moderately, but not excessively, stiff; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there may be no more than slightly noticeable oil separation or (2) in nonstabilized peanut butter, there may be no excessive oil separation that causes noticeable dryness or that requires more than moderate mixing to disperse the oil.

(e) (SStd) classification: Peanut butter that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### § 52.3070 Absence of defects.

(a) General: The factor of absence of defects refers to the degree of freedom from dark particles and from any other defects (including water-insoluble inorganic residue) which affect the wholesomeness or detract from the appearance or edibility of the product: *Provided*, That in the specialty-pack style of peanut butter made from unblanched peanuts, particles of dark skins shall not be considered as defects.

(b) Definition of water-insoluble inorganic residue: "Water-insoluble inorganic residue" means the residue as determined in accordance with the method referenced in § 52.3072.

(c) (A) classification: Peanut butter that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the presence of dark particles and any other defects does not more than slightly affect the appearance or eating quality of the product; and means that there may be present not more than 8 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided*, That such residue which may be present does not affect the edibility or wholesomeness of the product.

(d) (B) classification: Peanut butter that is reasonably free from defects may be given a score of 24 to 26 points. Peanut butter that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the presence of dark particles and any other defects does not seriously detract from the appearance or eating quality of the product; and means that there may be present not more than 20 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided*, That such residue which may be present does not affect the edibility or wholesomeness of the product.

(e) (SStd) classification. Peanut butter that fails to meet the requirements

of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### § 52.3071 Flavor and aroma.

(a) (A) classification: Peanut butter that has a good flavor and good aroma may be given a score of 27 to 30 points. "Good flavor and good aroma" means a flavor and aroma: Typical of freshly roasted and freshly ground peanuts; when applicable, of properly proportioned and blended ingredients; free from staleness; free from rancidity; and free from objectionable flavors and objectionable odors of any kind. To score in this classification, there may be not less than 1.0 percent, nor more than 1.8 percent, by weight, of salt in the finished peanut butter: *Provided*, That the requirements for salt in the finished peanut butter of an unsalted "specialty-pack" style are waived.

(b) (B) classification. Peanut butter that has reasonably good flavor and reasonably good aroma may be given a score of 24 to 26 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor and reasonably good aroma" means a flavor and aroma that is typical of properly prepared peanut butter, which may be lacking good flavor and good aroma, but is free of objectionable flavors and objectionable aromas of any kind. To score in this classification there may be not less than 0.5 percent, nor more than 2.5 percent, by weight, of salt in the finished peanut butter: *Provided*, That the requirements for salt in the finished peanut butter of an unsalted "specialty-pack" style are waived.

(c) (SStd) classification: Peanut butter that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### EXPLANATIONS AND METHODS OF ANALYSIS

##### § 52.3072 Methods of analysis for water-insoluble inorganic residue and salt.

The water-insoluble inorganic residue and salt in peanut butter is determined in accordance with the latest official method outlined in the Official Methods of Analysis of the Association of Official Analytical Chemists or any other method that gives equivalent results.

#### LOT COMPLIANCE

##### § 52.3073 Ascertaining the grade of a lot.

The grade of a lot of peanut butter covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

#### SCORE SHEET

##### § 52.3074 Score sheet for peanut butter.

Size and kind of container		Score points	
Container marks or identification			
Label			
Net weight (ounces)			
Texture (smooth, medium, chunky)			
Type (Stabilized, Non-Stabilized)			
Style			
Water insoluble inorganic residue (mg./100 grams)			
Salt (percent by weight) (when applicable)			
Color			
		(A)	15-20
		(B)	16-17
		(SStd)	0-15
Color	20	(A)	15-20
		(B)	16-17
		(SStd)	0-15
Consistency	20	(A)	15-20
		(B)	16-17
		(SStd)	0-15
Absence of defects	30	(A)	27-30
		(B)	24-26
		(SStd)	0-23
Flavor and aroma	30	(A)	27-30
		(B)	24-26
		(SStd)	0-23
Total score	100		
Grade			

<sup>1</sup> Indicates limiting rule.

Dated: October 6, 1971.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[FR Doc. 71-14928 Filed 10-13-71; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Parts 1, 3 ]

#### DRUG LABELING AND ADVERTISING

##### Disclosure of NAS/NRC Drug Efficacy Study Group Evaluations

In the FEDERAL REGISTER of June 8, 1971 (36 F.R. 11022), an order was published requiring disclosure of Drug Efficacy Study evaluations in labeling and advertising of prescription drugs. A correction to the order was published in the FEDERAL REGISTER of June 18, 1971 (36 F.R. 11723). There has been considerable uncertainty as to the format, placement, and content of the required statements which were to be "presented in a prominently placed box" pursuant to § 3.81(e). In view of this the Commissioner of Food and Drugs concludes that, for clarification of this required disclosure of information, the policy statement should be revised to describe more specifically a standard box format and its placement in labeling and advertisements. This disclosure of information is only required in advertising where less than "effective" indications are retained, thus providing an inducement for eliminating advertisement of such claims until the final classification of the product has been determined. The disclosure requirements apply to those drugs specifically named in the Drug Efficacy Study Implementation Notices and to drugs which are not specifically



named but which are identical to those named or similar to the extent that the evaluations are applicable.

Objections have been received because the revision of § 1.105(e) (2) (i) was not published pursuant to section 502(n) and the procedures of section 701(e) of the Federal Food, Drug, and Cosmetic Act. This change prohibited the use of reminder-piece advertisements for drugs with no indication evaluated as higher than "possibly effective." This provision is proposed below and a revision to § 1.106(b) (4) (ii) is proposed to extend this prohibition to reminder-piece labeling.

The time period for implementation of the requirement as specified in § 3.81(d) of the June 8, 1971, order is not applicable in view of the amendments proposed herein. The 90 days allowed for implementation in that order will be allowed from the date of the final order on the amendments proposed below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 505, 507, 701, 52 Stat. 1041, 1050-53 as amended, 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 463 as amended; 21 U.S.C. 321(n), 352, 355, 357, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that:

1. Part 1 be amended:

a. In § 1.105 by revising paragraph (e) (2) (i) to read as follows:

§ 1.105 Prescription-drug advertisements.

(e) \* \* \*

(2) \* \* \*

(i) *Reminder advertisements.* Reminder advertisements if they contain only the proprietary or trade name of a drug (which necessitates declaring the established name, if any, and furnishing the formula showing quantitatively each ingredient of the drug to the extent required for labels) and, optionally, information relating to dosage form, quantity of package contents, price, the name and address of the manufacturer, packer, or distributor or other written, printed, or graphic matter containing no representation or suggestion relating to the advertised drug: *Provided, however,* That if the Commissioner finds that there is evidence of significant incidence of fatalities or serious damage associated with the use of a particular prescription drug, he may notify the manufacturer, packer, or distributor of the drug by mail that this exemption does not apply to such drug by reason of such finding: *And provided, however,* That reminder advertisements are not permitted for a drug for which an announcement has been published pursuant to a review of the labeling claims for the drug by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and for which no claim has been evaluated as higher than "possibly effective." If the Commissioner finds the circumstances are such that a reminder advertisement may be misleading to prescribers of drugs subject to NAS-NRC evaluation, such advertisements will not be allowed and the manufacturer,

packer, or distributor will be notified either in the publication of the conclusions on the effectiveness of the drug or by letter.

b. In § 1.106 by revising paragraph (b) (4) (ii) to read as follows:

§ 1.106 Drugs and devices; directions for use.

(b) \* \* \*

(4) \* \* \*

(ii) The same information concerning the ingredients of the drug as appears on the label and labeling on or within the package from which the drug is to be dispensed: *Provided, however,* That the information required by subdivisions (i) and (ii) of this subparagraph is not required on the so-called reminder-piece labeling which calls attention to the name of the drug but does not include indications or dosage recommendations for use of the drug: *And provided, however,* That reminder-piece labeling is not permitted for a drug for which an announcement has been published by the Food and Drug Administration pursuant to a review of the labeling claims for the drug by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and for which no claim has been evaluated as higher than "possibly effective." If the Commissioner finds the circumstances are such that reminder-piece labeling may be misleading to prescribers of drugs subject to NAS-NRC evaluation, such reminder labeling will not be allowed and the manufacturer, packer, or distributor will be notified either in the publication of the conclusions on the effectiveness of the drug or by letter.

2. Part 3 be amended in § 3.81 by revising paragraphs (c) and (e) and by adding new paragraphs (f) and (g), as follows:

§ 3.81 Disclosure of drug efficacy study evaluations in labeling and advertising.

(c) Therefore, after publication in the FEDERAL REGISTER of a Drug Efficacy Study Implementation notice on a prescription drug, unless exempted or otherwise provided for in the notice, all package labeling (other than the immediate container or carton label, unless such labeling contains information required by § 1.106(b) (3) (i) of this chapter in lieu of a package insert), promotional labeling, and advertisements shall include, as part of the information for practitioners under which the drug can be safely and effectively used, an appropriate qualification of all claims evaluated as other than "effective" by a panel of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, if such claims continue to be included in either the labeling or advertisements. However, this qualifying information will be required in advertisements only if promotional material is included therein for claims evaluated as less than "effective" or if such claims are included in the indica-

tions section of the portion of the advertisement containing the information required in brief summary by § 1.105 (e) (1) of this chapter. When, however, the Food and Drug Administration classification of such claim is "effective" (for example, on the basis of revision of the language of the claim or submission or existence of adequate data), such qualification is not necessary. When the Food and Drug Administration classification of the claim, as stated in the implementation notice, differs from that of the Academy but is other than "effective," the qualifying statement shall refer to this classification in lieu of the Academy's classification.

(e) Qualifying information required in drug labeling by paragraph (c) of this section in order to advise prescribers of a drug of the findings made by a panel of the Academy in evaluating a claim as other than "effective" shall be at least of the same size and color and degree of prominence as other printing in the labeling and shall be presented in a prominent box using one of the following formats and procedures:

(1) In drug labeling the box statement may entirely replace the indications section and be in the following format:

INDICATIONS
Based on a review of this drug by the National Academy of Sciences—National Research Council and/or other information, FDA has classified the indication(s) as follows: Effective: (list or state in paragraph form). "Probably" effective: (list or state in paragraph form). "Possibly" effective: (list or state in paragraph form). Final classification of the less-than-effective indications requires further investigation.

(2) Or the indication(s) for which the drug has been found effective may appear outside the boxed statement and be followed immediately by the following boxed statement:

Based on a review of this drug by the National Academy of Sciences—National Research Council and/or other information, FDA has classified the other indication(s) as follows: "Probably" effective: (list or state in paragraph form). "Possibly" effective: (list or state in paragraph form). Final classification of the less-than-effective indications requires further investigation.
--

(f) Qualifying information required in prescription drug advertising by paragraph (c) of this section shall contain a prominent boxed statement of the advertised indication(s) and of the limitations of effectiveness using the same format, language, and emphasis as that required in labeling by paragraph (e) of this section.

(1) The boxed statement shall appear in (or next to) the information required in brief summary by § 1.105(e) (1) of this chapter and shall have prominence at least equal to that provided for other information presented in the brief summary and shall have type size, captions, color, and other physical characteristics comparable to the information required in the brief summary.

(2) Less-than-effective indication(s) in the promotional message of an advertisement which is a single page or less shall be keyed to the boxed statement by asterisk, by an appropriate statement, or by other suitable means providing adequate emphasis on the boxed statement. On each page where less-than-effective indication(s) appear in a multiple page advertisement, an asterisk shall be placed after the most prominent mention of the indication(s); if the degree of prominence does not vary, an asterisk shall be placed after the first mention of the indication. The asterisk shall refer to a notation at the bottom of the page which shall state "This drug has been evaluated as probably effective (or possibly effective, whichever is appropriate) for this indication" and "See Brief Summary" or "See Prescribing Information," the latter legend to be used only if the advertisement carries the required information for professional use as set forth in § 1.106 (b) (3) (i) of this chapter.

(3) For less-than-effective indications which are included in the advertisement only as a part of the information required in brief summary, the disclosure information shall appear in this portion of the advertisement in the same manner as is specified for labeling in paragraph (e) of this section.

(g) The Commissioner may find circumstances are such that, while the elimination of claims evaluated as other than effective will generally eliminate the need for disclosure about such claims, there will be instances in which the change in the prescribing or promotional profile of the drug is so substantial as to require a disclosure of the reason for the change so that the purchaser or prescriber is not misled by being left unaware through the sponsor's silence that a basic change has taken place. The Food and Drug Administration will identify these situations in direct correspondence with the drug promoters, after which the failure to make the disclosure will be regarded as misleading and appropriate action will be taken.

Interested persons may, within 15 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 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. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 4, 1971.

CHARLES C. EDWARDS,  
Commissioner of Food and Drugs.

[FR Doc.71-14963 Filed 10-13-71;8:46 am]

### [ 21 CFR Part 191 ]

## CERTAIN DOLLS, STUFFED ANIMALS, AND OTHER SIMILAR TOYS

### Proposed Banning

An order was published in the FEDERAL REGISTER of December 19, 1970 (35 F.R. 19266), effective on publication, that banned dolls, stuffed animals, and other similar toys having internal or external components which have the potential for causing laceration, puncture wound, or other similar injury (21 CFR 191.9a (a) (3)).

From complaints, reports of injuries, and FDA investigations, the Commissioner of Food and Drugs has learned that aspiration, ingestion, and other injury hazards are associated with the eyes, tongues, noses, ears, and other parts or accessories of dolls, stuffed animals, etc. To protect the health of children, the Commissioner concludes that such toys presenting these hazards should also be banned.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f) (1) (D), (s), 3(e) (1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187-89; 15 U.S.C. 1261, 1262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that §§ 191.9a(a) (3) and 191.65a(a) (2) be revised to read as follows:

#### § 191.9a Banned toys.

(a) \* \* \*

(3) Any doll, stuffed animal, or other similar toy having internal or external components that have the potential for causing laceration, puncture wound, aspiration, ingestion, or other injury.

#### § 191.65a Exemptions from classification as a banned toy.

(a) \* \* \*

(2) Any doll, stuffed animal, or other similar toy described in § 191.9a(a) (3) if such toy meets the following conditions:

(i) Any external components that have the potential for causing aspiration, ingestion, or other similar injury are so securely attached to the toy that they cannot become dislodged either in normal use or when subjected to reasonably foreseeable damage or abuse; and

(ii) All other components that have the potential for causing laceration, puncture wound, aspiration, ingestion, or other injury are internal and the toy is so designed and constructed that it will not break or deform to expose such components either in normal use or when subjected to reasonably foreseeable damage or abuse.

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 6-88, 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. Received comments

may be seen in the above office during working hours, Monday through Friday.

Dated: October 4, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-14692 Filed 10-13-71;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### [ 33 CFR Part 117 ]

[CGFR 71-103]

## ATLANTIC INTRACOASTAL WATERWAY, LANTANA, FLA.

### Proposed Drawbridge Operations

The Coast Guard is considering revising the regulations for the Florida State Road 812 highway drawbridge across the Atlantic Intracoastal Waterway at Lantana, Fla. The draw is presently required to open on signal. The proposed regulations would require that the draw open on signal from 6 p.m. to 8 a.m. but would limit openings of the draw from 8 a.m. to 6 p.m. to 15 minutes after and 15 minutes before the hour. The draw would continue to open for public vessels of the United States, State or local government vessels used for public safety, tugs with tows, and vessels in distress at any time. This change is being considered because of an increase in vehicular traffic from 8 a.m. to 6 p.m.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before November 16, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding § 117.441a immediately after § 117.441 to read as follows:

#### § 117.441a Florida State Road 812 Bridge, AIWW, Lantana, Fla.

(a) From 6 p.m. to 8 a.m. the draw shall open on signal. From 8 a.m. to 6 p.m., except as provided in paragraph

(b) of this section, the draw need open only at 15 minutes after and 15 minutes before each hour. The opening signals shall be those set forth in § 117.240.

(b) The draw shall open at any time for the passage of public vessels of the United States, State, or local government vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn, or by shouting.

(c) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: October 6, 1971.

H. D. MUTH,  
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 71-14987 Filed 10-13-71; 8:48 am]

[ 33 CFR Part 117 ]

[CGFR 71-102]

HUTCHINSON RIVER, N.Y.

Proposed Drawbridge Operations

The Coast Guard is considering revising the regulations for the Hutchinson River Parkway drawbridge across the Hutchinson River, Bronx, N.Y., to require at least 6 hours' notice at all times. The bridge is presently required to open on signal. This proposal is being considered because of the limited number of openings for the passage of vessels.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before November 19, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.155(b) to read as follows:

§ 117.155 Hutchinson River, N.Y.; bridges.

(b) All bridges, except the Eastchester Creek Bridge (I-95) and the Hutchinson River Parkway Bridge, shall open promptly on signal. The Eastchester Creek (I-95) and Hutchinson River Parkway bridges shall open promptly on signal if at least 6 hours' notice has been given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4)).

Dated: October 6, 1971.

H. D. MUTH,  
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 71-14997 Filed 10-13-71; 8:49 am]

[ 33 CFR Part 117 ]

[CGFR 71-106]

NASSAU SOUND, FLA.

Proposed Drawbridge Operations

The Coast Guard is considering revising the regulations for the Nassau Sound toll bridge on State Road 105 and U.S. A-1-A across Nassau Sound near Fernandina Beach, to require at least 6 hours notice from 6 a.m. to 6 p.m. The draw would not need to open from 6 p.m. to 6 a.m. The present regulations require that the draw open on signal from 1 hour before sunrise to 1 hour after sunset. This change is being considered because of limited requirements for openings of the draw, the shoaling characteristics of outer Nassau Sound which makes this passage hazardous and the availability of two alternate routes to the Atlantic Ocean. The alternate routes are at St. Marys Entrance, approximately 15 miles north of this bridge, and at the St. Johns River approximately 9 miles south.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Seventh Coast Guard District (oan), Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before November 19, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.245(h) (22) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

(h) \* \* \*

(22) Nassau Sound, Fla.; Fernandina Port Authority bridge across Nassau Sound. From 6 a.m. to 6 p.m. the draw shall open on signal if at least 6 hours notice has been given. The draw need not open from 6 p.m. to 6 a.m.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: October 7, 1971.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 71-14990 Filed 10-13-71; 8:48 am]

[ 33 CFR Part 117 ]

[CGFR 71-107]

WILLAMETTE RIVER, OREG.

Proposed Drawbridge Operations

The Coast Guard is considering revising the regulations for the Van Buren Street bridge across the Willamette River in Corvallis, to permit the draw to remain closed to the passage of vessels. The draw is presently required to open if at least 6 hours' notice has been given. This change is being considered because there have been no requests for openings of the draw since October 5, 1960.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), 13th Coast Guard District, 618 Second Avenue, Seattle, WA 98104. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 13th Coast Guard District.

The Commander, 13th Coast Guard District, will forward any comments received before November 19, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received. In consideration of the foregoing, it is proposed that Part 117 of the Code of Federal Regulations be amended by:

1. Revising subparagraph (1) of paragraph (b) of § 117.755 by deleting ", or the Benton County highway bridge at Corvallis,".

2. Revising subparagraph (4) of paragraph (b) of § 117.755 by deleting "s" from "draws" and "bridges".

3. Adding a new paragraph (d) to § 117.755 to read as follows:

§ 117.755 Willamette River, Oreg.; bridges above Oregon City, Oreg.

(d) *Benton County highway bridge at Corvallis.* The draw need not open for the passage of vessels. However, the owner of or agency controlling the bridge, shall restore the draw to full operation within 6 months of notification to take such action from the Commandant, U.S. Coast Guard.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: October 8, 1971.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.71-14991 Filed 10-13-71;8:48 am]

### [ 33 CFR Part 117 ]

[CGFR 71-108]

#### BACK BAY OF BILOXI, MISS.

##### Proposed Drawbridge Operations

The Coast Guard is considering revising the regulations for the Harrison County highway bridge across the Back

Bay of Biloxi, mile 2.8, to allow the draw to remain closed to the passage of vessels from 6:30 a.m. to 8:30 a.m. and 4 p.m. to 6 p.m. Monday through Friday, except national holidays. The draw would open on signal at all other times. Present regulations require the draw to open on signal. This change is being considered because of an increase in vehicular traffic during these periods.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before November 19, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding § 117.490 immediately after § 117.485 to read as follows:

§ 117.490 Back Bay of Biloxi, mile 2.8, Mississippi.

The draw shall open promptly on signal except that from 6:30 a.m. to 8:30

a.m. and 4 p.m. to 6 p.m., Monday through Friday except national holidays, the draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Dated: October 8, 1971.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.71-14992 Filed 10-13-71;8:48 am]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Parts 530, 545 ]

[Docket No. 71-75]

### FILING OF AGREEMENTS BETWEEN COMMON CARRIERS BY WATER AND/OR "OTHER PERSONS"

#### Postponement of Time for Filing Comments

The Commission's notice of proposed rule making in this proceeding was published August 13, 1971 (36 F.R. 15128).

Upon request of various interested parties, and good cause appearing, time within which comments to the proposed rules may be submitted is postponed until further notice of the Commission.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-14984 Filed 10-13-71;8:48 am]

# Notices

## DEPARTMENT OF STATE

Agency for International Development  
DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND ENGINEERING, ET AL.

### Redelegation of Authority

Director, Office of Capital Development and Engineering, Deputy Director, Office of Capital Development and Engineering, and Associate Director, Office of Capital Development and Engineering.

Pursuant to the authority delegated to me by the Redelegation of Authority from the Assistant Administrator/Coordinator, Bureau for Supporting Assistance, dated September 2, 1971, I hereby redelegate to the Director, Office of Capital Development and Engineering, authority to perform, with respect to the country of Jordan, such functions as he has been authorized to perform in the Redelegation of Authority from the Assistant Administrator, Bureau for the Near East-South Asia, dated November 5, 1969, and which have been delegated to me by the Redelegation of Authority from the Assistant Administrator/Coordinator, Bureau for Supporting Assistance, dated September 2, 1971, retaining for myself concurrent authority to exercise any of the functions herein redelegated.

Such authority may be redelegated to the extent permitted in the said Redelegation of Authority dated November 5, 1969.

This Redelegation of Authority is effective immediately and includes ratification of all acts taken prior hereto by the officials designated above, or their designees, which are consistent with the terms and scope of this Redelegation of Authority.

DONALD G. MACDONALD,  
Assistant Administrator, Bureau  
for Near East and South Asia.

SEPTEMBER 17, 1971.

[FR Doc.71-15008 Filed 10-13-71;8:50 am]

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circ. 570, 1971, Rev., Supp. No. 4]

### FIREMAN'S FUND INSURANCE COMPANY OF ILLINOIS

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States

Code. An underwriting limitation of \$202,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Fireman's Fund Insurance Company of  
Illinois  
San Francisco, California  
Illinois

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: October 7, 1971.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[FR Doc.71-14979 Filed 10-13-71;8:47 am]

### Internal Revenue Service

[Order No. 5 (Rev. 6)]

### DEPUTY COMMISSIONER ET AL.

### Emergency Order of Succession and Delegation of Authority

1. By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, the officials in the positions listed below are hereby authorized, in the event of an enemy attack on the United States, and the disability of the Commissioner, his absence from the main Treasury relocation site, or if there is a vacancy in the office, to succeed to the position of Acting Commissioner in the order listed, and are authorized to perform the functions of Commissioner to insure the continuity of the functions of that office:

Deputy Commissioner  
Assistant Commissioner (Compliance)  
Assistant Commissioner (Technical)  
Assistant Commissioner (Accounts, Collection, and Taxpayer Service)  
Assistant Commissioner (Inspection)  
Assistant Commissioner (Planning and Research)  
Assistant Commissioner (Administration)

2. If none of these officials is available, the first available Regional Commissioner, in the order of appointment as Regional Commissioner, will become Acting Commissioner. Should any of the officials specified in paragraphs 1 and 2 be required to act as Secretary of the Treasury under Treasury Order No. 183, as revised, he will be considered as not available to assume the position of Acting Commissioner.

3. If none of the officials listed in paragraphs 1 and 2 is available, the first available District Director in the order shown on the list on file at each national office relocation site (prepared on the basis of the higher GS grades first, date of promotion to the grade and alphabetical order where grade and promotion dates are identical) will assume the position of Acting Commissioner until relieved or further instructions are given by proper authority.

4. There is hereby delegated to Regional Commissioners and District Directors, or the officials acting in their stead, in the event of an enemy attack on the United States, all authority vested in the Commissioner of Internal Revenue by law or transfer from the Secretary of the Treasury to insure the continuous performance of Internal Revenue Service functions in their areas of jurisdiction. This delegation of authority will remain in effect until notice is received from proper authority that it has been terminated.

5. This order supersedes Delegation Order No. 5 (Rev. 5), issued July 31, 1964.

Date of issue: October 8, 1971.

Effective date: October 8, 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner.

[FR Doc.71-14980 Filed 10-13-71;8:47 am]

### Office of the Secretary

[Dept. Cir.; Public Debt Series No. 10-71]

### 5 7/8 PERCENT TREASURY NOTES OF SERIES E-1975

#### Offering of Notes

OCTOBER 12, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.26 percent of their face value for \$2 billion, or thereabouts, of notes of the United States, designated 5 7/8 percent Treasury Notes of Series E-1975. Tenders will be received up to 1:30 p.m., e.d.s.t., Friday, October 15, 1971. The notes will be issued under competitive and noncompetitive bidding, as set forth in section III hereof.

II. *Description of notes.* 1. The notes will be dated October 22, 1971, and will bear interest from that date at the rate of 5 7/8 percent per annum, payable on a semiannual basis on February 15 and August 15, 1972, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1975, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes

are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. *Tenders and allotments.* 1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220, up to the closing hour, 1:30 p.m., e.d.s.t., Friday, October 15, 1971. Each tender must state the face amount of notes bid for, which must be \$1,000 or a multiple thereof, and the price offered, except that in the case of non-competitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.26 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed \$200,000. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Notes", which will be supplied by Federal Reserve Banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political and subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, the highest prices offered will be accepted in full down to the amount required, and if the same price appears in two or more tenders, and it is necessary to accept only a part of the amount offered at such price, the amount accepted at such price will be prorated in accordance with the respective amounts applied for. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for \$200,000 or less without stated price from any one bidder will be accepted in full at the average price<sup>1</sup> (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.d.s.t., Friday, October 15, 1971.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. *Payment.* 1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before October 22, 1971, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220, in cash or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depository will be permitted to make settlement by credit in its Treasury Tax and Loan Account for notes allotted to it for itself and its customers.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-

<sup>1</sup> Average price may be at, or more or less than 100.

paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] CHARLES E. WALKER,  
Acting Secretary of the Treasury.

[FR Doc.71-15113 Filed 10-13-71; 10:41 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ROSEBUD SIOUX INDIAN  
RESERVATION, S. DAK.

### Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

OCTOBER 5, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, First session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Rosebud Sioux Indian Reservation, S. Dak., was adopted on July 8, 1971, by the Rosebud Sioux Tribal Council, which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

Whereas, 18 United States Code section 1161 provides that an ordinance may be duly adopted by the Rosebud Sioux Tribe which allows the introduction of liquor into the Rosebud Sioux Reservation, and

Whereas, the present laws of the United States are not considered over the Rosebud Indian Reservation desires to pass and apply such laws as are beneficial to its members, and

Whereas, a serious problem currently exists within the Rosebud Sioux Reservation because of the fact that the United States of America has failed in its duty to enforce the Federal Indian Liquor Laws and more specifically 18 United States Code sections 1154, 1156, and

Whereas, the people of the Rosebud Sioux Tribe desire to have such laws as are consistent with practical enforcement and application, and

Whereas, the Rosebud Sioux Tribe has decided to promulgate a Liquor Control Law which will allow the introduction of liquor and within the boundaries of the Rosebud Sioux Reservation, but in such a manner as it will be in the best interest of the Indian people, and

Whereas, the only practical solution to the present policy and situation is a controlled introduction of liquor which is properly managed, supervised and controlled by the people of the Rosebud Sioux Tribe, and now

Therefore be it resolved, that we the members of the Rosebud Sioux Tribal Council by a vote of 14 for, to 5 opposed,

with 19 members of the council present thus making a quorum hereby ordain, establish, and pass the following ordinance which shall be known as the Rosebud Sioux Tribe Liquor Control Law.

Be it further resolved that the Secretary of the Tribal Council is hereby ordered to submit this law and ordinance to the Secretary of the Interior for publishing in the FEDERAL REGISTER in the most expedient manner.

JOHN O. CROW,  
Deputy Commissioner of Indian Affairs.  
[FR Doc.71-14993 Filed 10-13-71;8:49 am]

### Geological Survey

[Power Site Cancellation 248]

### GREAT SALT LAKE BASIN, IDAHO Cancellation of Power Site; Correction

In F.R. Doc. 71-13054 appearing at page 17878 in the issue of Saturday, September 4, 1971, in the description of lands cancelled from Power Site Classification 223, T. 10 N., R. 40 E., should be changed to read: T. 10 S., R. 40 E.

W. A. RADLINSKI,  
Acting Director.

OCTOBER 6, 1971.

[FR Doc.71-14973 Filed 10-13-71;8:47 am]

[Power Site Cancellation 249]

### GREAT SALT LAKE BASIN, UTAH Partial Revocation of Power Site Classifications; Correction

In F.R. Doc. 71-13055 appearing at page 18016 in the issue of Wednesday, September 8, 1971, in the description of lands cancelled from Power Site Classification 226, the third and fourth townships listed in the center column should be changed to read: T. 10 S., R. 7 E., and T. 10 S., R. 8 E.

W. A. RADLINSKI,  
Acting Director.

OCTOBER 6, 1971.

[FR Doc.71-14974 Filed 10-13-71;8:47 am]

### National Park Service

### GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA AND TENNESSEE

#### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Great Smoky Mountains National Park, proposes to issue a concession permit to McCarters Riding Stables, Inc., authorizing it to provide horse rental service for the public in the headquarters area, for a period of 5 years from January 1, 1972, through December 31, 1976.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after publication date of this notice.

Interested parties should contact the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tenn. 37738, for information as to the requirements of the proposed permit.

Dated: September 8, 1971.

VINCENT ELLIS,  
Superintendent, Great  
Smoky Mountains National Park.

[FR Doc.71-14975 Filed 10-13-71;8:47 am]

### Office of Hearings and Appeals

[Docket No. M 72-10]

### BLANTON COAL CO.

#### Petition for Modification of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. sec. 801 et seq., notice is hereby given that Blanton Coal Co. (petitioner) has filed a petition to modify the application of the mandatory safety standard designated above with respect to its No. 2A Mine in Harlan County, Ky.

30 CFR Part 75, provides in § 75.1403, as follows:

Other safeguards adequate in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

Section 75.1403(1)(b) further provides:

The authorized representative of the Secretary shall in writing advise the operator of a specific safeguard which is required pursuant to § 75.1403 and shall fix a time in which the operator shall provide and thereafter maintain such safeguard. If the safeguard is not provided within the time fixed and if it is not maintained thereafter, a notice shall be issued to the operator pursuant to section 104 of the Act.

Petitioner proposes that said mine be excepted from the application of the requirements of the regulation above designated, as interpreted in the written advice and notice of violation issued by the authorized representative of the Secretary, that empty mine cars were being pushed from the surface to the working section, on the alternative grounds stated by inference in the petition) that compliance with the mandatory safety standard is effected as applied to this mine, in that the alternative method of

achieving the results of such standard which petitioner applies in fact in this mine will at all times guarantee no less than the same measure of protection afforded the miners in such mine by such standard, and that the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Hearings Division, 4015 Wilson Boulevard, Arlington, VA 22203.

Dated: October 1, 1971.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.  
[FR Doc.71-14957 Filed 10-13-71;8:45 am]

[Docket No. M 72-12]

### MID-CONTINENT COAL AND COKE CO.

#### Petition for Modification of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V. 1970)), notice is given that the Mid-Continent Coal and Coke Co. has filed a petition to modify the application of 30 CFR 77.1605(k), 36 F.R. 9380, to petitioner's Dutch Treat Mine, L. S. Wood Mine, and Bear Creek Mine, located in Coal Basin, Pitkin County, Colo.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

Petitioner asks that this standard be declared inapplicable or else waived as to vehicular roadways extending from the truck unloading point at petitioner's coal preparation plant to the truck loading points at petitioner's three mines because (a) these roads are not part of a "coal mine" as defined in the act or (b) if these roads are covered by the act, then the roads should be excluded from the standard set forth in the regulation just quoted.

Petitioner, in effect, requests that its present system of roads should be continued in their present condition, that is, without berms or guards on the outer bank of the roads, for the reason that these roads are primarily mountain roads which are located in an area of high snowfall and long winters and are crossed by avalanche paths. Petitioner asserts that the placing of a berm on the outside of the roads would diminish the safety of miners for the reason that the berms would create substantial interference to snow removal, causing snow and ice to build up on the roads, and that water from rains or snow melt would pond and be confined on the roadways instead of draining off, thus causing icing and mudholes and impairing the road surface. Petitioner also asserts that the berms would create a false sense of security to truck drivers and that the installation of berms would necessitate substantial widening of roads with massive backslapping and excavations into the

sides of very scenic mountains, thus creating a major ecological and erosion problem.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

SEPTEMBER 30, 1971.

[FR Doc.71-14954 Filed 10-13-71;8:45 am]

[Docket No. M 72-13]

## MID-CONTINENT COAL AND COKE CO.

### Petition for Modification of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V, 1970)), notice is given that the Mid-Continent Coal and Coke Co. has filed a petition to modify the application of 30 CFR 75.310, 35 F.R. 17902, to petitioner's Dutch Treat Mine, L. S. Wood Mine, and Bear Creek Mine, located in Coal Basin, Pitkin County, Colo.

30 CFR 75.310 provides as follows:

In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in § 75.301 for the last open crosscut, if the air in the split returning from such workings does not pass over trolley wires or trolley feeder wires, and if a certified person designated by the operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons, except those referred to in section 104(d) of the Act, from the area of the mine endangered thereby to a safe area and all electric power shall be cut off from the endangered area only when the air returning from such workings contains 2.0 volume per centum or more of methane.

30 CFR 75.310 is a verbatim repetition of section 303(i)(3) of the act. Thus the petition in effect requests a modification of the statutory provision.

The basic change in the standard that the petitioner proposes is that instead of having a certified person designated by the operator to continually test the methane content of the air during mining operations the petitioner be permitted to install and maintain in the workings approved methane monitors which would continuously test the methane content in petitioner's coal mines and which would automatically deenergize electric face equipment when the monitor is not operating properly or when the methane content reaches 2.0 percent. Petitioner also proposes that a certified person shall inspect the meth-

ane monitor in the return air course at the beginning of each shift and at frequent intervals thereafter while mining operations are in progress, but not to exceed one inspection during each 2 hours of operation, and that a certified person shall make frequent methane tests at intervals of not more than each 15 minutes with an approved methane detector in the working section. Petitioner also states that trickle dusters will be operated to assure continuous adequate rock dusting in the return air course in addition to the regular rock dusting program.

Petitioner states that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners and that the application of the mandatory standard will result in a diminution of safety and possible impairment of health to the miners in the return air course for the reasons that the discomfort and inefficiency induced by the stationary or sedentary activity of constantly watching a methane detector during freezing weather cause a serious health hazard to the person stationed in the return air course to make the methane observations, that the boredom of the person stationed to observe the methane detector is conducive to inefficiency, lapses of attention, and a failure to react rapidly to a change in methane content, and that the lapse of time from observation by a person stationed in the return air course of an increase in methane content until effective action can be taken by communication with mining personnel in the working section is unsatisfactory and can itself pose a hazard.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

SEPTEMBER 30, 1971.

[FR Doc.71-14955 Filed 10-13-71;8:45 am]

[Docket No. M 72-14]

## MID-CONTINENT COAL AND COKE CO.

### Petition for Modification of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V, 1970)), notice is given that the Mid-Continent Coal and Coke Co. has filed a petition to modify the application of 30 CFR 75.403, 35 F.R. 17907, to petitioner's Dutch Treat Mine, L. S. Wood Mine, and Bear Creek Mine, located in Coal Basin, Pitkin County, Colo.

30 CFR 75.403 provides as follows:

Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a coal mine and maintained in such quantities that the incombustible content of the combined coal dust, rock dust, and other dust shall be not less than 85 per centum, but the incombustible content in the return air courses shall be no less than 80 per centum. Where methane is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of methane where 65 and 80 per centum, respectively, of incombustibles are required.

30 CFR 75.403 is a verbatim repetition of section 304(d) of the act. Thus the petition in effect requests a modification of the statutory provision.

Petitioner requests that, in lieu of complete rock dusting on the shuttle car roadways from the loading point to the belt tailpiece in its mines, water with a wetting agent be used instead to allay coal dust in traveled areas. Petitioner asserts that because of the physical conditions in its mines, with a soft bottom in the coal seam, the application of complete rock dust on the soft bottoms will aggravate the dust problem which exists when shuttle car wheels dig into the soft bottoms and break off loose particles of shale and coal which, unless kept wet, will put dust in suspension in the air. Petitioner states that the application of water to a mixture of heavy rock dust and coal and shale particles will create extremely slick conditions causing the shuttle car wheels to slide and spin with resultant hazards to the shuttle car operators or to other miners in the section and also to roof supports and to brattice.

Petitioner states that the mining methods which have been developed and are in use assure that no additional hazard is posed to the miners. These methods include ventilating the working sections on separate splits of air with each split exhausting in excess of 50,000 cubic feet of air per minute, taking of continuous precautions against accumulations of methane through the use of methane monitors on continuous miners and the use of methane detectors, using high pressure water sprays, with a wetting agent, on continuous miners at all times during mining operations, and extensive and frequent rock dusting including continuous rock dusting of returns through use of trickle dusters.

Petitioner states that if the modification is approved water with a wetting agent will be consistently applied to shuttle car roadways together with quantities of rock dust in optimum proportions to promote packing of the roadways and thereby allaying the dust. Petitioner states that the roof and ribs and untraveled portions of the roadways will be rock dusted in accordance with the regulation.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and



Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

JAMES M. DAY,  
Director,  
Office of Hearings and Appeals.

SEPTEMBER 30, 1971.

[FR Doc.71-14956 Filed 10-13-71;8:45 am]

#### Office of the Secretary

HOWARD A. BECK

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of September 23, 1971.

Dated: September 23, 1971.

HOWARD A. BECK.

[FR Doc.71-14958 Filed 10-13-71;8:45 am]

#### JAMES S. BROADDUS

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of September 20, 1971.

Dated: September 20, 1971.

JAMES S. BROADDUS.

[FR Doc.71-14959 Filed 10-13-71;8:45 am]

#### R. H. LYNCH

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of September 24, 1971.

Dated: September 24, 1971.

R. H. LYNCH.

[FR Doc.71-15009 Filed 10-13-71;8:50 am]

#### E. F. TIMME

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 1, 1971.

Dated: October 1, 1971.

E. F. TIMME.

[FR Doc.71-14960 Filed 10-13-71;8:45 am]

#### EMMETT A. VAUGHEY

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of September 15, 1971.

Dated: September 9, 1971.

EMMETT A. VAUGHEY.

[FR Doc.71-14972 Filed 10-13-71;8:46 am]

## DEPARTMENT OF COMMERCE

Bureau of the Census

### SURVEY OF DISTRIBUTORS' STOCKS OF CANNED FOODS

#### Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct its usual annual survey of inventories covering 30 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1971, under the provisions of title 13, United States Code, sections 181, 224, and 225. This survey, together with the previous surveys, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry, and the distributive trades; and governmental agencies and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

Dated: October 7, 1971.

GEORGE H. BROWN,  
Director,  
Bureau of the Census.

[FR Doc.71-14953 Filed 10-13-71;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 607]

AZURESIN WITH CAFFEINE AND SODIUM BENZOATE; METHAPYRILENE HYDROCHLORIDE CREAM; AND VARIOUS OPHTHALMIC PREPARATIONS

### 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. Diagnex Blue containing azuresin granules with caffeine and sodium benzoate tablets; E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 10-764).

2. Histadyl Ophthalmic Ointment and Histadyl Cream both containing methapyriline hydrochloride; Eli Lilly and Co.,

Indianapolis, Indiana 46206 (NDA 6-340).

3. Antistine Phosphate Ophthalmic Solution containing antazoline phosphate; Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 6-456).

4. Op-Isophrin Ophthalmic Solution containing 0.125 percent phenylephrine hydrochloride; Broemmel Pharmaceuticals, Inc., 1235 Sutter Street, San Francisco, Calif. 94109 (NDA 607).

5. Prefrin-A Ophthalmic Solution containing phenylephrine hydrochloride, pyrilamine maleate, and antipyrine; Allergan Pharmaceuticals, Inc., 1000 South Grand Avenue, Santa Ana, Calif. 92705 (NDA 7-953).

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Azuresin with caffeine and sodium benzoate is possibly effective for the tubeless determination of the presence or absence of free hydrochloric acid in the stomach.

2. Methapyrilene hydrochloride cream is possibly effective for the treatment of minor sunburn and for itching caused by insect bites and minor skin irritations.

3. Methapyrilene hydrochloride ophthalmic ointment lacks substantial evidence of effectiveness in the treatment of marginal keratitis and punctate keratitis due to penicillin reaction, blepharitis, episcleritis, chronic conjunctivitis, and sterile corneal ulcer.

This drug is possibly effective for its other labeled indications.

4. Those ophthalmic preparations (3, 4, and 5 described above) containing antazoline phosphate, or phenylephrine hydrochloride, alone in 0.125 percent strength or in combination with other ingredients, are possibly effective as labeled for the relief of ocular irritation and/or congestion or for the treatment of allergic, inflammatory, or infectious ocular conditions.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for a drug classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is

lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 607, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number):  
Office of Scientific Evaluation (BD-100),  
Bureau of Drugs.

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

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

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

Dated: September 13, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 71-14969 Filed 10-13-71; 8:46 am]

[DESI 8582]

## ERYTHROMYCIN PREPARATIONS FOR ORAL AND PARENTERAL USE

### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of August 29, 1970 (35 F.R. 13803), regarding the efficacy of erythromycin preparations for oral and parenteral use. A correction of that announcement was published October 15, 1970 (35 F.R. 16195). Based upon new information and a reevaluation of available data, the Commissioner of Food and Drugs finds it appropriate to amend the labeling section of the August 29, 1970, announcement as follows: (All of the indications below are considered effective, except that for *Neisseria gonorrhoeae* which has been reevaluated as probably effective, and for *H. influenzae* which

remains possibly effective. An extension of time has been granted for completion of on-going efficacy studies in *H. influenzae* respiratory infections.)

#### I. Erythromycin for Oral Administration

##### DESCRIPTION

As before (see Aug. 29, 1970, notice).

##### ACTIONS

The mode of action of erythromycin is inhibition of protein synthesis without affecting nucleic acid synthesis. Resistance to erythromycin of some strains of *Haemophilus influenzae* and staphylococci has been demonstrated. Culture and susceptibility testing should be done. If the Kirby-Bauer method of disc susceptibility is used, a 15 mcg. erythromycin disc should give a zone diameter of at least 18 mm. when tested against an erythromycin susceptible organism.

(This may be followed by an optional statement regarding the blood level produced by the manufacturer's brand of erythromycin.)

Orally administered erythromycin is readily absorbed by most patients, especially on an empty stomach, but patient variation is observed.

After absorption, erythromycin diffuses readily into most body fluids. In the absence of meningeal inflammation, low concentrations are normally achieved in the spinal fluid but passage of the drug across the blood-brain barrier increases in meningitis. In the presence of normal hepatic function, erythromycin is concentrated in the liver and excreted in the bile; the effect of hepatic dysfunction on excretion of erythromycin by the liver into the bile is not known. After oral administration, less than 5 percent of the activity of the administered dose can be recovered in the urine.

Erythromycin crosses the placental barrier but fetal plasma levels are low.

##### INDICATIONS

*Streptococcus pyogenes*: (Group A beta-hemolytic streptococci.)

Upper and lower respiratory tract, skin, and soft tissue infections of mild to moderate severity.

Injectable benzathine penicillin G is considered by the American Heart Association to be the drug of choice in the treatment and prevention of streptococcal pharyngitis and in long-term prophylaxis of rheumatic fever.

When oral medication is preferred for treatment of streptococcal pharyngitis, penicillin G, V, or erythromycin are alternate drugs of choice.

When oral medication is given, the importance of strict adherence by the patient to the prescribed dosage regimen must be stressed.

A therapeutic dose should be administered for at least 10 days.

*Alpha-hemolytic streptococci (viridans group):*

Short-term prophylaxis against bacterial endocarditis prior to dental or other operative procedures in patients with a history of rheumatic fever or congenital heart disease who are hypersensitive to penicillin. (Erythromycin is not suitable prior to genitourinary surgery where the organisms likely to lead to bacteremia are gram-negative bacilli or the enterococcus group of streptococci.)

*Staphylococcus aureus:*

Acute infections of skin and soft tissue of mild to moderate severity. Resistance may develop during treatment.

*Diplococcus pneumoniae:*

Upper respiratory tract infections (e.g. otitis media, pharyngitis) and lower respiratory tract infections (e.g. pneumonia) of mild to moderate degree.

*Mycoplasma pneumoniae*. (Eaton agent, PPLO.)

In the treatment of primary atypical pneumonia, when due to this organism.

*Neisseria gonorrhoeae* and *Treponema pallidum*:

Erythromycin is an alternate choice of treatment for gonorrhea and primary syphilis in patients allergic to the penicillins. Before treatment gonorrhea, patients who are suspected of also having syphilis should have a microscopic examination for *T. pallidum* (by immunofluorescence or darkfield) before receiving erythromycin, and monthly tests for a minimum of 4 months. In treatment of primary syphilis, spinal fluid examinations should be done before treatment and as part of follow-up after therapy.

*Corynebacterium diphtheriae* and *Corynebacterium minutissimum*:

As an adjunct to antitoxin, to prevent establishment of carriers, and to eradicate the organism in carriers.

In the treatment of erythrasma.

*Entamoeba histolytica*:

In the treatment of intestinal amebiasis only. Extra-enteric amebiasis requires treatment with other agents.

*Listeria monocytogenes*:

Infections due to this organism.

*Haemophilus influenzae*:

For upper and lower respiratory tract infections of mild to moderate severity. Not all strains of this organism are susceptible at the concentrations ordinarily achieved.

#### CONTRAINDICATIONS

Erythromycin is contraindicated in patients with known hypersensitivity to this antibiotic.

#### WARNINGS

Usage in pregnancy: Safety for use in pregnancy has not been established.

(The following is to be included in labeling for the estolate.)

The administration of erythromycin estolate has been associated with an allergic type of cholestatic hepatitis. Some patients receiving the estolate for more than 2 weeks or in repeated courses have shown jaundice accompanied by right upper quadrant pain, fever, nausea, vomiting, eosinophilia, and leukocytosis. The changes have been reversible on discontinuance of the drug. Liver function tests should be monitored in patients on such dosage, and the drug discontinued if abnormalities develop.

#### PRECAUTIONS

Erythromycin is principally excreted by the liver.

Caution should be exercised in administering the antibiotic to patients with impaired hepatic function.

Surgical procedures should be performed when indicated.

#### ADVERSE REACTIONS

The most frequent side effects of erythromycin preparations are gastrointestinal, such as abdominal cramping and discomfort, and are dose-related. Nausea, vomiting, and diarrhea occur infrequently with usual oral doses.

During prolonged or repeated therapy, there is a possibility of overgrowth of non-susceptible bacteria or fungi. If such infections occur, the drug should be discontinued and appropriate therapy instituted.

Mild allergic reactions such as urticaria and other skin rashes have occurred. Serious allergic reactions, including anaphylaxis, have been reported.

#### DOSE AND ADMINISTRATION

Optimum blood levels are obtained when doses are given on an empty stomach.

Adults: 250 mg. every 6 hours is the usual dose. Dosage may be increased up to 4 or more grams per day according to the severity of the infection.

Children: Age, weight, and severity of the infection are important factors in determining the proper dosage. 30-50 mg./kg./day, in divided doses, is the usual dose. For more severe infections this dose may be doubled.

If dosage is desired on a twice-a-day schedule in either adults or children, one-half of the total daily dose may be given every 12 hours, 1 hour before meals.

In the treatment of streptococcal infections, a therapeutic dosage of erythromycin should be administered for at least 10 days. In continuous prophylaxis of streptococcal infections in persons with a history of rheumatic heart disease, the dose is 250 mg. twice a day.

When used prior to surgery to prevent endocarditis (see Alpha-hemolytic streptococci), a recommended schedule for adults is: 500 mg. before the procedure and 250 mg. every 6 hours for 4 doses after the procedure. For small children: 30 mg./kg./day divided into three or four evenly spaced doses.

For treatment of primary syphilis: 30-40 grams given in divided doses over a period of 10-15 days.

For treatment of gonorrhea: 500 mg. four times daily for 5 days.

For dysenteric amebiasis: 250 mg. four times daily for 10 to 14 days, for adults; 30-50 mg./kg./day in divided doses for 10 to 14 days, for children.

#### II. Erythromycin Intramuscular

##### DESCRIPTION

Erythromycin is produced by a strain of *Streptomyces erythraeus* and belongs to the macrolide group of antibiotics. (Other descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation. If the dosage form includes a local anesthetic, it should be identified in this section.)

##### ACTIONS

The mode of action of erythromycin is inhibition of protein synthesis without affecting nucleic acid synthesis. Resistance to erythromycin of some strains of *Haemophilus influenzae* and staphylococci has been demonstrated. Culture and susceptibility testing should be done. If the Kirby-Bauer method of disc susceptibility is used, a 15 mcg. erythromycin disc should give a zone diameter of at least 18 mm. when tested against an erythromycin susceptible organism.

(This may be followed by an optional statement regarding the blood level produced by the manufacturer's brand of erythromycin.)

Erythromycin diffuses readily into most body fluids. In the absence of meningeal inflammation, low concentrations are normally achieved in the spinal fluid but passage of the drug across the blood-brain barrier increases in meningitis. In the presence of normal hepatic function, erythromycin is concentrated in the liver and excreted in the bile; the effect of hepatic dysfunction on excretion of erythromycin by the liver into the bile is not known. After oral administration, less than 5 percent of the activity of the administered dose can be recovered in the urine.

Erythromycin crosses the placental barrier, but fetal plasma levels are low.

##### INDICATIONS

*Streptococcus pyogenes*: (Group A, beta-hemolytic streptococci).

Upper and lower respiratory tract, skin, and soft tissue infections of mild to moderate severity.

Injectable benzathine penicillin G is considered by the American Heart Association to be the drug of choice in the treatment and prevention of streptococcal pharyngitis and in long-term prophylaxis of rheumatic fever.

Alpha-hemolytic streptococci (*viridans* group):

Short-term prophylaxis against bacterial endocarditis prior to dental or other operative procedures in patients with a history of rheumatic fever or congenital heart disease who are hypersensitive to penicillin. (Erythromycin is not suitable prior to genitourinary surgery where the organisms likely to lead to bacteremia are gram-negative bacilli or the enterococcus group of streptococci.)

*Staphylococcus aureus*:

Acute infections of skin and soft tissue of mild to moderate severity. Resistance may develop during treatment.

*Diplococcus pneumoniae*:

Upper respiratory tract infections (e.g. otitis media, pharyngitis) and lower respiratory tract infections (e.g. pneumonia) of mild to moderate degree.

*Mycoplasma pneumoniae*: (Eaton agent, PPLO):

In the treatment of primary atypical pneumonia, when due to this organism.

*Corynebacterium diphtheriae*:

As an adjunct to antitoxin.

*Listeria monocytogenes*:

Infections due to this organism.

*Haemophilus influenzae*:

For upper and lower respiratory tract infections of mild to moderate severity. Not all strains of this organism are susceptible at the concentrations ordinarily achieved.

#### CONTRAINDICATIONS

Erythromycin is contraindicated in patients with known hypersensitivity to this antibiotic. (If the dosage form includes a local anesthetic, the section should include a statement that its use should be avoided in persons known to be hypersensitive to prototype drugs.)

#### WARNINGS

As before (see Aug. 29, 1970, notice).

#### PRECAUTIONS

This product must not be administered intravenously or subcutaneously. Since small children do not have the large muscle mass required for deep placement of injections, intramuscular erythromycin is not recommended for small children.

Erythromycin is principally excreted by the liver. Caution should be exercised in administering the antibiotic to patients with impaired hepatic function.

Surgical procedures should be performed when indicated.

#### ADVERSE REACTIONS

During prolonged or repeated therapy there is a possibility of overgrowth of non-susceptible bacteria or fungi. If such infections occur, the drug should be discontinued and appropriate therapy instituted.

Allergic reaction, ranging from urticaria and mild skin eruptions to anaphylaxis, have occurred with erythromycin.

#### DOSE AND ADMINISTRATION

As before (see Aug. 29, 1970, notice).

#### III. Erythromycin Intravenous

##### DESCRIPTION

Erythromycin is produced by a strain of *Streptomyces erythraeus* and belongs to the

macrolide group of antibiotics. (Other descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

#### ACTIONS

The mode of action of erythromycin is inhibition of protein synthesis without affecting nucleic acid synthesis. Resistance to erythromycin of some strains of *Haemophilus influenzae* and staphylococci has been demonstrated. Culture and susceptibility testing should be done. If the Kirby-Bauer method of disc susceptibility is used, a 15 mcg. erythromycin disc should give a zone diameter of at least 18 mm. when tested against an erythromycin susceptible organism.

Intravenous injection of 200 mg. of erythromycin produces peak serum levels of 3-4 mcg./ml. almost immediately, 2 mcg./ml. at 1 hour, and 0.5 mcg./ml. at 6 hours.

Erythromycin diffuses readily into the body fluids. Only low concentrations are normally achieved in the spinal fluid, but passage of the drug across the blood-brain barrier increases in meningitis. In the presence of normal hepatic function, erythromycin is concentrated in the liver and excreted in the bile; the effect of hepatic dysfunction on excretion of erythromycin by the liver into the bile is not known. From 12 percent to 15 percent of intravenously administered erythromycin is excreted in active form in the urine.

Erythromycin crosses the placental barrier, but fetal plasma levels are low.

#### INDICATIONS

*Streptococcus pyogenes*: (Group A beta-hemolytic streptococci.)

Upper and lower respiratory tract, skin, and soft tissue infections of mild to moderate severity.

Injectable benzathine penicillin G is considered by the American Heart Association to be the drug of choice in the treatment and prevention of streptococcal pharyngitis and in long-term prophylaxis of rheumatic fever.

*Alpha-hemolytic streptococci (viridans group)*:

Short-term prophylaxis against bacterial endocarditis prior to dental or other operative procedures in patients with a history of rheumatic fever or congenital heart disease who are hypersensitive to penicillin. (Erythromycin is not suitable prior to genitourinary surgery where the organisms likely to lead to bacteremia are gram-negative bacilli or the enterococcus group of streptococci.)

*Staphylococcus aureus*:

Acute infections of skin and soft tissue of mild to moderate severity. Resistance may develop during treatment.

*Diplococcus pneumoniae*:

Upper respiratory tract infections (e.g. otitis media, pharyngitis) and lower respiratory tract infections (e.g. pneumonia) of mild to moderate degree.

*Mycoplasma pneumoniae*: (Eaton agent, PPLO.)

In the treatment of primary atypical pneumonia, when due to this organism.

*Corynebacterium diphtheriae*:

As an adjunct to antitoxin.

*Listeria monocytogenes*:

Infections due to this organism.

*Haemophilus influenzae*:

For upper and lower respiratory tract infections of mild to moderate severity. Not all strains of this organism are susceptible at the concentrations ordinarily achieved.

#### CONTRAINDICATIONS

As before (see Aug. 29, 1970, notice).

#### WARNINGS

As before (see Aug. 29, 1970, notice).

#### PRECAUTIONS

Side effects following the use of intravenous erythromycin are rare. Occasional venous irritation has been encountered, but if the injection is given slowly, in dilute solution, preferably by continuous intravenous infusion over 20-60 minutes, pain and vessel trauma are minimized.

Erythromycin is principally excreted by the liver. Caution should be exercised in administering the antibiotic to patients with impaired hepatic function.

Surgical procedures should be performed when indicated.

#### ADVERSE REACTIONS

Allergic reactions, ranging from urticaria and mild skin eruptions to anaphylaxis, have occurred with intravenously administered erythromycin. During prolonged or repeated therapy, there is a possibility of overgrowth of nonsusceptible bacteria or fungi. If such infections occur, the drug should be discontinued and appropriate treatment instituted.

Variations in liver function have occurred in daily doses at high levels or after prolonged therapy. Hepatic function tests should be performed in patients to whom such therapy is given.

#### DOSAGE AND ADMINISTRATION

Prepare the initial solution with sterile water from a glass-sealed ampule, by dissolving the contents of the vial (250 mg.) (500 mg.) (1,000 mg.) in at least (1 ml.) (10 ml.) (20 ml.).

When all of the drug is dissolved, the solution may then be added to normal sodium chloride or to 5 percent dextrose solution, to give 1 gm. per liter for slow, continuous infusion. If the medication is to be given by intermittent injection, one-fourth of the total daily dose can be given in 20-60 minutes by slow intravenous injection of 250 to 500 mg. in 100 to 250 ml. of normal (0.9 percent) sodium chloride or 5 percent dextrose solution. Injection should be sufficiently slow to avoid pain along the vein.

The recommended I.V. dosage for severe infections in adults and children is 15-20 mg./kg. body weight per day. Higher doses may be given in severe infections. Continuous infusion is preferable, but administration in divided doses not greater than every 6 hours is also effective.

Patients placed on intravenous erythromycin should be changed to the oral dosage form as soon as possible.

Holders of applications approved for erythromycin for oral and parenteral use are requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling in accord with the labeling section above.

Batches of drugs with labeling bearing indications not included in this announcement are no longer acceptable for certification or release.

The date of publication of this notice in the FEDERAL REGISTER amending the previous notice shall be used to compute the time period allowed for the probably effective indication, thus superseding the time period announced in the FEDERAL REGISTER of August 29, 1970.

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: October 4, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-14970 Filed 10-13-71; 8:46 am.]

[DESI 7322]

### TETRACYCLINE; OXYTETRACYCLINE; CHLORTETRACYCLINE; DEMECLO- CYCLINE; ROLITETRACYCLINE; AND METHACYCLINE FOR SYSTEMIC USE

#### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of September 2, 1970 (35 F.R. 13897), regarding the efficacy of tetracycline, oxytetracycline, chlortetracycline, demethylchlortetracycline, and rolitetracycline for systemic use. A correction of that announcement, which extended the labeling guidelines for tetracycline to include doxycycline capsules and suspension and methacycline capsules and syrup, was published April 20, 1971 (36 F.R. 7473). Based upon new information and a reevaluation of available data, the Commissioner of Food and Drugs finds it appropriate to amend the labeling section of the September 2, 1970, and April 20, 1971, announcements for tetracycline, oxytetracycline, chlortetracycline, demeclocycline, rolitetracycline, and methacycline as follows: (Revised labeling for doxycycline will be the subject of a separate notice.)

#### I. Tetracycline for Oral Administration

##### DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

##### ACTIONS

The tetracyclines are primarily bacteriostatic and are thought to exert their antimicrobial effect by the inhibition of protein synthesis. Tetracyclines are active against a wide range of gram-negative and gram-positive organisms.

The drugs in the tetracycline class have closely similar antimicrobial spectra, and cross-resistance among them is common. Micro-organisms may be considered susceptible if the MIC (minimum inhibitory concentration) is not more than 4.0 mcg./ml. and intermediate if the MIC is 4.0 to 12.5 mcg./ml.

Susceptibility plate testing: A tetracycline disc may be used to determine microbial susceptibility to drugs in the tetracycline class. If the Kirby-Bauer method of disc susceptibility testing is used, a 30 mcg. tetracycline disc should give a zone of at least 19 mm. when tested against a tetracycline-susceptible bacterial strain.

Tetracyclines are readily absorbed and are bound to plasma proteins in varying degree. They are concentrated by the liver in the bile and excreted in the urine and feces at high concentrations and in a biologically active form.

## INDICATIONS

Tetracycline is indicated in infections caused by the following micro-organisms:

Rickettsiae (Rocky Mountain spotted fever, typhus fever and the typhus group, Q fever, rickettsialpox and tick fevers), *Mycoplasma pneumoniae* (P.P.L.O., Eaton Agent).

Agents of psittacosis and ornithosis, Agents of lymphogranuloma venereum and granuloma inguinale, The spirochetal agent of relapsing fever (*Borrelia recurrentis*).

The following gram-negative micro-organisms:

*Haemophilus ducreyi* (chancroid), *Pasteurella pestis* and *Pasteurella tularensis*,

*Bartonella bacilliformis*,

*Bacteroides* species,

*Vibrio comma* and *Vibrio fetus*,

*Brucella* species (in conjunction with streptomycin).

Because many strains of the following groups of micro-organisms have been shown to be resistant to tetracyclines, culture and susceptibility testing are recommended.

Tetracycline is indicated for treatment of infections caused by the following gram-negative micro-organisms, when bacteriologic testing indicates appropriate susceptibility to the drug:

*Escherichia coli*,

*Enterobacter aerogenes* (formerly *Aerobacter aerogenes*),

*Shigella* species,

*Mima* species and *Herellea* species,

*Haemophilus influenzae* (respiratory infections),

*Klebsiella* species (respiratory and urinary infections).

Tetracycline is indicated for treatment of infections caused by the following gram-positive micro-organisms when bacteriologic testing indicates appropriate susceptibility to the drug:

*Streptococcus pyogenes* (For upper respiratory infections due to Group A beta-hemolytic streptococci, penicillin is the usual drug of choice, including prophylaxis of rheumatic fever),

Alpha-hemolytic streptococci (viridans group),

Enterococcus group (*Streptococcus faecalis*),

*Diplococcus pneumoniae*,

*Staphylococcus aureus*, skin and soft tissue infections. Tetracyclines are not the drugs of choice in the treatment of any type of staphylococcal infections.

When penicillin is contraindicated, tetracyclines are alternative drugs in the treatment of infections due to:

*Neisseria gonorrhoeae*,

*Treponema pallidum* and *Treponema pertenue* (syphilis and yaws),

*Listeria monocytogenes*,

*Clostridium* species,

*Bacillus anthracis*,

*Fusobacterium fusiforme* (Vincent's infection),

*Actinomyces* species.

In acute intestinal amebiasis, the tetracyclines may be a useful adjunct to amebicides.

In severe acne, the tetracyclines may be useful adjunctive therapy.

Tetracyclines are indicated in the treatment of trachoma, although the infectious agent is not always eliminated, as judged by immunofluorescence.

Inclusion conjunctivitis may be treated with oral tetracyclines or with a combination of oral and topical agents.

## CONTRAINDICATIONS

This drug is contraindicated in persons who have shown hypersensitivity to any of the tetracyclines.

## WARNINGS

The use of drugs of the tetracycline class during tooth development (last half of pregnancy, infancy, and childhood to the age of 8 years) may cause permanent discoloration of the teeth (yellow-gray-brown). This adverse reaction is more common during long-term use of the drugs but has been observed following repeated short-term courses. Enamel hypoplasia has also been reported. Tetracycline drugs, therefore, should not be used in this age group unless other drugs are not likely to be effective or are contraindicated.

If renal impairment exists, even usual oral or parenteral doses may lead to excessive systemic accumulation of the drug and possible liver toxicity. Under such conditions, lower than usual total doses are indicated and, if therapy is prolonged, serum level determinations of the drug may be advisable.

Photosensitivity manifested by an exaggerated sunburn reaction has been observed in some individuals taking tetracyclines. Patients apt to be exposed to direct sunlight or ultraviolet light should be advised that this reaction can occur with tetracycline drugs, and treatment should be discontinued at the first evidence of skin erythema.

The anti-anabolic action of the tetracyclines may cause an increase in BUN. While this is not a problem in those with normal renal function, in patients with significantly impaired function, higher serum levels of tetracycline may lead to azotemia, hyperphosphatemia, and acidosis.

Usage in pregnancy. (See above "Warnings" about use during tooth development.)

Results of animal studies indicate that tetracyclines cross the placenta, are found in fetal tissues and can have toxic effects on the developing fetus (often related to retardation of skeletal development). Evidence of embryotoxicity has also been noted in animals treated early in pregnancy.

Usage in newborns, infants, and children. (See above "Warnings" about use during tooth development.)

All tetracyclines form a stable calcium complex in any bone forming tissue. A decrease in the fibula growth rate has been observed in premature infants given oral tetracycline in doses of 25 mg./kg. every 6 hours. This reaction was shown to be reversible when the drug was discontinued.

Tetracyclines are present in the milk of lactating women who are taking a drug in this class.

## PRECAUTIONS

As with other antibiotic preparations, use of this drug may result in overgrowth of nonsusceptible organisms, including fungi. If superinfection occurs, the antibiotic should be discontinued and appropriate therapy instituted.

In venereal diseases when coexistent syphilis is suspected, darkfield examination should be done before treatment is started and the blood serology repeated monthly for at least 4 months.

Because tetracyclines have been shown to depress plasma prothrombin activity, patients who are on anticoagulant therapy may require downward adjustment of their anticoagulant dosage.

In long-term therapy, periodic laboratory evaluation of organ systems, including hematopoietic, renal and hepatic studies should be performed.

All infections due to Group A beta-hemolytic streptococci should be treated for at least 10 days.

Since bacteriostatic drugs may interfere with the bactericidal action of penicillin, it is advisable to avoid giving tetracycline in conjunction with penicillin.

## ADVERSE REACTIONS

Gastrointestinal: Anorexia, nausea, vomiting, diarrhea, glossitis, dysphagia, enterocolitis, and inflammatory lesions (with monilial overgrowth) in the anogenital region. These reactions have been caused by both the oral and parenteral administration of tetracyclines.

Skin: maculopapular and erythematous rashes. Exfoliative dermatitis has been reported but is uncommon. Photosensitivity is discussed above. (See "Warnings".)

Renal toxicity: Rise in BUN has been reported and is apparently dose related. (See "Warnings".)

Hypersensitivity reactions: urticaria, angioneurotic edema, anaphylaxis, anaphylactoid purpura, pericarditis and exacerbation of systemic lupus erythematosus.

Bulging fontanelles have been reported in young infants following full therapeutic dosage. This sign disappeared rapidly when the drug was discontinued.

Blood: Hemolytic anemia, thrombocytopenia, neutropenia and eosinophilia have been reported.

When given over prolonged periods, tetracyclines have been reported to produce brown-black microscopic discoloration of thyroid glands. No abnormalities of thyroid function studies are known to occur.

## DOSAGE AND ADMINISTRATION

Therapy should be continued for at least 24-48 hours after symptoms and fever have subsided.

Concomitant therapy: Antacids containing aluminum, calcium, or magnesium impair absorption and should not be given to patients taking oral tetracycline.

Food and some dairy products also interfere with absorption. Oral forms of tetracycline should be given 1 hour before or 2 hours after meals. Pediatric oral dosage forms should not be given with milk formulas and should be given at least 1 hour prior to feeding.

In patients with renal impairment: (See "Warnings.") Total dosage should be decreased by reduction of recommended individual doses and/or by extending time intervals between doses.

In the treatment of streptococcal infections, a therapeutic dose of tetracycline should be administered for at least 10 days.

(Adult and pediatric dose to be supplied. Dosage for the treatment of gonorrhea should conform with recommendations of the U.S. Public Health Service.)

## II. Tetracycline for Intramuscular Administration

## DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

## ACTIONS

The tetracyclines are primarily bacteriostatic and are thought to exert their antimicrobial effect by the inhibition of protein synthesis. Tetracyclines are active against a wide range of gram-negative and gram-positive organisms.

The drugs in the tetracycline class have closely similar antimicrobial spectra, and cross-resistance among them is common. Micro-organisms may be considered susceptible if the MIC (minimum inhibitory concentration) is not more than 4.0 mcg./ml. and intermediate if the MIC is 4.0 to 12.5 mcg./ml.

Susceptibility plate testing: A tetracycline disc may be used to determine microbial susceptibility to drugs in the tetracycline class. If the Kirby-Bauer method of disc

susceptibility testing is used, a 30 mcg. tetracycline disc should give a zone of at least 19 mm. when tested against a tetracycline-susceptible bacterial strain.

Tetracyclines are readily absorbed and are bound to plasma proteins in varying degree. They are concentrated by the liver in the bile and excreted in the urine and feces at high concentrations and in a biologically active form.

#### INDICATIONS

Tetracycline is indicated in infections caused by the following micro-organisms:

Rickettsiae (Rocky Mountain spotted fever, typhus fever and the typhus group, Q fever, rickettsialpox and tick fevers).

*Mycoplasma pneumoniae* (PPLO, Eaton agent).

Agents of psittacosis and ornithosis, Agents of lymphogranuloma venereum and granuloma inguinale.

The spirochetal agent of relapsing fever (*Borrelia recurrentis*).

The following gram-negative micro-organisms:

*Haemophilus ducreyi* (chancroid).

*Pasteurella pestis* and *Pasteurella tularensis*.

*Bartonella bacilliformis*, *Bacteroides* species.

*Vibrio comma* and *Vibrio fetus*, *Brucella* species (in conjunction with streptomycin).

Because many strains of the following groups of micro-organisms have been shown to be resistant to tetracyclines, culture and susceptibility testing are recommended.

Tetracycline is indicated for treatment of infections caused by the following gram-negative micro-organisms, when bacteriologic testing indicates appropriate susceptibility to the drug:

*Escherichia coli*,

*Enterobacter aerogenes* (formerly *Aerobacter aerogenes*).

*Shigella* species, *Mima* species and *Herellea* species.

*Haemophilus influenzae* (respiratory infections).

*Klebsiella* species (respiratory and urinary infections).

Tetracycline is indicated for treatment of infections caused by the following gram-positive micro-organisms when bacteriologic testing indicates appropriate susceptibility to the drug:

*Streptococcus pyogenes* (for upper respiratory infections due to Group A beta-hemolytic streptococci, penicillin is the usual drug of choice, including the prophylaxis of rheumatic fever).

Alpha-hemolytic streptococci (viridans group).

Enterococcus group (*Streptococcus faecalis*).

*Diplococcus pneumoniae*, *Staphylococcus aureus*, skin and soft tissue infections. Tetracyclines are not the drugs of choice in the treatment of any type of staphylococcal infections.

When penicillin is contraindicated, tetracyclines are alternative drugs in the treatment of infections due to:

*Neisseria gonorrhoeae*, *Treponema pallidum* and *Treponema pertenue* (syphilis and yaws).

*Listeria monocytogenes*, *Clostridium* species, *Bacillus anthracis*,

*Fusobacterium fusiforme* (Vincent's infection).

*Actinomyces* species.

In acute intestinal amebiasis, the tetracyclines may be a useful adjunct to amebicides.

Tetracyclines are indicated in the treatment of trachoma, although the infectious

agent is not always eliminated, as judged by immunofluorescence.

Inclusion conjunctivitis may be treated with oral tetracyclines or with a combination of oral and topical agents.

#### CONTRAINDICATIONS

This drug is contraindicated in persons who have shown hypersensitivity to any of the tetracyclines.

#### WARNINGS

The use of tetracyclines during tooth development (last half of pregnancy, infancy, and childhood to the age of 8 years) may cause permanent discoloration of the teeth (yellow-gray-brown). This adverse reaction is more common during long-term use of the drugs but has been observed following repeated short-term courses. Enamel hypoplasia has also been reported. Tetracyclines, therefore, should not be used in this age group unless other drugs are not likely to be effective or are contraindicated.

If renal impairment exists, even usual oral or parenteral doses may lead to excessive systemic accumulation of the drug and possible liver toxicity. Under such conditions, lower than usual total doses are indicated and, if therapy is prolonged, serum level determinations of the drug may be advisable. This hazard is of particular importance in the parenteral administration of tetracyclines to pregnant or postpartum patients with pyelonephritis. When used under these circumstances, the blood level should not exceed 15 micrograms/ml. and liver function tests should be made at frequent intervals. Other potentially hepatotoxic drugs should not be prescribed concomitantly.

(In the presence of renal dysfunction, particularly in pregnancy, intravenous tetracycline therapy in daily doses exceeding 2 grams has been associated with deaths due to liver failure.)

Photosensitivity manifested by an exaggerated sunburn reaction has been observed in some individuals taking tetracyclines. Patients apt to be exposed to direct sunlight or ultraviolet light should be advised that this reaction can occur with tetracycline drugs, and treatment should be discontinued at the first evidence of skin erythema.

The antianabolic action of the tetracyclines may cause an increase in BUN. While this is not a problem in those with normal renal function, in patients with significantly impaired function, higher serum levels of this drug may lead to azotemia, hyperphosphatemia, and acidosis.

*Usage in pregnancy.* (See above "Warnings" about use during tooth development.)

Results of animal studies indicate that tetracyclines cross the placenta, are found in fetal tissues and can have toxic effects on the developing fetus (often related to retardation of skeletal development). Evidence of embryotoxicity has also been noted in animals treated early in pregnancy.

*Usage in newborns, infants, and children.* (See above "Warnings" about use during tooth development.)

All tetracyclines form a stable calcium complex in any bone forming tissue. A decrease in the fibula growth rate has been observed in premature infants given oral tetracycline in doses of 25 mg./kg. every 6 hours. This reaction was shown to be reversible when the drug was discontinued.

Tetracyclines are present in the milk of lactating women who are taking a drug in this class.

#### PRECAUTIONS

As with other antibiotic preparations, use of this drug may result in overgrowth of non-susceptible organisms, including fungi. If superinfection occurs, the antibiotic should

be discontinued and appropriate therapy instituted.

In venereal diseases when coexistent syphilis is suspected, darkfield examination should be done before treatment is started and the blood serology repeated monthly for at least 4 months.

Because tetracyclines have been shown to depress plasma prothrombin activity, patients who are on anticoagulant therapy may require downward adjustment of their anticoagulant dosage.

In long-term therapy, periodic laboratory evaluation of organ systems, including hematopoietic, renal and hepatic studies should be performed.

All infections due to Group A beta-hemolytic streptococci should be treated for at least 10 days.

Since bacteriostatic drugs may interfere with the bactericidal action of penicillin, it is advisable to avoid giving tetracycline in conjunction with penicillin.

#### ADVERSE REACTIONS

Local irritation may be present after intramuscular injection. The injection should be deep, with care taken not to injure the sciatic nerve nor inject intravascularly.

Gastrointestinal: anorexia, nausea, vomiting, diarrhea, glossitis, dysphagia, enterocolitis, and inflammatory lesions (with monilial overgrowth) in the anogenital region. These reactions have been caused by both the oral and parenteral administration of tetracyclines.

Skin: maculopapular and erythematous rashes. Exfoliative dermatitis has been reported but is uncommon. Photosensitivity is discussed above. (See "Warnings")

Renal toxicity: Rise in BUN has been reported and is apparently dose related. (See "Warnings")

Hypersensitivity reactions: Urticaria, an-gioneurotic edema, anaphylaxis, anaphylactoid purpura, pericarditis, and exacerbation of systemic lupus erythematosus.

Bulging fontanels have been reported in young infants following full therapeutic dosage. This sign disappeared rapidly when the drug was discontinued.

Blood: Hemolytic anemia, thrombocytopenia, neutropenia, and eosinophilia have been reported.

When given over prolonged periods, tetracyclines have been reported to produce brown-black microscopic discoloration of thyroid glands. No abnormalities of thyroid function studies are known to occur.

#### DOSAGE AND ADMINISTRATION

(Adult and pediatric dose)—to be supplied. Dosage for the treatment of gonorrhea should conform with recommendations of the U.S. Public Health Service.)

Intramuscular therapy should be reserved for situations in which oral therapy is not feasible.

The intramuscular administration of tetracycline produces lower blood levels than oral administration in the recommended dosages. Patients placed on intramuscular tetracyclines should be changed to the oral dosage form as soon as possible. If rapid, high blood levels are needed, tetracyclines should be administered intravenously.

In patients with renal impairment: (See "Warnings.") Total dosage should be decreased by reduction of recommended individual doses and/or by extending time intervals between doses.

#### III. Tetracycline for Intravenous Administration

##### DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the

physical and chemical properties of the drug and the formulation.)

#### ACTIONS

The tetracyclines are primarily bacteriostatic and are thought to exert their antimicrobial effect by the inhibition of protein synthesis. Tetracyclines are active against a wide range of gram-negative and gram-positive organisms.

The drugs in the tetracycline class have closely similar antimicrobial spectra, and cross-resistance among them is common. Micro-organisms may be considered susceptible if the M.I.C. (minimum inhibitory concentration) is not more than 4.0 mcg./ml. and intermediate if the M.I.C. is 4.0 to 12.5 mcg./ml.

Susceptibility plate testing: A tetracycline disc may be used to determine microbial susceptibility to drugs in the tetracycline class. If the Kirby-Bauer method of disc susceptibility testing is used, a 30 mcg. tetracycline disc should give a zone of at least 19 mm. when tested against a tetracycline-susceptible bacterial strain.

Tetracyclines are readily absorbed and are bound to plasma proteins in varying degree. They are concentrated by the liver in the bile and excreted in the urine and feces at high concentrations and in a biologically active form.

#### INDICATIONS

Tetracycline is indicated in infections caused by the following micro-organisms:

Rickettsiae (Rocky Mountain spotted fever, typhus fever and the typhus group, Q fever, rickettsialpox and tick fevers),

*Mycoplasma pneumoniae* (PPLO, Eaton Agent),

Agents of psittacosis and ornithosis,

Agents of lymphogranuloma venereum and granuloma inguinale,

The spirochetal agent of relapsing fever (*Borrelia recurrentis*),

The following gram-negative microorganisms:

*Haemophilus ducreyi* (chancroid),

*Pasteurella pestis* and *Pasteurella tularensis*,

*Bartonella bacilliformis*,

*Bacteroides* species,

*Vibrio comma* and *Vibrio fetus*,

*Brucella* species (in conjunction with streptomycin).

Because many strains of the following groups of microorganisms have been shown to be resistant to tetracyclines, culture and susceptibility testing are recommended.

Tetracycline is indicated for treatment of infections caused by the following gram-negative microorganisms, when bacteriologic testing indicates appropriate susceptibility to the drug:

*Escherichia coli*,

*Enterobacter aerogenes* (formerly *Aerobacter aerogenes*),

*Shigella* species,

*Mima* species and *Herellea* species,

*Haemophilus influenzae* (respiratory infections),

*Klebsiella* species (respiratory and urinary infections).

Tetracycline is indicated for treatment of infections caused by the following gram-positive micro-organisms when bacteriologic testing indicates appropriate susceptibility to the drug:

*Streptococcus pyogenes* (for upper respiratory infections due to Group A beta-hemolytic streptococci, penicillin is the usual drug of choice, including the prophylaxis of rheumatic fever),

Alpha-hemolytic streptococci (viridans group),

Enterococcus group (*Streptococcus faecalis*),

*Diplococcus pneumoniae*,  
*Staphylococcus aureus*, skin and soft tissue infections. Tetracyclines are not the drugs of choice in the treatment of any type of staphylococcal infections.

When penicillin is contraindicated, tetracyclines are alternative drugs in the treatment of infections due to:

*Neisseria gonorrhoeae* and *Neisseria meningitidis*,

*Treponema pallidum* and *Treponema pertenue* (syphilis and yaws),

*Listeria monocytogenes*,

*Clostridium* species,

*Bacillus anthracis*,

*Fusobacterium fusiforme* (Vincent's infection),

*Actinomyces* species.

In acute intestinal amebiasis, the tetracyclines may be a useful adjunct to amebicides.

Tetracyclines are indicated in the treatment of trachoma, although the infectious agent is not always eliminated, as judged by immunofluorescence.

Inclusion conjunctivitis may be treated with oral tetracyclines or with a combination of oral and topical agents.

#### CONTRAINDICATIONS

This drug is contraindicated in persons who have shown hypersensitivity to any of the tetracyclines.

#### WARNINGS

In the presence of renal dysfunction, particularly in pregnancy, intravenous tetracycline therapy in daily doses exceeding 2 grams has been associated with deaths through liver failure.

When the need for intensive treatment outweighs its potential dangers (mostly during pregnancy or in individuals with known or suspected renal or liver impairment), it is advisable to perform renal and liver function tests before and during therapy. Also tetracycline serum concentrations should be followed.

If renal impairment exists, even usual oral or parenteral doses may lead to excessive systemic accumulation of the drug and possible liver toxicity. Under such conditions lower than usual total doses are indicated, and if therapy is prolonged, serum level determinations of the drug may be advisable. This hazard is of particular importance in the parenteral administration of tetracyclines to pregnant or postpartum patients with pyelonephritis. When used under these circumstances, the blood level should not exceed 15 micrograms/ml, and liver function tests should be made at frequent intervals. Other potentially hepatotoxic drugs should not be prescribed concomitantly.

The use of tetracyclines during tooth development (last half of pregnancy, infancy, and childhood to the age of 8 years) may cause permanent discoloration of the teeth (yellow-gray-brown). This adverse reaction is more common during long-term use of the drugs but has been observed following repeated short-term courses. Enamel hypoplasia has also been reported. Tetracyclines, therefore, should not be used in this age group unless other drugs are not likely to be effective or are contraindicated.

Photosensitivity manifested by an exaggerated sunburn reaction has been observed in some individuals taking tetracyclines. Patients apt to be exposed to direct sunlight or ultraviolet light should be advised that this reaction can occur with tetracycline drugs, and treatment should be discontinued at the first evidence of skin erythema.

The antianabolic action of the tetracyclines may cause an increase in BUN. While this is not a problem in those with normal renal

function, in patients with significantly impaired function, higher serum levels of tetracycline may lead to azotemia, hyperphosphatemia, and acidosis.

*Usage in pregnancy.* (See above "Warnings" about use during tooth development.)

Results of animal studies indicate that tetracyclines cross the placenta, are found in fetal tissues and can have toxic effects on the developing fetus (often related to retardation of skeletal development). Evidence of embryotoxicity has also been noted in animals treated early in pregnancy.

*Usage in newborns, infants, and children.* (See above "Warnings" about use during tooth development.)

All tetracyclines form a stable calcium complex in any bone forming tissue. A decrease in the fibula growth rate has been observed in prematures given oral tetracycline in doses of 25 mg./kg. every 6 hours. This reaction was shown to be reversible when the drug was discontinued.

Tetracyclines are present in the milk of lactating women who are taking a drug in this class.

#### PRECAUTIONS

As with other antibiotic preparations, use of this drug may result in overgrowth of non-susceptible organisms, including fungi. If superinfection occurs, the antibiotic should be discontinued and appropriate therapy instituted.

In venereal diseases when coexistent syphilis is suspected, darkfield examination should be done before treatment is started and the blood serology repeated monthly for at least 4 months.

Because the tetracyclines have been shown to depress plasma prothrombin activity, patients who are on anticoagulant therapy may require downward adjustment of their anticoagulant dosage.

In long-term therapy, periodic laboratory evaluation of organ systems, including hematopoietic, renal and hepatic studies should be performed.

All infections due to Group A beta-hemolytic streptococci should be treated for at least 10 days.

Since bacteriostatic drugs may interfere with the bactericidal action of penicillin, it is advisable to avoid giving tetracycline in conjunction with penicillin.

#### ADVERSE REACTIONS

Gastrointestinal: Anorexia, nausea, vomiting, diarrhea, glossitis, dysphagia, enterocolitis, and inflammatory lesions (with monilial overgrowth) in the anogenital region. These reactions have been caused by both the oral and parenteral administration of tetracyclines.

Skin: Maculopapular and erythematous rashes. Exfoliative dermatitis has been reported but is uncommon. Photosensitivity is discussed above. (See "Warnings".)

Renal toxicity: Rise in BUN has been reported and is apparently dose related. (See "Warnings".)

Hypersensitivity reactions: Urticaria, angioneurotic edema, anaphylaxis, anaphylactoid purpura, pericarditis and exacerbation of systemic lupus erythematosus.

Bulging fontanels have been reported in young infants following full therapeutic dosage. This sign disappeared rapidly when the drug was discontinued.

Blood: Hemolytic anemia, thrombocytopenia, neutropenia, and eosinophilia have been reported.

When given over prolonged periods, tetracyclines have been reported to produce brown-black microscopic discoloration of thyroid glands. No abnormalities of thyroid function studies are known to occur.

## DOSAGE AND ADMINISTRATION

NOTE: Rapid administration is to be avoided. Parenteral therapy is indicated only when oral therapy is not adequate or tolerated. Oral therapy should be instituted as soon as possible. If intravenous therapy is given over prolonged periods of time, thrombophlebitis may result. (Adult and pediatric dose—to be supplied. Dosage for the treatment of gonorrhea should conform with recommendations of the U.S. Public Health Service.)

In patients with renal impairment: (See "Warnings.") Total dosage should be decreased by reduction of recommended individual doses and/or by extending time intervals between doses.

IV. *Oxytetracycline for Oral Administration*

## DESCRIPTION

(Description information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

## ACTIONS

(This should be identical to oral tetracycline labeling.)

## INDICATIONS

(This should be identical to oral tetracycline labeling.)

## CONTRAINDICATIONS

(This should be identical to oral tetracycline labeling.)

## WARNINGS

(This should be identical to oral tetracycline labeling.)

## PRECAUTIONS

(This should be identical to oral tetracycline labeling.)

## ADVERSE REACTIONS

(This should be identical to oral tetracycline labeling.)

## DOSAGE AND ADMINISTRATION

(This should be identical to oral tetracycline labeling.)

V. *Oxytetracycline for Intravenous Administration*

## DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

## ACTIONS

(This should be identical to intravenous tetracycline labeling.)

## INDICATIONS

(This should be identical to intravenous tetracycline labeling.)

## CONTRAINDICATIONS

(This should be identical to intravenous tetracycline labeling.)

## WARNINGS

(This should be identical to intravenous tetracycline labeling.)

## PRECAUTIONS

(This should be identical to intravenous tetracycline labeling.)

## ADVERSE REACTIONS

(This should be identical to intravenous tetracycline labeling.)

## DOSAGE AND ADMINISTRATION

(This should be identical to intravenous tetracycline labeling.)

VI. *Oxytetracycline for Intramuscular Administration*

## DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

## ACTIONS

(This should be identical to intramuscular tetracycline labeling.)

## INDICATIONS

(This should be identical to intramuscular tetracycline labeling.)

## CONTRAINDICATIONS

(This should be identical to intramuscular tetracycline labeling.)

## WARNINGS

(This should be identical to intramuscular tetracycline labeling.)

## PRECAUTIONS

(This should be identical to intramuscular tetracycline labeling.)

## ADVERSE REACTIONS

(This should be identical to intramuscular tetracycline labeling.)

## DOSAGE AND ADMINISTRATION

(This should be identical to intramuscular tetracycline labeling.)

VII. *Chlortetracycline for Oral Administration*

## DESCRIPTION

(This should be identical to oral tetracycline labeling.)

## ACTIONS

(This should be identical to oral tetracycline labeling.)

## INDICATIONS

(This should be identical to oral tetracycline labeling.)

## CONTRAINDICATION

(This should be identical to oral tetracycline labeling.)

## WARNINGS

(This should be identical to oral tetracycline labeling.)

## PRECAUTIONS

(This should be identical to oral tetracycline labeling.)

## ADVERSE REACTIONS

(This should be identical to oral tetracycline labeling.)

## DOSAGE AND ADMINISTRATION

(This should be identical to oral tetracycline labeling.)

VIII. *Chlortetracycline for Intravenous Administration*

## DESCRIPTION

(This should be identical to intravenous tetracycline labeling.)

## ACTIONS

(This should be identical to intravenous tetracycline labeling.)

## INDICATIONS

(This should be identical to intravenous tetracycline labeling.)

## CONTRAINDICATIONS

(This should be identical to intravenous tetracycline labeling.)

## WARNINGS

(This should be identical to intravenous tetracycline labeling.)

## PRECAUTIONS

(This should be identical to intravenous tetracycline labeling.)

## ADVERSE REACTIONS

(This should be identical to intravenous tetracycline labeling.)

## DOSAGE AND ADMINISTRATION

(This should be identical to intravenous tetracycline labeling.)

IX. *Demeclocycline for Oral Administration*

## DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

## ACTIONS

(This should be identical to oral tetracycline labeling.)

## INDICATIONS

(This should be identical to the oral tetracycline labeling, except that the following should be omitted: "In severe acne the tetracyclines may be useful adjunctive therapy".)

## CONTRAINDICATIONS

(This should be identical to oral tetracycline labeling.)

## WARNINGS

The use of drugs of the tetracycline class during tooth development (last half of pregnancy, infancy, and childhood to the age of 8 years) may cause permanent discoloration of the teeth (yellow-gray-brown). This adverse reaction is more common during long-term use of the drugs but has been observed following repeated short-term courses. Enamel hypoplasia has also been reported. Tetracycline drugs, therefore, should not be used in this age group unless other drugs are not likely to be effective or are contraindicated.

If renal impairment exists, even usual oral or parenteral doses may lead to excessive systemic accumulation of the drug and possible liver toxicity. Under such conditions, lower than usual total doses are indicated and, if therapy is prolonged, serum level determinations of the drug may be advisable.

Phototoxic reactions can occur in individuals taking demeclocycline, and are characterized by severe burns of exposed surfaces resulting from direct exposure of patients to sunlight during therapy with moderate or large doses of demeclocycline. Patients apt to be exposed to direct sunlight or ultraviolet light should be advised that this reaction can occur, and treatment should be discontinued at the first evidence of skin erythema.

The anti-anabolic action of the tetracyclines may cause an increase in BUN. While this is not a problem in those with normal renal function, in patients with significantly impaired function, higher serum levels of tetracycline may lead to azotemia, hyperphosphatemia, and acidosis.

Usage in pregnancy. (See above "Warnings" about use during tooth development.)

Results of animal studies indicate that tetracyclines cross the placenta, are found



in fetal tissues and can have toxic effects on the developing fetus (often related to retardation of skeletal development). Evidence of embryotoxicity has also been noted in animals treated early in pregnancy.

*Usage in newborns, infants, and children.* (See above "Warnings" about use during tooth development.)

All tetracyclines form a stable calcium complex in any bone forming tissue. A decrease in the fibula growth rate has been observed in prematures given oral tetracycline in doses of 25 mg./kg. every 6 hours. This reaction was shown to be reversible when the drug was discontinued.

Tetracyclines are present in the milk of lactating women who are taking a drug of this class.

#### PRECAUTIONS

(This should be identical to the oral tetracycline labeling, except that the following statement should be added to the end of the section:)

"Interpretation of Bacteriologic Studies: Following a course of therapy, persistence for several days in both urine and blood of bacterio-suppressive levels of demeclocycline may interfere with culture studies. These levels should not be considered therapeutic."

#### ADVERSE REACTIONS

(This should be identical to oral tetracycline labeling.)

#### DOSAGE AND ADMINISTRATION

(This should be identical to oral tetracycline labeling.)

#### X. Rolitetracycline for Intravenous and Intramuscular Administration

##### DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

##### ACTIONS

(This should be identical to labeling for I.M. or I.V. tetracycline.)

##### INDICATIONS

(This should be identical to labeling for I.M. or I.V. tetracycline.)

##### CONTRAINDICATIONS

(This should be identical to labeling for I.M. or I.V. tetracycline.)

##### WARNINGS

(This should be identical to labeling for I.M. or I.V. tetracycline.)

##### PRECAUTIONS

(This should be identical to labeling for I.M. or I.V. tetracycline.)

##### ADVERSE REACTIONS

(This should be identical to labeling for I.M. or I.V. tetracycline.)

##### DOSAGE AND ADMINISTRATION

*For Intramuscular Rolitetracycline.* (This should be identical to intramuscular tetracycline labeling.)

*For Intravenous Rolitetracycline.* (This should be identical to intravenous tetracycline labeling.)

#### XI. Methacycline for Oral Administration

##### DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the

physical and chemical properties of the drug and the formulation.)

##### ACTIONS

(This should be identical to oral tetracycline labeling.)

##### INDICATIONS

(This should be identical to oral tetracycline labeling.)

##### CONTRAINDICATIONS

(This should be identical to oral tetracycline labeling.)

##### WARNINGS

(This should be identical to oral tetracycline labeling.)

##### PRECAUTIONS

(This should be identical to oral tetracycline labeling.)

##### ADVERSE REACTIONS

(This should be identical to oral tetracycline labeling.)

##### DOSAGE AND ADMINISTRATION

(This should be identical to oral tetracycline labeling.)

Holders of applications approved for tetracycline, oxytetracycline, chlortetracycline, demeclocycline, rolitetracycline, and methacycline for systemic use are requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling in accord with the labeling section above.

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: September 30, 1971.

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

[FR Doc.71-14971 Filed 10-13-71; 8:46 am]

#### BORDEN, INC.

#### Pasteurized Process American Cheese 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 Borden, Inc., 277 Park Avenue, New York, N.Y. 10017. This permit covers limited interstate marketing tests of a pasteurized process American cheese that deviates from the identity standard prescribed in § 19.750 (21 CFR 19.750) in that it contains lecithin.

The principal display panel of the label will contain the ingredient statement "Lecithin Added."

This permit expires 12 months from the date of signature of this document.

Dated: October 4, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-14964 Filed 10-13-71; 8:46 am]

[Docket No. FDC-D-385; NDA No. 3-213, etc.]

#### BREON LABORATORIES, INC., ET AL. New-Drug Applications; Notice of Withdrawal of Approval

The holders of the new-drug applications listed herein have not submitted certain required annual reports of experience with the drugs, have advised the Food and Drug Administration either that they have discontinued marketing or that they have never marketed the drugs, and have requested withdrawal of approval of the listed new-drug applications, thereby waiving opportunity for hearing.

NDA	Drug name	Applicant's name and address
3-213...	Becaplets with Ascorbic Acid Capsules (thiamine HCL, riboflavin, nicotinic acid and ascorbic acid).	Breon Laboratories, Inc., New York, N.Y. 10016.
5-114...	Moramide Ointment (sulfanilamide and cod liver oil).	The S. E. Massengill Co., Bristol, Tenn. 37620.
5-364...	Chloro-Salicylate Ointment (chloral hydrate with methyl dimethyl cyclohexanol, and methyl salicylate).	Kremers-Urban Co., Milwaukee, Wis. 53201.
9-358...	Sodium Iodide I-131 Injection (radioactive Sodium Iodide I-131).	Mallinckrodt Chemical Works, St. Louis, Mo. 63169.
9-607...	Rauvertrum Tablets (rauwolfia serpentina-veratrum virides).	Richlyn Laboratories, Inc., Philadelphia, Pa. 19124.
10-038...	Reserpine Prolongsules...	Richlyn Laboratories, Inc., Philadelphia, Pa. 19124.
10-189...	Sterisil (hexetidine) Vaginal Gel.	Warner-Chilcott Laboratories, Division of Warner-Lambert Pharmaceutical Co., Morris Plains, N.J. 07960.
10-201...	Pontalin Tablets (chlorbetamide).	Winthrop Products, Inc. New York, N.Y. 10016.
10-616...	Hydrocortisone Ointment (hydrocortisone).	The S. E. Massengill Co., Bristol, Tenn. 37620.
10-774...	Delta-Cortril APC Tablets (prednisolone, acetylsalicylic acid, phenacetin and caffeine).	Pfizer, Inc., New York, N.Y. 10017.

Therefore, 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 the Commissioner of Food and Drugs (21 CFR 2.120), approval of new-drug applications Nos. 3-213, 5-114, 5-364, 9-358, 9-607, 10-038, 10-189, 10-201, 10-616, and 10-774 including all amendments and supplements thereto, are hereby withdrawn on the grounds that certain annual reports of experience with the drug required under section 505(j) of the Act (21 U.S.C. 355(j))

and §§ 130.13 and 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.13 and 130.35) have not been submitted.

This order shall become effective on its date of publication in the FEDERAL REGISTER (10-14-71).

Dated: October 4, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-14965 Filed 10-13-71;8:46 am]

[Docket No. FDC-D-397]

### HOFFMAN-LA ROCHE, INC.

#### Certain Bacitracin Containing Drugs; Notice of Drugs Deemed Adulterated

In the FEDERAL REGISTER of July 1, 1970 (35 F.R. 10697, DESI 0172NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following products by Hoffman-La Roche, Inc., Nutley, N.J. 07110:

1. Hancock's Broiler Finisher;
2. Broiler Premix;
3. Hancock's Broiler Starter;
4. Turkey Premix;
5. Broiler Premix;
6. K & G Broiler Premix;
7. Broiler Finisher Premix;
8. Poultry Premix;
9. Premix No. 2;
10. Broiler Premix;
11. Turkey Premix;
12. Vitamin No. 3 Premix;
13. Turkey Premix; and
14. Premix No. 671 Medicated.

Said announcement informed the manufacturer and all interested persons that such articles to be marketed must be the subject of approved new animal drug applications. Hoffman-La Roche, Inc., did not submit new animal drug applications for the above named products. In their response to the announcement they stated that the above named premixes have been deleted.

Therefore, based on the information before him, the Commissioner of Food and Drugs concludes that all the above named premixes are adulterated within the meaning of section 501(a) (5) or (6) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subjects of approved new animal drug applications pursuant to section 512 of the act. Therefore, notice is given to Hoffman-La Roche, Inc., and to all interested persons, that all stocks of said drugs for use in animal feeds and all animal feeds bearing or containing these products within the jurisdiction of the act are deemed adulterated with 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) and (6), 512, 52 Stat. 1049, as amended, 82 Stat. 343-51; 21 U.S.C. 351(a) (5) and (6),

360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 4, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-14966 Filed 10-13-71;8:46 am]

### MONSANTO CO.

#### Notice of Filing of Petition for Food Additive

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 2B2738) has been filed by Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036, proposing that § 121.2566 Antioxidants and/or stabilizers for polymers (21 CFR 121.2566) be amended to provide for the safe use of cuprous iodide as a heat stabilizer for a new nylon resin manufactured from nylon 66 resins and resins obtained by the condensation of hexamethylene diamine and terephthalic acid for which a notice of filing was published in the FEDERAL REGISTER of June 22, 1971 (36 F.R. 11875).

Dated: October 4, 1971.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.71-14967 Filed 10-13-71;8:46 am]

[Docket No. FDC-D-360; NADA No. 33-803V]

### SHELL CHEMICAL CO.

#### Task; Notice of Opportunity for Hearing

Notice is given to Shell Chemical Co., Division of Shell Oil Co., 2401 Crow Canyon Road, San Ramon, CA 94583, and to any interested persons who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA (new animal drug application) No. 33-803V with respect to the use of Task, a broad spectrum anthelmintic for the treatment of dogs. The product Task contains dichlorvos (2,2-dichlorovinyl dimethyl phosphate) as the active drug ingredient and is approved for use either in capsules administered directly or in pelleted form given in the food.

Information before the Commissioner with respect to the drug, evaluated with the evidence available to him when the application was approved, shows that the drug is not shown to be safe under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant and any interested person who may be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may pro-

duce evidence and arguments to show why approval of NADA No. 33-803V should not be withdrawn. Promulgation of the order would cause the drug, Task, 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 6-88, 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. Received written appearances may be seen at the above office during working hours, Monday through Friday.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in 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 requiring 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: October 4, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 71-14968 Filed 10-13-71; 8:46 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGFR 71-105]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

#### Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 8, 1970, to November 13, 1970 (Lists Nos. 24-70, 25-70, and 26-70). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b) (35 F.R. 4954)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

#### BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010/30/3, 4.17' x 3.0' (8" x 8½" body section) rectangular buoyant apparatus, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, seven-person capacity, Dwg. No. 4 BA revised April 1, 1970, and specification dated August 21, 1967, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona,

Fla. 33560, effective November 13, 1970. (It supersedes Approval No. 160.010/30/2 dated September 13, 1967, to show change in construction.)

Approval No. 160.010/31/3, 6.17' x 3.67' (10" x 9¼" body section) rectangular buoyant apparatus, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 15-person capacity, dwg. No. 4 BA revised April 1, 1970, and specification dated August 21, 1967, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective November 13, 1970. (It supersedes Approval No. 160.010/31/2 dated September 13, 1967, to show change in construction.)

Approval No. 160.010/65/2, 4.17' x 3.0' (8" x 8½" body section) rectangular buoyant apparatus, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, seven-person capacity, dwg. No. 4 BA revised April 1, 1970, and specification dated August 21, 1967, manufactured by Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 13, 1970. (It supersedes Approval No. 160.010/65/1 dated September 13, 1967, to show change in construction.)

Approval No. 160.010/66/2, 6.17' x 3.67' (10" x 9¼" body section) rectangular buoyant apparatus, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 15-person capacity, dwg. No. 4 BA revised April 1, 1970, and specification dated August 21, 1967, manufactured by Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 13, 1970. (It supersedes Approval No. 160.010/66/1 dated September 13, 1967, to show change in construction.)

#### LIFEFLOATS FOR MERCHANT VESSELS

Approval No. 160.027/40/3, 4.17' x 3.0' (8" x 8½" body section) rectangular lifeboat, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, six-person capacity, dwg. No. 4 LF revised April 1, 1970, and specification dated August 21, 1967, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective November 13, 1970. (It supersedes Approval No. 160.027/40/2 dated September 13, 1967, to show change in construction.)

Approval No. 160.027/41/3, 6.17' x 3.67' (10" x 9¼" body section) rectangular lifeboat, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 12-person capacity, dwg. No. 4 LF revised April 1, 1970, and specification dated August 21, 1967, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective November 13, 1970. (It supersedes Approval No. 160.027/41/2 dated September 13, 1967, to show change in construction.)

Approval No. 160.027/67/2, 4.17' x 3.0' (8" x 8½" body section) rectangular lifeboat, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, six-person capacity, dwg.

No. 4 LF revised April 1, 1970, and specification dated August 21, 1967, manufactured by Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 13, 1970. (It supersedes Approval No. 160.027/67/1 dated September 13, 1967, to show change in construction.)

Approval No. 160.027/68/2, 6.17' x 3.67' (10" x 9¼" body section) rectangular life float, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 12-person capacity, dwg. No. 4 LF revised April 1, 1970, and specification dated August 21, 1967, manufactured by Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, SC 29604, effective November 13, 1970. (It supersedes Approval No. 160.027/68/1 dated September 13, 1967, to show change in construction.)

#### DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/185/0, Type 20-200 survival capsule launching system (winch type); approved as an alternate to a lifeboat davit for a maximum working load of 11,000 lbs. on a single fall; identified by general arrangement drawing 20-200 dated May 21, 1970, and drawing list dated September 1, 1970, approved for installation with the Type WCL-5875 lifeboat winch (Approval 160.015/98/0), made by the Speco Division, Kelsey-Hayes Co., for use only on non-self-propelled drilling rigs, artificial islands and fixed structures, manufactured by Whittaker Corp., 801 Royal Oaks Drive, Monrovia, CA 91016, effective October 23, 1970.

#### MECHANICAL DISENGAGING APPARATUS, LIFEBOAT FOR MERCHANT VESSELS

Approval No. 160.033/26/3, Rottmer type size 297 releasing gear, approved for a maximum working load of 40,570 pounds per set (20,285 pounds per hook), identified by assembly dwg. No. 60049, revised December 2, 1957, formerly manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective October 29, 1970. (It reinstates and supersedes Approval No. 160.033/26/2 terminated February 16, 1967, to show change of name and address of manufacturer.)

Approval No. 160.033/27/3, Rottmer type, size 298 releasing gear, approved for maximum working load of 27,700 pounds per set (13,850 pounds per hook), identified by arrangement dwg. No. 3367-3, revised June 5, 1957, formerly manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective October 29, 1970. (It reinstates and supersedes Approval No. 160.033/27/2 terminated February 16, 1967, to show change of name and address of manufacturer.)

Approval No. 160.033/28/5, Rottmer type, size 299 releasing gear, approved for maximum working load of 15,720 pounds per set (7,860 pounds per hook), identified by arrangement dwg. No. 3372-6, revised April 28, 1964, formerly manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective October 29, 1970. (It reinstates and supersedes Approval No. 160.033/28/4 terminated February 16, 1967, to show change of name and address of manufacturer.)

#### HAND PROPELLING GEAR, LIFEBOATS, FOR MERCHANT VESSELS

Approval No. 160.034/15/1, Type WSG-1, hand-propelled gear identified by general arrangement dwg. No. 80139, revised July 10, 1957, formerly manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective November 3, 1970. (It reinstates and supersedes Approval No. 160.034/15/0 terminated February 16, 1967, to show change of name and address of manufacturer.)

#### BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/339/0, Type I, Model AK-1, adult kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Kent Sporting Goods Co., 70 South Railroad Street, New London, OH 44851, Offices: Ashland, Ohio 44805, effective October 21, 1970. (It is an extension of Approval No. 160.047/339/0 dated December 28, 1965.)

Approval No. 160.047/340/0, Type I, Model CKM-1, child kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Kent Sporting Goods Co., 70 South Railroad Street, New London, OH 44851, Offices: Ashland, Ohio 44805, effective October 21, 1970. (It is an extension of Approval No. 160.047/340/0 dated December 28, 1965.)

Approval No. 160.047/341/0, Type I, Model CKS-1, child kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Kent Sporting Goods Co., 70 South Railroad Street, New London, OH 44851, Offices: Ashland, Ohio 44805, effective October 21, 1970. (It is an extension of Approval No. 160.047/341/0 dated December 28, 1965.)

#### BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/33/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Noble Products Co., Box 327, Caldwell,

OH 43724, effective October 12, 1970. (It is an extension of Approval No. 160.048/33/0 dated December 20, 1965.)

Approval No. 160.048/35/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33311, effective October 12, 1970. (It is an extension of Approval No. 160.048/35/0 dated December 20, 1965.)

Approval No. 160.048/40/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Fortier Upholstering Co., Manistee, Mich. 49660, effective October 13, 1970. (It is an extension of Approval No. 160.048/40/0 dated December 20, 1965.)

Approval No. 160.048/76/2, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Kent Sporting Goods Co., 70 South Railroad Street, New London, OH 44851, Offices: Ashland, Ohio 44805, effective October 21, 1970. (It is an extension of Approval No. 160.048/76/2 dated December 28, 1965.)

Approval No. 160.048/219/1, special approval for 14" x 17" x 2" rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. No. 1, revision 1 dated October 9, 1965, manufactured by Kent Sporting Goods Co., 70 South Railroad Street, New London, OH 44851, Offices: Ashland, Ohio 44805, effective October 21, 1970. (It is an extension of Approval No. 160.048/219/1 dated December 28, 1965.)

#### BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/46/0, Type II, Model 201-SHL-15.5, adult unicellular plastic foam buoyant vest, assembly dwg. No. 58J523, Rev. D dated February 19, 1959, and Bill of Materials dated October 26, 1965, leg straps optional, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 10, 1970. (It is an extension of Approval No. 160.052/46/0 dated January 10, 1966.)

Approval No. 160.052/48/0, Type II, Model 202-SFL-11, child medium unicellular plastic foam buoyant vest, assembly dwg. No. 58F548, Rev. B dated February 19, 1959, and Bill of Materials dated October 26, 1965, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 10, 1970. (It is an extension of Approval No. 160.052/48/0 dated January 10, 1966.)

Approval No. 160.052/49/0, Type II, Model 203-SFL-7, child small, unicellular plastic foam buoyant vest, assembly dwg. No. 58F538, Rev. A dated February 19, 1959, and Bill of Materials dated October 26, 1965, manufactured by Gentex

Corp., Carbondale, Pa. 18407, effective November 10, 1970. (It is an extension of Approval No. 160.052/49/0 dated January 10, 1966.)

Approval No. 160.052/226/1, Type II, Model MD, child medium vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 24, revision 2 dated March 29, 1965, and Bill of Materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212, effective November 8, 1970. (It is an extension of Approval No. 160.052/226/1 dated November 8, 1965.)

Approval No. 160.052/227/1, Type II, Model SD, child small vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 23, revision 2, dated March 29, 1965, and Bill of Materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212, effective November 8, 1970. (It is an extension of Approval No. 160.052/227/1 dated November 8, 1965.)

Approval No. 160.052/231/0, Type II, Model SW-1, adult unicellular plastic foam buoyant vest, dwg. No. 63F1005 dated March 8, 1963, dwg. list 63F1005 dated January 23, 1963, and Bill of Materials dated October 27, 1965, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 10, 1970. (It is an extension of Approval No. 160.052/231/0 dated January 10, 1966.)

Approval No. 160.052/232/0, Type II, Model WW-2, child medium unicellular plastic foam buoyant vest, dwg. No. 63D1004 dated March 8, 1963, dwg. list 63D1004 dated January 15, 1963, and Bill of Materials dated October 27, 1965, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 10, 1970. (It is an extension of Approval No. 160.052/232/0 dated January 10, 1966.)

Approval No. 160.052/233/0, Type II, Model EW-3, child small unicellular plastic foam buoyant vest, dwg. No. 63D1003 dated March 8, 1963, dwg. list 63D1003 dated January 15, 1963, and Bill of Materials dated October 27, 1965, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective November 10, 1970. (It is an extension of Approval No. 160.052/233/0 dated January 10, 1966.)

Approval No. 160.052/234/2, Type II, Model No. ACFL, adult unicellular plastic foam buoyant vest, dwg. No. 1, revision 1 dated July 19, 1963, and dwg. No. 2, revision 1 dated October 20, 1965, manufactured by Kent Sporting Goods Co., 70 South Railroad Street, New London, OH 44851, Offices: Ashland, Ohio 44805, effective October 21, 1970. (It is an extension of Approval No. 160.052/234/2 dated December 28, 1965.)

Approval No. 160.052/235/2, Type II, Model No. CCFM, child medium unicellular plastic foam buoyant vest, dwg. No. 1, revision 1, dated July 19, 1963, and dwg. No. 3, revision 1 dated October 20, 1965, manufactured by Kent Sporting Goods Co., 70 South Railroad Street, New London, OH 44851, Offices: Ashland, Ohio 44805, effective October 21, 1970. (It is an extension of Approval No. 160.052/235/2 dated December 28, 1965.)

Approval No. 160.052/236/2, Type II, Model CCFS, child small unicellular plastic foam buoyant vest, dwg. No. 1, revision 1 dated July 19, 1963, and dwg. No. 4, revision 1 dated October 20, 1965, manufactured by Kent Sporting Goods Co., 70 South Railroad Street, New London, OH 44851, Offices: Ashland, Ohio 44805, effective October 21, 1970. (It is an extension of Approval No. 160.052/236/2 dated December 28, 1965.)

Approval No. 160.052/286/0, Type II, Model NP, adult unicellular plastic foam buoyant vest, dwg. Nos. 21 and 22, revision 1 dated June 24, 1963, and Bill of Materials dated October 1, 1965, manufactured by Noble Products Co., Caldwell, Ohio 43724, effective November 9, 1970. (It is an extension of Approval No. 160.052/286/0 dated January 14, 1966.)

Approval No. 160.052/287/0, Type II, Model MP, child medium unicellular plastic foam buoyant vest, dwg. Nos. 21 and 23, revision 1 dated June 24, 1963, and Bill of Materials dated October 1, 1965, manufactured by Noble Products Co., Caldwell, Ohio 43724, effective November 9, 1970. (It is an extension of Approval No. 160.052/287/0 dated January 14, 1966.)

Approval No. 160.052/288/0, Type II, Model OP, child small unicellular plastic foam buoyant vest, dwg. Nos. 21 and 24, revision 1 dated June 24, 1963, and Bill of Materials dated October 1, 1965, manufactured by Noble Products Co., Caldwell, Ohio 43724, effective November 9, 1970. (It is an extension of Approval No. 160.052/288/0 dated January 14, 1966.)

#### WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/19/1, Model 712-VH-17.5 vinyl-dipped unicellular plastic foam work vest, dwg. No. 68F5210 dated June 5, 1968, revision 1 dated October 20, 1970, and Bill of Materials dated August 3, 1965, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective October 20, 1970. (It supersedes Approval No. 160.053/19/1 dated December 4, 1968 to show minor revision in design.)

#### BUOYANT VESTS, UNICELLULAR POLYETHYLENE FOAM, ADULT AND CHILD

Note: Approved for use on Motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.060/1/0, Type II, Model AE, adult, cloth-covered polyethylene foam buoyant vest, dwg. Nos. 26 and 29, Rev. 1 dated October 29, 1964, and Bill of Materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, effective November 2, 1970 (It is an extension of Approval No. 160.060/1/0 dated November 2, 1965.)

Approval No. 160.060/2/0, Type II, Model ME, child medium, cloth-covered polyethylene foam buoyant vest, dwg. Nos. 27 and 30, Rev. 1 dated October 29, 1964, and Bill of Materials dated September 29, 1965, manufactured by Craw-

ford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, effective November 2, 1970. (It is an extension of Approval No. 160.060/2/0 dated November 2, 1965.)

Approval No. 160.060/3/0, Type II, Model SE, child, small, cloth-covered polyethylene foam buoyant vest, dwg. Nos. 28 and 31, Rev. 1 dated October 29, 1964, and Bill of Materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, effective November 2, 1970. (It is an extension of Approval No. 160.060/3/0 dated November 2, 1965.)

#### TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/52/0, Sound-powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splashproof, with a separately mounted 4", 6", 8", or 10" bell or cow gong bell, Model SE, dwg. No. 51, Alt. 0 dated April 1957, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective October 13, 1970. (It supersedes Approval No. 161.005/52/0 dated October 5, 1970 to show correction in address of manufacturer.)

Approval No. 161.005/53/1, Sound-powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splashproof, with a separately mounted 4", 6", 8", or 10" bell or cow gong bell, with relay to operate externally powered audible signal, Model SER, dwg. No. 52, Alt. 1 dated May 24, 1965, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective October 13, 1970. (It supersedes Approval No. 161.005/53/1 dated October 5, 1970 to show correction in address of manufacturer.)

#### SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/262/0, Type 1910 GC consolidated safety relief valve, dwg. 1900G, approved for 300-lb. ASA pressure temperature ratings with a maximum temperature of 450° F., manufactured by Dresser, Industrial Valve & Instrument Division, Post Office Box 1430, Alexandria, LA 71301, formerly Manning, Maxwell & Moore, Inc., effective November 3, 1970. (It is an extension of Approval No. 162.001/262/0 dated January 18, 1966 and change of name of manufacturer.)

#### FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/30/1, Ococo Type E-21-B flame arrester, cast iron body, extensible bank assembly, aluminum arrester plates, bolted end covers, dwg. No. HOC-195-A, revised November 10, 1950, approved for sizes 3", 4", 6", 8", and 10", manufactured by The Johnston &

Jennings Co., 4700 West Division Street, Chicago, IL 60651, effective November 3, 1970. (It is an extension of Approval No. 162.016/30/1 dated January 18, 1966.)

#### BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/44/0, Volvo assembly No. 825681 backfire flame arrester, Volvo dwg. 825681 dated August 20, 1965, manufactured by Chrysler Corp., Marine Division, Post Office Box 1, Marysville, MI 48040, effective October 8, 1970. (It is an extension of Approval No. 162.041/44/0 dated December 29, 1965.)

Approval No. 162.041/127/0, Barbron Model No. 57211B flame arrester assembly with brass elements; Model No. 57211A with aluminum elements, testing waived because of similarities to Barbron Model No. 5721B, USCG Approval No. 162.041/2/1, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective October 27, 1970.

Approval No. 162.041/128/0, Barbron Model No. 57212B flame arrester assembly with brass elements; Model No. 57212A with aluminum elements, testing waived because of similarities to Barbron Model No. 5722B, USCG Approval No. 162.041/70/1, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective October 27, 1970.

#### BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/46/0, "UN ARCOBOARD 33" bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG10230-25; FR 3639 dated August 13, 1964; approved as meeting Class B-15 requirements in a three-fourth-inch thickness, 33 pounds per cubic foot density, manufactured by Chembest Division of Owens-Corning Fiberglas Corp., 1111 West Perry Street, Bloomington, IL 61701, formerly UNARCO Industries, Inc., Chembest Division, effective October 19, 1970. (It supersedes Approval No. 164.008/46/0 dated July 3, 1969 to show change of name of manufacturer.)

Dated: October 1, 1971.

G. H. READ,  
Captain, U.S. Coast Guard, Acting  
Chief, Office of Merchant  
Marine Safety.

[FR Doc. 71-14989 Filed 10-13-71; 8:48 am]

[CGFR 71-104]

#### EQUIPMENT, CONSTRUCTION, AND MATERIALS

##### Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of

types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from November 8, 1970, to November 30, 1970 (List No. 27-70). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b) (35 F.R. 4954)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

#### BUOYANT APPARATUS FOR MERCHANT VESSELS

The C. J. Hendry Co., 139 Townsend Street, San Francisco, CA 94107, Approval Nos. 160.010/46/2, 160.010/47/2, 160.010/48/2, and 160.010/55/1 expired and were terminated effective November 23, 1970.

#### BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Marine Hardware & Supply Co., Inc., 390 Atlantic Avenue, Boston, MA 02210, Approval Nos. 160.047/475/0, 160.047/476/0, and 160.047/477/C expired and were terminated effective November 30, 1970.

#### BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Mermatec, Inc., 3332 Industrial Court, San Diego, CA 92121, Approval No. 160.049/67/0 expired and was terminated effective November 8, 1970.

#### BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED, PACKAGED, FOR MERCHANT VESSELS

The Clayton Manufacturing Co., Post Office Box 550, El Monte, CA, Approval No. 162.026/6/0 terminated effective November 24, 1970.

Dated: September 30, 1971.

G. H. READ,  
Captain, U.S. Coast Guard, Acting  
Chief, Office of Merchant Marine Safety.

[FR Doc.71-14988 Filed 10-13-71;8:48 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-301]

### WISCONSIN ELECTRIC POWER CO. AND WISCONSIN-MICHIGAN POWER CO.

#### Notice of Prehearing Conference

Before the Atomic Safety and Licensing Board in the matter of Wisconsin Electric Power Company, Wisconsin-Michigan Power Company (Point Beach Nuclear Plant, Unit 2).

A reconvened Prehearing Conference for the purpose of hearing argument on pending motions in the above captioned matter will be held on Tuesday, October 19, 1971, beginning at 9:30 a.m., in the Lafayette Building, 811 Vermont Avenue NW., Washington, DC, Room 115.

Dated: October 12, 1971, at Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD

NATHANIEL H. GOODRICH,  
Chairman.

[FR Doc.71-15074 Filed 10-13-71;8:51 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 23863; Order 71-9-114]

### AMERICAN AIRLINES, INC., ET AL.

#### Order of Investigation and Suspension; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1971.

Affinity group fares proposed by American Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc.

Ordering paragraph 2 should be corrected to read in its entirety as follows:

2. Pending hearing and decision by the Board, all fares in Table 8 on 16th Revised Page 18 and the provisions of Rule 17 on 18th Revised Pages 9 and 10 of International Air Traffic Tariffs Corp., Agent's CAB No. 382; the fares and provisions between Honolulu, Hawaii, on the one hand, and Chicago, Ill., Los Angeles, Calif., New York, N.Y., and San Francisco, Calif./Oakland, Calif., on the other, on Original Page 6 of Trans World Airlines, Inc.'s CAB No. 243; are suspended and their use deferred to and including December 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.

[SEAL]

HARRY J. ZINK,  
Secretary.

OCTOBER 1, 1971.

[FR Doc.71-15005 Filed 10-13-71;8:49 am]

[Docket No. 23781]

### CHINOOK FLYING SERVICE LTD.

#### Foreign Air Carrier Permit; Notice of Prehearing Conference and Hearing

Prehearing conference and hearing regarding maximum gross takeoff weight of 18,000 pounds.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 28, 1971, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 21, 1971.

Dated at Washington, D.C., October 7, 1971.

[SEAL]

RALPH L. WISER,  
Chief Examiner.

[FR Doc.71-15003 Filed 10-13-71;8:49 am]

[Docket No. 22859]

### DOMESTIC AIR FREIGHT RATE INVESTIGATION

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 7, 1971, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Arthur S. Present.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before October 22, 1971, and the other parties on or before November 11, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., October 7, 1971.

[SEAL]

RALPH L. WISER,  
Chief Examiner.

[FR Doc.71-15002 Filed 10-13-71;8:49 am]

[Docket No. 22628; Order 71-10-21]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Fare Matters

Issued under delegated authority October 5, 1971.

By Order 71-7-189, action was deferred, with a view toward eventual disapproval, on an agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association (IATA).

The agreement corrects an inadvertent situation which would have the effect of denying special group fares to ship's crews over the polar routing between Europe and Asia.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-7-189 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22546 be and hereby is disapproved insofar as air transportation is concerned.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,  
Secretary.

[PR Doc.71-15004 Filed 10-13-71;8:49 am]

[Docket No. 23348; Order 71-10-33]

### PIEDMONT AVIATION, INC., AND EASTERN AIR LINES, INC.

#### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of October 1971.

Application of Piedmont Aviation, Inc. (Piedmont), and Eastern Air Lines, Inc. (Eastern), for route transfer and amendment of certificates.

On April 29, 1971, Piedmont Aviation, Inc. (Piedmont), and Eastern Air Lines, Inc. (Eastern), filed jointly a motion for issuance of a show cause order, or alternatively, an expedited hearing, with respect to a simultaneously filed application for transfer of Eastern's authority at Charleston, W. Va., and Ashland, Ky./Huntington, W. Va., to Piedmont. Under the proposal Eastern's authority at Huntington and Charleston would be terminated, and Piedmont, which now holds authority at Charleston and Huntington on two east-west segments, would be awarded a new Washington-Charleston-Huntington-Louisville segment.

The Charleston Area Chamber of Commerce, the Committee of 100, and the Central West Virginia Airport Authority by letter dated June 11, 1971, notified the Board they would not oppose the motion of Eastern and Piedmont. The Board has also received a resolution from the Board of Commissioners of the city of Ashland, Ky., strongly supporting the application. Thus, the civic interests involved either favor or do not oppose the proposed route transfer. Similarly, Allegheny Airlines, Inc., has filed an answer indicating that it would not object to the proposed transfer: *Provided*, That Piedmont be restricted against operating single-plane service between Charleston and New York via Washington (Dulles)—a request which appears to be a reasonable one and which, if granted,

will obviate carrier objections to the proposal.<sup>1</sup>

Finally, Congressman Ken Hechler has filed an answer in opposition in which he states that the Board should schedule a full public hearing before permitting Eastern to suspend service to West Virginia. Congressman Hechler states that the service problems of the Charleston and Huntington areas would be alleviated if a new regional airport were built midway between Charleston and Huntington, and refers to prior support for such a solution by Eastern and other air carriers and by the Federal Aviation Administration. His position is that the financial losses which have motivated Eastern to withdraw its services from West Virginia are based upon the cost of serving two separate airports, and furthermore that those losses in any event could have been ameliorated by better scheduling on the part of Eastern.

We have carefully considered these statements and the submission of the carriers and have concluded that the public interest will better be served by issuing at this time an order embodying the Board's tentative evaluation of the Eastern-Piedmont proposal, so that procedures will be established which will permit an expeditious final determination. While it may be that a new regional airport would permit financially sound and improved services by the existing carriers, it appears that such an airport has not yet been built. Moreover, the Board's continuing jurisdiction would enable it, upon the construction of such an airport, to then ascertain and meet the community's need for additional air service. In the interim, our evaluation of the subject application must be made in light of the factual situation which now exists. After careful consideration of all the circumstances now present we tentatively find and conclude that grant of the requested authority will substantially improve the quality of service presently offered at Charleston and Ashland/Huntington;<sup>2</sup> that both carrier applicants will benefit financially;<sup>3</sup> that no other air carrier will be significantly affected; and that both are fit, willing, and

<sup>1</sup> Absent the requested restriction, it is possible that a one-stop service via Dulles by Piedmont would result in significant diversion from Allegheny which could jeopardize the profitability of Allegheny's Charleston-Baltimore-New York operation.

<sup>2</sup> In the Charleston-Washington market, Piedmont's replacement service will provide a net increase of one daily nonstop round trip, and in the Huntington-Washington market Piedmont will operate an additional daily one-stop round trip. Piedmont will serve all markets presently served by Eastern, except that Eastern's one daily Charleston-Cleveland round trip would not be replaced by Piedmont. However, United also holds nonstop authority in this market.

<sup>3</sup> Piedmont's estimate—the results of which we find generally reasonable—indicates that a first year of operations will result in a profit of \$457,000 and a subsidy need reduction of \$19,000. Eastern estimates that its service at the two points is incurring annual losses

able properly to perform the proposed transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder. The authority will be awarded to Piedmont on a subsidy-ineligible basis in view of Piedmont's ability to serve the route profitably and in conformity with Board policy governing the transfer of nonmarginal authority from nonsubsidized to subsidized carriers.<sup>4</sup>

Accordingly, we tentatively find and conclude that the public convenience and necessity require the foregoing certificate amendments.

Interested persons will be given 20 days from the service date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be supported by legal precedent and detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and (1) amending Piedmont's certificate of public convenience and necessity for route 87, so as to (a) add a new segment between the terminal point Washington, D.C., the intermediate points Charleston, W. Va., and Ashland, Ky.-Huntington, W. Va., and the terminal point Louisville, Ky., subject to conditions (i) prohibiting single-plane service between Charleston and New York via Washington (Dulles), and (ii) requiring Piedmont to serve one intermediate point between Washington, D.C., and Louisville, Ky.; (b) delete that portion of condition 6 which requires Piedmont to

in excess of \$1.3 million. Piedmont's ability to serve the points more profitably than Eastern results from Piedmont's ability to combine Washington-Huntington/Charleston traffic with traffic it already carries from points beyond Huntington.

<sup>4</sup> We will also modify conditions (6), (7), and (11) of Piedmont's certificate as shown in the specimen certificate attached to this order so that these conditions will not preclude Piedmont from operating: (1) a one-stop Washington-Louisville service as authorized under the new segment 14, (2) a single-plane service between Ashland-Huntington and Louisville over segment 1, and (3) nonstop service between Washington and Charleston. It appears unnecessary to prohibit the latter two operations in view of the proposed award to Piedmont of nonstop authority in these markets over the new segment 14.

schedule service to a minimum of two intermediate points between Washington, D.C., on the one hand, and Charleston, W. Va., or Louisville, Ky., on the other hand; and (c) delete that portion of condition 11 which prohibits Piedmont from scheduling single-plane service between Ashland, Ky.-Huntington, W. Va. and Louisville, Ky.; and (2) amending Eastern's certificate of public convenience and necessity for routes 5 and 6 so as to delete Charleston, W. Va., and Ashland, Ky.-Huntington, W. Va.;

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the following persons who are hereby made parties to the proceeding: Honorable Ken Hechler; American Airlines, Inc.; Allegheny Airlines, Inc.; United Air Lines, Inc.; Eastern Air Lines, Inc.; Piedmont Aviation, Inc.; Trans World Airlines, Inc.; Mayors of the cities of Charleston, W. Va., Huntington, W. Va., and Ashland, Ky.; Committee of 100, Inc.; Charleston Area Parties; Kentucky Department of Aeronautics; West Virginia State Aeronautics Commission; Postmaster General; Airport Managers of Charleston, W. Va., and Huntington, W. Va.; Charleston Area Chamber of Commerce; and Louisville and Jefferson County Air Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE (AS AMENDED) FOR ROUTE 87

Piedmont Aviation, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Cincinnati, Ohio, the intermediate point Louisville, Ky., the alternate intermediate points Lexington-Frankfort, Ky., and Ashland, Ky.-Huntington, W. Va., the intermediate points London-Corbin, Ky., Bristol, Va.-Tenn., Kingsport-Johnson City, Tenn., and Hickory, N.C., and (a) beyond Hickory, the intermediate points Winston-Salem, Greensboro-High Point,

Raleigh-Durham, Goldsboro, Kinston, New Bern, and Morehead City-Beaufort, N.C., and the terminal point Wilmington, N.C., and (b) beyond Hickory, the intermediate points Asheville, N.C., Greenville-Spartanburg, S.C., Charlotte, Southern Pines-Pinehurst-Aberdeen, and Fayetteville, N.C., Florence and Myrtle Beach, S.C., and Wilmington and Jacksonville-Camp Lejeune, N.C., and the terminal point New Bern, N.C.;

2. Between the terminal point Norfolk, Va., the intermediate points Newport News-Hampton-Williamsburg-Yorktown, Richmond, and Charlottesville, Va., Greenbrier-White Sulphur Springs-Lewisburg, W. Va., Lynchburg, Roanoke, and Blacksburg-Radford-Pulaski, Va., and Princeton-Bluefield and Beckley, W. Va., and (a) beyond Beckley, the intermediate point Lexington-Frankfort, Ky., and the terminal point Louisville, Ky., and (b) beyond Beckley, the intermediate point Charleston, W. Va., and (1) beyond Charleston, the intermediate point Parkersburg, W. Va.-Marietta, Ohio, and the terminal point Columbus, Ohio, and (2) beyond Charleston, the intermediate point Ashland, Ky.-Huntington, W. Va., and the terminal point Cincinnati, Ohio;

3. Between the terminal point Wilmington, N.C., the intermediate points Myrtle Beach, S.C., Fayetteville, New Bern, Kinston, Rocky Mount, Raleigh-Durham, Greensboro-High Point, and Winston-Salem, N.C., Danville, Roanoke, and Lynchburg, Va., Greenbrier-White Sulphur Springs-Lewisburg, W. Va., and Hot Springs and Staunton, Va., and the terminal point Charlottesville, Va.;

4. Between the terminal point Knoxville, Tenn., the intermediate points Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., Princeton-Bluefield, W. Va., and Blacksburg-Radford-Pulaski, Roanoke, and Lynchburg, Va., and (a) beyond Lynchburg, the intermediate point Charlottesville, Va., and the terminal point Washington, D.C., and (b) beyond Lynchburg, the terminal point Richmond, Va.;

5. Between the terminal point Richmond, Va., the intermediate points Norfolk, Va., and Elizabeth City, Rocky Mount, and Raleigh-Durham, N.C., and (a) beyond Raleigh-Durham, the intermediate points Greensboro-High Point, Winston-Salem, and Charlotte, N.C., and (b) beyond Raleigh-Durham, the intermediate points Southern Pines-Pinehurst-Aberdeen and Charlotte, N.C., Greenville-Spartanburg, S.C., and Hickory and Asheville, N.C., and (1) beyond Asheville, the intermediate points Knoxville, Tenn., and London-Corbin, Ky., and the terminal point Louisville, Ky., and (2) beyond Asheville, the intermediate point Nashville, Tenn., and the terminal point Memphis, Tenn.;

6. Between the terminal point Baltimore, Md., the intermediate points Washington, D.C., Charlottesville, Staunton, and Hot Springs, Va., Greenbrier-White Sulphur Springs-Lewisburg, W. Va., and Lynchburg, Va., and (a) beyond Lynchburg, the intermediate points Roanoke and Blacksburg-Radford-Pulaski, Va., Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., and Asheville, N.C., and the terminal point Atlanta, Ga., and (b) beyond Lynchburg, the intermediate points Danville, Va., and Greensboro-High Point, Winston-Salem, Hickory, and Asheville, N.C., and the terminal point Atlanta, Ga.;

7. Between the terminal point Charleston, W. Va., the intermediate points Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., and Asheville, N.C., and the terminal point Atlanta, Ga.;

8. Between the terminal point Atlanta, Ga., the intermediate points Augusta, Ga., Columbia, Florence, and Myrtle Beach, S.C., Wilmington, Fayetteville, Jacksonville-Camp Lejeune, New Bern, Kinston, Goldsboro,

Raleigh-Durham, Rocky Mount, and Elizabeth City, N.C., and Norfolk, Newport News-Hampton-Williamsburg-Yorktown, and Richmond, Va., and the terminal point Washington, D.C.;

9. Between the terminal point Roanoke, Va., the intermediate points Lynchburg, Va., Greenbrier-White Sulphur Springs-Lewisburg, W. Va., Hot Springs, Staunton, and Charlottesville, Va., and Washington, D.C. (to be served through Dulles International Airport), and the terminal point New York, N.Y.-Newark, N.J.;

10. Between the terminal point Memphis, Tenn., the intermediate points Nashville, Tenn., and Roanoke and Lynchburg, Va., and (a) beyond Lynchburg, the intermediate point Charlottesville, Va., and the terminal point Washington, D.C., and (b) beyond Lynchburg, the terminal point Richmond, Va.;

11. Between the terminal point Chicago, Ill., the intermediate point Ashland, Ky.-Huntington, W. Va., and (a) beyond Ashland-Huntington, the intermediate points Charleston, W. Va., and Roanoke and Richmond, Va., and the terminal point Norfolk, Va., and (b) beyond Ashland-Huntington, the terminal point Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn.;

12. Between the terminal point Charleston, S.C., the intermediate point Columbia, S.C., and the terminal point Charlotte, N.C.;

13. Between the terminal point Norfolk, Va., and the terminal point New York, N.Y.-Newark, N.J.;

14. Between the terminal point Washington, D.C., the intermediate points Charleston, W. Va., and Ashland, Ky.-Huntington, W. Va., and the terminal point Louisville, Ky.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through an airport named herein, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of segments 1 through 12 and segment 14 of the 14 numbered route segments in this certificate the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of such segment, subject to the conditions in paragraphs (4) through (9) below.

(4) If the holder has scheduled a total of two daily round trips to Greenbrier-White Sulphur Springs-Lewisburg, W. Va., on any combination of segments 2, 3, 6, or 9, the



holder may omit such point on any additional trip scheduled over all or part of such segments.

(5) The holder shall schedule service to a minimum of three intermediate points between Chicago, Ill., on the one hand, and Atlanta, Ga., or New York, N.Y.-Newark, N.J., on the other.

(6) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

Atlanta, Ga., and Baltimore, Md. (exclusive of Greensboro-High Point, N.C.), Cincinnati of Columbus, Ohio, Louisville, Ky., New York, N.Y.-Newark, N.J., Raleigh-Durham, N.C., or Washington, D.C. (exclusive of Greensboro-High Point, N.C., Columbia, S.C., or Norfolk, Va.).

Baltimore, Md., and Charleston, W. Va., Charlotte, N.C., Chicago, Ill., Louisville, Ky., or Raleigh-Durham, N.C.

Chicago, Ill., and Charlotte or Greensboro-High Point, N.C., Knoxville, Tenn., Raleigh-Durham, N.C., Washington, D.C., or Winston-Salem, N.C.

New York, N.Y.-Newark, N.J., and Asheville or Greensboro-High Point, N.C., Knoxville, Tenn., Raleigh-Durham, N.C., or Richmond, Va.

Washington, D.C., and Charlotte, N.C., or Cincinnati or Columbus, Ohio.

(7) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

Atlanta, Ga., and Charleston, W. Va., Greensboro-High Point, N.C., or Norfolk or Richmond, Va.

Washington, D.C., and Columbia, S.C., Greensboro-High Point, N.C., Knoxville, Tenn., Louisville, Ky., or Raleigh-Durham, N.C.

(8) Flights scheduled to serve Atlanta, Ga., on the one hand, and August, Ga., or Columbia, S.C., on the other hand, shall originate or terminate at Rocky Mount or Elizabeth City, N.C., or a point north thereof, and shall serve a minimum of two intermediate points north of Columbia.

(9) Flights scheduled to serve Baltimore, Md., and Norfolk, Va., shall serve Newport News-Hampton-Williamsburg-Yorktown, Va., in addition to Washington, D.C.: *Provided*, That the holder may omit service to Newport News-Hampton-Williamsburg-Yorktown on such flights if the holder has scheduled one daily round trip to such point serving Washington.

(10) The holder shall not schedule turnaround service (a) between Washington, D.C., on the one hand, and New York, N.Y.-Newark, N.J., or Richmond, Newport News-Hampton-Williamsburg-Yorktown, or Norfolk, Va., on the other hand; or (b) between Memphis, Tenn., on the one hand, and Nashville, Tenn., Greenville-Spartanburg, S.C., or Charlotte, N.C., on the other hand.

(11) The holder shall not schedule single-plane service between the following pairs of points:

Atlanta, Ga., and Charlotte, N.C., or Knoxville, Tenn.

Baltimore, Md., and Cincinnati or Columbus, Ohio.

Charleston, S.C., or Washington, D.C., on the one hand, and Memphis or Nashville, Tenn., on the other hand.

Charleston, W. Va., and New York, N.Y. via Washington, D.C.

New York, N.Y.-Newark, N.J., and Ashland, Ky.-Huntington, W. Va., Memphis or Nashville, Tenn., Newport News-Hampton-Williamsburg-Yorktown, Va., or Parkersburg, W. Va.-Marietta, Ohio.

(12) The holder shall serve (a) Morehead City-Beaufort, N.C., only during the period

between May 1 and September 30, inclusive, of each year, and (b) Southern Pines-Pinehurst-Aberdeen, N.C., only during the period between October 1 and April 30, inclusive of each year.

(13) The holder may schedule nonstop service between Charleston, W. Va., and Columbus, Ohio.

(14) The holder's authority to engage in the transportation of mail with respect to those operations set forth in appendix A to Order 69-9-132 is limited to the carriage of mail on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendered solely in connection with the operations specified in paragraph (14), and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall become effective on \_\_\_\_\_: *Provided, however*, That the effective date of said certificate shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to § 389.21(b) of the regulations.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the \_\_\_\_\_.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.71-15006 Filed 10-13-71; 8:49 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19325; FCC 71-1001]

### INTERNATIONAL TELECOMMUNICATIONS UNION WORLD ADMINISTRATIVE RADIO CONFERENCE

#### Notice of Inquiry Regarding Preparation

In the matter of preparation for the ITU World Administrative Radio Conference for maritime mobile telecommunications to be convened at the beginning of 1974, Docket No. 19325.

1. The Commission is preparing recommendations to make to the Department of State for subjects to be considered at the forthcoming World Administrative Radio Conference for maritime mobile telecommunications (WARC-MAR) to be convened by the International Telecommunication Union (ITU) at the beginning of 1974.

2. The ITU World Administrative Radio Conference to Deal With Matters Relating to the Maritime Mobile Service, Geneva, 1967, recommended that another ITU World Administrative Radio Conference be convened in 1973 to deal with certain maritime matters<sup>1</sup> and that the ITU Administrative Council determine the exact date and place of such a conference. At its 1970 meeting, the ITU Administrative Council proposed that the 1973 Maritime Conference take place at the beginning of 1974.

3. The ITU Convention provides that administrative radio conferences shall be convened to consider specific telecommunications matters.<sup>2</sup> The Administrative Council will, therefore, determine the agenda<sup>3</sup> of the WARC-MAR. Pursuant to instructions from the Council, the Secretary General of the ITU has invited Administrations to submit prior to December 31, 1971, their views with respect to the time, duration and agenda for consideration by the Administrative Council at its meeting in May 1972. A list of items suggested by the Secretary General for inclusion in the agenda is set forth in Appendix A, below.

4. The Radio Technical Commission for Marine Services (RTCM), in anticipation of the request from the Secretary General, has prepared and adopted a draft of matters suggested for consideration in preparation for the 1974 WARC-MAR, as set forth in Appendix B, below. The matters referred to in these appendices are directed to modification, suppression, or addition to the ITU Radio Regulations (Edition of 1968), which is available from: General Secretariat, International Telecommunication Union, Geneva, Switzerland.

5. Interested persons who desire to submit comments on these matters or recommendations for the WARC-MAR agenda items may do so on or before November 1, 1971. Replies to any suggestions or comments may be submitted not later than November 15, 1971. All relevant and timely suggestions and comments and other relevant information before the Commission will be considered by the Commission before taking final action on this matter. In order that timely recommendations may be given, the Department of State in preparation for the ITU Administrative Council, it is suggested that first attention be given to the

<sup>1</sup> WARC Recommendation No. MAR 6.

<sup>2</sup> ITU Convention, No. 51.

<sup>3</sup> ITU Convention, No. 56, provides that the agenda of a world Administrative Conference shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union.

WARC-MAR agenda, with particular attention to items which should be included. Recommendations for inclusion of items should be accompanied by reasons, justification, or appropriate supporting explanation. Detailed proposals for amendment of the ITU Radio Regulations may be included in comments filed in response to this notice, or furnished later in response to subsequent notices of inquiry in this proceeding. An original and 14 copies will be furnished of all statements, briefs, or comments filed in response to this notice.

Adopted: September 29, 1971.

Released: October 6, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>4</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

APPENDIX A

ITEMS SUGGESTED BY THE SECRETARY GENERAL,  
ITU, FOR INCLUSION IN THE AGENDA OF THE  
WARC-MAR

To establish on the basis of single side-band operation a new frequency allotment plan for high-frequency radiotelephone coast stations, covering the channels in the present appendix 25 and the additional channels made available by the 1967 Maritime Conference.

To consider, revise and supplement as necessary the provisions of the radio regulations associated with the frequency allotment plan for high-frequency radiotelephone coast stations.

To consider, in accordance with Recommendation No. Mar 5 of the 1967 Maritime Conference, the designation of common frequencies in the medium frequency bands for use by coast radiotelephone stations for communicating with ships of other nationalities.

To consider, revise, and supplement as necessary the radio regulations pertaining to the allocation of frequencies for distress and safety purposes in the Maritime Mobile Service.

To consider, revise, and supplement as necessary the existing provisions pertaining to the technical criteria for the use of VHF in the maritime mobile service and the possible revision of appendix 18 to the radio regulations.

APPENDIX B

RADIO TECHNICAL COMMISSION FOR MARINE  
SERVICE

Items for Consideration at ITU Marine  
WARC, 1974

1. To consider, and revise as necessary, the provisions of the radio regulations pertaining to the Maritime Mobile Service.

2. Questions concerning use of frequencies in the band 156-174 MHz available to the Maritime Mobile Service:

2.1 The revision of articles 5, 28, and 35 and appendix 18 to the radio regulations to designate 156.800 MHz as the radiotelephony frequency for international distress and calling in the band 156-174 MHz.

2.2 The possible use of teleprinter and data transmission systems on frequencies available to the Maritime Mobile Service in the band 156-174 MHz, together with conditions of use and technical standards which should apply to such use.

2.3 The revision of appendix 19 to the radio regulations to include other pertinent

technical criteria of receiving and transmitting equipment used in the Maritime Mobile Service.

2.4 The revision of Resolution No. Mar 14 to advance the date by which all equipment used in the Maritime Mobile Service on frequencies in the band 156-174 MHz shall conform to 25 kHz standards.

2.5 The desirability of requiring that vessels fitted for operation on 156.800 MHz have, additionally, the capability to transmit a radiotelephone alarm signal (see art. 36, No. 1465).

2.6 The designation of a frequency or frequencies in the band 156-174 MHz, other than 156.800 MHz, for rapid safety communications between the conning position of approaching vessels.

2.7 Use of EPIRB's on 156.800 MHz:

2.7.1 Use of an appropriate alarm signal.

3. Frequencies and conditions of use for "on board" communications in the Maritime Mobile Service.

4. Use of satellite communications in the Maritime Mobile Service:

4.1 Use of frequencies in the bands 156-174 MHz and 1535-1660 MHz.

4.2 Consequential revision of Recommendation No. Mar 3.

4.3 Consideration of Recommendation No. SPA II.

4.4 To develop the required changes to the Radio Regulations which will provide for the use of Emergency Position Indicating Radio Beacons (EPIRB) with space systems.

5. Possible revision of the regulations relating to spurious emissions (see appendices 4 and 17A).

6. Automatic identification of transmitters used in the Maritime Mobile Service.

7. Revision of appendix 25 to the radio regulations.

8. Consequential changes to the Radio Regulations as a result of actions by the Inter-Governmental Maritime Consultative Organization (IMCO):

8.1 In regard to frequencies, radiocommunication or radionavigation equipment used for the safety of life at sea, including provisions for EPIRB's.

8.2 In regard to the code of signals (see Resolution No. Mar 18 and appendices 13A and 16).

9. Questions concerning use of radar in the Maritime Mobile Service:

9.1 Measures to be applied to avoid interference to harbor radar from ship station radar.

9.2 Standardization of frequencies to be used by transponders aboard ship, or other ship station radar identification.

9.3 Transmission by television to ships of port radar images (see Recommendation No. Mar 4).

10. Other matters relating to the Maritime Mobile Service:

10.1 To consider the matter of use of class A3B emission in the Maritime Mobile Service (see Resolution No. Mar 13).

10.2 To prepare a plan of frequency complements for those bands allotted for narrow-band direct-printing telegraph and data transmission systems.

10.3 Revision of the regulations relating to use of narrow-band direct-printing telegraph and data transmission systems (see articles 28, 29, 32, appendices 15 and 20B).

10.4 Revision of operator certificate requirements applicable to:

10.4.1 Radiotelephony and radiotelegraphy where the operation of the transmitter requires only the use of simple external switching devices (see art. 22).

10.4.2 Servicing of radar equipment.

10.5 System standards applicable to transmission by facsimile in the Maritime Mobile Service.

10.6 Revision of conditions for the transmission of traffic lists (see art. 30, No. 1067 and art. 34, No. 1300).

10.7 Possible revision of the regulations relating to selective calling systems (see articles 19, 28A, 29, 33, appendices 9 and 20C).

[FR Doc. 71-15018 Filed 10-13-71; 8:50 am]

## FEDERAL MARITIME COMMISSION

FRANK P. DOW, INC., AND  
F. W. MYERS AND CO., INC.

### Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed for approval by:

William R. Casey, Jr., F. W. Myers & Co., Inc.,  
Myers Building, Rouses Point, N.Y. 12979.

Agreement No. FF 71-9 is a proposed agreement between Frank P. Dow, Inc. (FMC-923) and F. W. Myers & Co., Inc. (FMC-710) in which F. W. Myers & Co., Inc. will purchase the stock of Frank P. Dow Co., Inc. of Los Angeles, a California corporation; Frank P. Dow Co., Inc., a California corporation (San Francisco); Frank P. Dow Co., Inc., a Washington corporation; and Frank P. Dow Co., Inc., an Oregon corporation.

The Dow companies will continue to operate under FMC License No. 923, as independent companies under their own names and identities. The officers of those companies will remain substantially the same. F. W. Myers & Co., Inc. will continue to do business under its own name, FMC License, and identity.

<sup>4</sup> Commissioner Bartley absent.

The parties agree that they will file for approval of all governmental bodies which may be required in connection with the transactions contemplated by the agreement.

By order of the Federal Maritime Commission.

Dated: October 7, 1971.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-14985 Filed 10-13-71;8:48 am]

#### NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION WINES AND SPIRITS DUAL RATE CONTRACT

##### Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

##### Notice of agreement filed by:

Ronald A. Capone, Esquire, Kirlin, Campbell & Keating, the Farragut Building, 900 17th Street NW., Washington, DC 20006.

Agreement No. 5850 D.R.-3 is a new and revised dual rate contract for wines and spirits. The primary changes include: (1) Coverage of intermodal shipments moving under through bills of lading where contract rates are in effect for such shipments; (2) provision for imposition of a surcharge upon wines and spirits concurrently with the imposition of such surcharge upon general cargo; and (3) provisions for interim

rates to March 31, 1972, and for determining rates thereafter.

Dated: October 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-14986 Filed 10-13-71;8:48 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

OCTOBER 8, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 2900 Sub 208, Ryder Truck Lines, Inc., continued to November 1, 1971, at the Atlanta Cabana Motor Hotel, 870 Peachtree Street NE., Atlanta, Ga.

MC 117883 Sub 148, Subler Transfer, Inc., assigned October 27, 1971, at Chicago, hearing canceled and application dismissed.

No. 35258, Prince Albert Pulp Co., Ltd., v. Canadian National Railways et al., continued to January 10, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C 7406, Red Line Express, Inc.—Investigation and Revocation of Certificates, now assigned October 26, 1971, at Columbus, Ohio, postponed indefinitely.

MC 134163 Sub 3, Joseph Richardson, assigned December 8, 1971, in Courtroom No. 7, Third Floor, U.S. Courthouse, Ninth and Chestnut Streets, Philadelphia, Pa.

MC 134163 Sub 4, Joseph Richardson, assigned December 8, 1971, in Courtroom No. 7, Third Floor, U.S. Courthouse, Ninth and Chestnut Streets, Philadelphia, Pa.

MC 130139, Leisure, Inc., assigned November 15, 1971, in Room 2211B, John Fitzgerald Kennedy Building, Boston, Mass.

MC 114239, Sub 26, Farris Truck Line, assigned October 19, 1971, at Kansas City, Mo., postponed indefinitely.

MC 130140, Louise (Varrecchia) Gamberdella, assigned November 17, 1971, in Room 565A, Connecticut Public Utilities Commission, 165 Capitol Avenue, Hartford, CT.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-15013 Filed 10-13-71;8:50 am]

[Notice 81]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 8, 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 55883 (Sub-No. 15) (Republication), filed September 17, 1970, published in the FEDERAL REGISTER, issues of October 15, 1970, and November 13, 1970, and republished this issue. Applicant: EXPRESS, INC., Post Office Box 15, Stephenson, VA 22656. Applicant's representative: Bill R. Davis, Suite 1919, Atlanta Gas Light Tower, Atlanta, Ga. 30303. A report and order of the Commission, Review Board No. 2, decided September 9, 1971, and served September 29, 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 canned and preserved foodstuffs, from points in Adams County, Pa., Frederick, Loudoun, Rockingham, and Shenandoah Counties, Va., and Berkeley County, W. Va., to points in Florida; that the authority granted to the extent it duplicates any now held by applicant, shall be construed as conferring 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 in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, 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 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 97974 (Sub-No. 8) (Republication), filed November 13, 1970, published in the FEDERAL REGISTER issues of December 30, 1970, February 11, 1971, and July 28, 1971, and republished this issue. Applicant: SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, TN 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. A supplemental order of the Commission, Operating Rights Board, dated August 25, 1971, and served September 22, 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 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, and those requiring special equipment), (1) from Manchester, Tenn., to Chattanooga, Tenn., over U.S. Highway 41 serving all intermediate points from Manchester to Jasper (including Jasper); (2) from Chattanooga to Manchester, over U.S. Highway 41, serving all intermediate points between Monteagle and Manchester, Tenn.; (3) (a) from Columbia, Tenn., to Chattanooga, Tenn., over Tennessee Highway 50 (and Tennessee Highway 50-A) to Lewisburg, Tenn.; thence over Tennessee Highway 11 to Farmington, Tenn.; thence over Tennessee Highway 64 to Shelbyville, Tenn., thence over U.S. Highway 41-A and Tennessee Highway 16 to Winchester, Tenn.; thence over U.S. Highway 41-A and 64 and Tennessee Highway 15 to Monteagle, Tenn.; thence over U.S. Highways 41 and 64 and Tennessee Highway 2 to Chattanooga, Tenn., and return over the same route, serving all intermediate points except those between Monteagle, Tenn., and Chattanooga, Tenn.; (b) from Shelbyville, Tenn., over Tennessee Highway 82 to junction Tennessee Highway 55; thence over Tennessee Highway 55 to junction Tennessee Highway 50, at or near Lynchburg, Tenn.; thence over Tennessee Highway 50 to Winchester, Tenn., and return over the same routes, serving all intermediate points, and serving Huntland, Tenn., as an off-route point; restricted in 3(a) and 3(b) above, against the transportation of traffic originating at and destined to Chattanooga, Tenn., on the one hand, and, on the other, Nashville, Tenn.;

(4) (a) Between Tullahoma and Manchester, Tenn., over Tennessee Highway 55, serving all intermediate points, (b) between Winchester and Pelham, Tenn., over Tennessee Highway 50, serving all intermediate points, (c) between Hillsboro (Coffee County) and a point 5 miles west of McMinnville over unnumbered county road and Tennessee Highway 108 serving all intermediate points, (5) between Manchester and Smartt, Tenn., from Manchester over Tennessee Highway 55 to Smartt and return over the same route, serving all intermediate points, (6) (a) between Manchester, Tenn., and Murfreesboro, Tenn., over U.S. Highway 41 and Tennessee Highway 2 serving all intermediate points, (b) between Shelbyville, Tenn., and Murfreesboro, Tenn., over U.S. Highway 231 and Tennessee Highway 10 serving all intermediate points (7) between Chattanooga, Tenn., and Kimball, Tenn., over U.S. Interstate Highway No. 24 serving no intermediate points. Since 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 our 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 so prejudiced.

No. MC 114087 (Sub-No. 12) (Corrected Republication), filed February 5, 1971, published in the FEDERAL REGISTER issues of April 1, 1971, and October 6, 1971, and republished as corrected, this issue. Applicant: DECATUR PETROLEUM HAULERS, INC., 161 First Avenue NE, Decatur, AL. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. A supplemental order of the Commission, Operating Rights Board dated August 27, 1971, and served September 20, 1971, grants authority to applicant to operate in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) asphalt, in bulk, in tank vehicles, from Birmingham, Ala., to points in Georgia, Mississippi, and Tennessee under contract with Chevron Asphalt Co., and (2) fuel oil, in bulk, in tank vehicles, from Decatur, Ala., to the plantsite of U.S. Plywood-Champion Papers, Inc. Since it is possible that contract with U.S. Plywood-Champion Papers, Inc. Since 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 the findings herein, 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 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 so prejudiced. NOTE: The purpose of this corrected republication is to redescribe the authority granted in (1) above, a portion of which was inadvertently omitted in the previous republication of October 6, 1971.

No. MC 128007 (Sub-No. 29) (Republication) filed January 11, 1971, published in the FEDERAL REGISTER issue of February 11, 1971, and republished this issue. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. A Report and Order of the Commission, Review Board Number 1, decided August 31, 1971, and served September 29, 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 lumber, lumber products, and sawdust, from points in Neosho, Labette, and Wilson Counties, Kans., to points in Arkansas,

Missouri, Texas, Iowa, Nebraska, Illinois, and Colorado. Because other parties 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 actually granted, a notice to that effect will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading setting forth in detail the precise manner in which it has been prejudiced, within a period of 30 days from the date of such publication.

#### NOTICE OF FILING OF PETITIONS

No. MC 119489 (Notice of filing of petition for modification of certificate), filed September 20, 1971. Petitioner: PAUL ABLE, doing business as CENTRAL TRANSPORT COMPANY, Norfolk, Nebr. Petitioner's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE. Petitioner states it holds a certificate of public convenience and necessity issued in Docket MC 119489. As herein pertinent, said certificate reads in part as follows: "Irregular routes: *Petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, \* \* \* from refining and distributing points in Kansas, to Hoskins, Winside, Stanton, Fullerton, Clarks, Albion, Saint Edward, Platte Center, Grand Island, Osmond, Primrose, Columbus, Wahoo, Belgrade, Greeley, Ericson, Tilden, Norfolk, Creston Howells, Humphrey, Leigh, Madison, and a point (presently known as Ray Dvorak's Service Station) located approximately 1 mile north and 4 miles east of Brainard, Nebr., on Alternate U.S. Highway 30. \* \* \* From refining and distributing points in Kansas, to Niobrara, Pierce, and Plainview, Nebr." Petitioner further states that the authority involved herein was originally issued as a "grandfather" certificate. Since the original grant of authority, the service required has been altered somewhat to meet the changing needs of individuals engaged in applying road oil. The purpose of the authority was to enable the holder thereof to deliver road oil to various points in the State of Nebraska for reloading onto vehicles utilized in applying that oil to the road's surface. Petitioner states that service is no longer desired to the specific points mentioned in petitioner's authority, and instead petitioner is requested to deliver oil directly to the site of application. Petitioner further states that service has, in actuality, consisted of service to the State of Nebraska rather than specific points herein since the involved commodities are applied to roads throughout the State. By the instant petition, Petitioner requests that his present authority be modified to permit statewide service to the State of Nebraska in view of the broad scope of his present authority, the purpose for which that authority was granted, and the altered requirements of the receivers of the involved commodities. Any interested person or persons

desiring to participate and to be heard in the matter 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 this publication in the FEDERAL REGISTER.

No. MC 127777 (Sub-No. 1) (Notice of filing of petition for modification of authority), filed September 20, 1971. Petitioner: MOBILE HOME EXPRESS, INC., Wausau, Wis. Petitioner's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. As herein pertinent, petitioner states that on February 9, 1968, a Certificate of Public Convenience and Necessity was issued to petitioner authorizing the transportation of: "Mobile homes, in initial movements, in driveway or truck-away service, from Reedsburg, Wis., and points in Kenosha County, Wis., to points in the United States (including Alaska, but excluding Hawaii)." Mobile Home Express, Inc., under its former owners, commenced the interstate transportation of new mobile homes from Kenosha County, in the mistaken belief that the movements were initial. All such mobile homes had prior movements from the factory at Marshfield, Wis., to the Kenosha County pools, in either private or common carriage. Following a subsequent change in ownership of Mobile Homes Express, Inc., petitioner continued to transport new mobile homes from Kenosha County, Wis., to points in several States. Petitioner further states it has been advised by the Commission that the transportation of mobile homes from Kenosha was a secondary movement. By the instant petition, petitioner requests that the proceeding be reopened and that the authority heretofore granted to Mobile Homes Express, Inc., be modified so as to permit the transportation of new mobile homes, in secondary movements, from points in Kenosha County, Wis., to all points in the United States, except Hawaii. 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.

#### NOTICE OF FILING OF PETITIONS

No. MC-116254 (Sub-No. 59), (Notice of filing of petition for reinstatement of certificate), Petitioner: Matlack, Inc., 10 West Baltimore Street, Lansdowne, PA 19050. Petitioner's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW, Washington, DC 20005. Certificate No. MC-116254 (Sub-No. 59), was issued to Chem-Haulers, Inc., on April 1, 1966, authorizing the transportation of *Liquefied petroleum gases*, in bulk, in tank vehicles, over irregular routes, from pipeline distribution terminals of Dixie Pipeline Co., at or near Albany, Ga., and at or near Alma, Ga., to points in Alabama and Florida, with no transportation for compensation on return except as otherwise authorized. In No. MC-F-10700, by report and order of November 25, 1970,

Certificate No. MC-116254 (Sub-No. 59) was transferred to Matlack, Inc. The said certificate which was conditioned to expire on April 1, 1971, now stands expired. By the instant petition, petitioners seek reinstatement of the now expired certificate for a period of 5 years. Within 30 days from the date of this publication, any interested person desiring to participate may file original and six copies of his written representations, views or argument in support of or against the requested reinstatement of certificate.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 57254 (Sub-No. 13) filed September 27, 1971. Applicant: ASSOCIATED FREIGHT LINES, a Corporation, 841 Folger Avenue, Berkeley, CA 94710. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, used household goods as defined by the Commission, livestock, classes A and B explosives, trailer coaches and campers, and commodities requiring special equipment), on the following described routes: (1) Between Sacramento and Auburn, Calif., from Sacramento over Interstate Highway 80 to Auburn, Calif., and return over the same route; (2) between Auburn and Colfax, Calif., from Auburn, Calif., over California Highway 49 to its junction with Magnolia Road at Higgins Corner, thence over Magnolia Road, Dog Bar Road, and Tokayana Way to Colfax, Calif., and return over the same route; (2a) between Auburn and Colfax, Calif., from Auburn over Interstate Highway 80 to Colfax, Calif., and return over the same route; (3) between junction of Placer Hills Road and Interstate Highway 80 and Colfax, Calif., from junction of Placer Hills Road and Interstate Highway 80 at a point approximately 7 miles northeast of Auburn, Calif., over Placer Hills Road and Tokayana Way to Colfax, Calif., and return over the same route;

(4) Between junction of Meadow Vista Road and California Highway 49 and Applegate, Calif., from junction of Meadow Vista Road and California Highway 49 at Higgins Corner over Meadow Vista Road by way of Meadow Vista to Applegate, Calif., and return over the same route; (5) between Weiner, and Auburn, Calif., from Weimar, Calif., over Ponderosa Way to its junction with Auburn-Forest Hill Road, thence over Auburn-Forest Hill Road to Auburn, Calif., and return over the same route; (6) between Colfax and Truckee, Calif., from Colfax over Interstate Highway 80 to Truckee, Calif., and return over the same route; (7) between Truckee and Brockway, Calif., from Truckee over California Highway 267 to Brockway, Calif., and return over the same route; (8) between Monte Vista and Baxter, Calif., from Monte Vista over unnumbered County Road via Dutch Flat and Alta to

Baxter, Calif., and return over the same route; (9) between Brockway and Tahoe City, Calif., from Brockway over California Highways 28 and 267 to Tahoe City, Calif., and return over the same route; (10) between Truckee and Tahoe City, Calif., from Truckee over California Highway 89 to Tahoe City, Calif., and return over the same route; (11) between Tahoe City and junction California Highway 89 and U.S. Highway 50 and Stateline, Calif., from Tahoe City over California Highway 89 to its junction with U.S. Highway 50 at Tahoe Valley, Calif., thence over U.S. Highway 50 to Stateline, Calif., and return over the same route; (12) between Stateline and Meyers, Calif., from Stateline over U.S. Highway 50 to Meyers, Calif., and return over the same route; (13) between Camp Richardson and Fallen Leaf Lodge, Calif., from Camp Richardson over unnumbered County Road to Fallen Leaf Lodge, Calif., and return over the same route; (14) between Meyers and Stateline, Calif., from Meyers over Pioneer Trail to Stateline, Calif., and return over the same route;

(15) Between Stateline and Tahoe Keys, Calif.; from Stateline over U.S. Highway 50 and unnumbered County Road to Tahoe Keys, Calif., and return over the same route; (16) between Meyers and junction California Highways 89 and 88 and Picketts Junction, Calif., from Meyers over California Highway 89 to its junction with California Highway 88 at Picketts Junction, Calif., and return over the same route; (17) between Stateline and Heavenly Valley, Calif., from Stateline over U.S. Highway 50 and unnumbered County Road to Heavenly Valley, Calif., and return over the same route; (18) between Tahoe Valley and U.S. Highway 50 and Meyers, Calif., from Tahoe Valley over Lake Tahoe Boulevard and Upper Truckee Road to its junction with U.S. Highway 50 near Meyers, Calif., and return over the same route; (19) between Meyers and Pollock Pines, Calif., from Meyers over U.S. Highway 50 to Pollock Pines, Calif., and return over the same route; (20) between Pollock Pines and U.S. Highway 50 and Kyburz, Calif., from Pollock Pines, Calif., over Park Creek Road and Iron Mountain Road to its junction with unnumbered County Road approximately 5 miles south of U.S. Highway 50, thence over unnumbered County Road to its junction with U.S. Highway 50 approximately 2 miles west of Kyburz, Calif., and return over the same route; (21) between junction Park Creek Road and U.S. Highway 50, from junction of Park Creek Road and Sly Park Road over Sly Park Road and U.S. Highway 50 to junction of North Shingle Road and U.S. Highway 50, and return over the same route; (22) between Pacific House and Ice House Reservoir, Calif., from Pacific House over Peavine Ridge Road to Ice House Reservoir, Calif., and return over the same route; (23) between Kyburz and Caples Creek, Calif., from Kyburz over unnumbered County Road to its termination near Caples Creek, Calif., and return over the same route; (24) between

junction unnumbered County Road and U.S. Highway 50 and Wrights Lake, Calif., from junction of unnumbered County Road and U.S. Highway 50 approximately 5 miles west of Twin Bridges, Calif., over unnumbered County Road to Wrights Lake, Calif., and return over the same route;

(25) Between Pollock Pines and Sly Park Dam, Calif., from Pollock Pines over Sly Park Road to Sly Park Dam, Calif., and return over the same route; (26) between junction unnumbered County Road and U.S. Highway 50 and Echo Lake, Calif., from junction of unnumbered County Road and U.S. Highway 50 approximately 4 miles west of Meyers, Calif., over unnumbered County Road to Echo Lake, Calif., and return over the same route; (27) between junction of unnumbered County Road and California Highway 89 and Echo Summit, Calif., from junction of unnumbered County Road and California Highway 89 approximately 4 miles south of Meyers, Calif., over unnumbered County Road to Echo Summit, Calif., and return over the same route; and (28) between junction of Dry Creek Road and California Highway 49 and Interstate Highway 80 from junction of Dry Creek Road and California Highway 49 over Dry Creek Road to its junction with Interstate Highway 80, and return over the same route, serving all intermediate points in connection with routes 1 through 28 above; alternate routes for operating convenience only: *General commodities* (except in bulk, used household goods as defined by the Commission, livestock, classes A and B explosives, trailer coaches and campers, and commodities requiring special equipment), (1) between Auburn and Pollock Pines, Calif., from Auburn over California Highway 49 and U.S. Highway 50 to Pollock Pines, Calif., and return over the same route; and (2) between Sacramento and Pollock Pines, Calif., from Sacramento over U.S. Highway 50 to Pollock Pines, Calif., and return over the same route. Note: This application is a matter directly related to MC-F-11329, published in the FEDERAL REGISTER issue of October 6, 1971. The instant application seeks to convert the certificate of registration of Joe Saia, No. MC 92273 into a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Sacramento, Calif.

No. MC 59583 (Sub-No. 131), filed August 8, 1971. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Post Office Box 969, Eastman Road, Kingsport, TN 37662. Applicant's representative: Carl W. Eilers, Post Office Box 3740, Kingsport, TN 37664. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment and those injurious or contaminating to other lading, II(b) (1) between points in

Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, Ill., and (2) between points named in (1) above, on the one hand, and, on the other, points in Illinois. NOTE: Common control may be involved. Applicant states that tacking is intended at Chicago, Ill., so that 10 counties in Illinois listed above can be served by through service from all areas of its present authority. The instant application is a matter directly related to MC-F 11200 published in the FEDERAL REGISTER issued June 16, 1971. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

#### 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 1100.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-11308. (Correction) (International Transport, Inc.—Purchase—Dawes Transfer, Inc.), published in the September 15, 1971, issue of the FEDERAL REGISTER, on page 18494. Prior publication should have read: (1) Between certain specified points in Wisconsin, Illinois, Iowa, and Minnesota; (2) between certain specified points in Wisconsin, Iowa, Illinois, and Minnesota.

No. MC-F-11330. Authority sought for purchase by the Santa Fe Trail Transportation Co., 433 East Waterman Street, Wichita, KS 67202, of the operating

No. MC-F-11330. Authority sought for rights of Louis D. Long, Jr., doing business as Seaway Motor Service (South Chicago Savings Bank, Executor of the Estate), 9200 Commercial Avenue, Chicago, IL 60617, and for acquisition by Santa Fe Industries, Inc., 80 East Jackson Boulevard, Chicago, IL 60604, of control of such rights through the purchase. Applicants' attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard Chicago, IL 60604. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in the Chicago, Ill., commercial zone, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Nebraska, Oklahoma, Kansas, Missouri, Colorado, New Mexico, Texas, California, Arizona, and Arkansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11331. Authority sought for purchase by Chet's Tow Service, Inc., 504 Campbell Street, Kansas City, MO 64106, of the operating rights and property of The Costello Motor Co., 2165 Curtis Street, Denver, CO 80205, and for acquisition by Jim E. Thomas and Jac-

queline B. Thomas, both of 32 West Bridlespur Terrace, Kansas City, MO 64114, of control of such rights and property through the purchase. Applicants' representative: Jim E. Thomas, 504 Campbell Street, Kansas City, MO 64106. Operating rights sought to be transferred: *Wrecked, disabled, or damaged motor vehicles* by wrecker truckaway method, and *operable replacement motor vehicle* to replace the wrecked, disabled, or damaged motor vehicles specified above, by driveaway or truckaway method, as a *common carrier* over irregular routes, between points in Colorado, on the one hand, and, on the other, points in Wyoming, New Mexico, Kansas, Utah, Nebraska, Iowa, South Dakota, Oklahoma, Texas, Arizona, Nevada, and Idaho. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Nebraska, Iowa, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11332. Authority sought for purchase by Boston & Taunton Transportation Co., 200 Frontage Road, Boston, MA 02118, of a portion of the operating rights of Cross Transportation, Inc., Carr's Corner, Bridgeton, N.J. 08302, and for acquisition by Albert P. Sagansky and Leonard Lewin both of Boston, Mass. 02118, and Rhoda Lewin, 239 Tappan Street, Brookline, MA, of control of such rights through the purchase. Applicants' attorneys: Francis P. Barrett, 60 Adams Street, Milton, MA 02187 and David G. Macdonald, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock, class A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Boston, Mass., and Newark, N.J., serving all intermediate points in Massachusetts, and the off-route points of Salem and Fall River, Mass., Staffordville, Conn., and Trenton and Farmingdale, N.J., between Boston, Mass., and Newark, N.J., serving no intermediate points, between Lawrence and Boston, Mass., serving all intermediate points, and the off-route points of Lowell, Haverhill, and Methuen, Mass., between East Hartford, and Wethersfield, Conn., serving no intermediate points; *general commodities*, except those of unusual value, livestock, class A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between Boston, Mass., and certain specified points in New York and New Jersey; *malt beverages, brewers supplies, and empty containers*, excepting malt beverages and brewers' supplies, in bulk, in tank vehicles, between points in the above-described New York-New Jersey territory, on the one hand, and, on the other, points in Massachusetts, between Lawrence and Boston, Mass., on the one hand,

and, on the other, points in Connecticut, Rhode Island, and Massachusetts; over one alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11333. Authority sought for purchase by O.N.C. Motor Freight System, 2800 West Bayshore Road, Palo Alto, CA 94303, of the operating rights of R. E. Ellis Draying Co., Inc., 590 Townsend Street, San Francisco, CA 94100, and for acquisition by Altran Corp., and, in turn by Carroll J. Roush, David P. Roush and Diane G. Roush, all of Palo Alto, Calif. 94303, of control of such rights through the purchase. Applicants' representative: Clifford J. Boddington, also of Palo Alto, Calif. 94303. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-99367 Sub 1, covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in California, Arizona, Nevada, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

NOTE: MC-71459 Sub 25, is a matter directly related.

No. MC-F-11334. Authority sought for purchase by SHANAHAN MOTOR LINES, INC., 1600 South Delaware Avenue, Philadelphia, PA 19148, of the operating rights of WALTER D. MURRAY, doing business as DOWNS BROS., 3351 Tulip Street, Philadelphia, PA 19134, and for acquisition by TIMOTHY J. SHANAHAN III, also of Philadelphia, Pa. 19148, of control of such rights through the purchase. Applicant's attorney: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, PA 19102. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Philadelphia, Pa., and certain specified points in New Jersey. Vendee is authorized to operate as a *common carrier*, in Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11335. Authority sought for purchase by NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359, of the operating rights and property of EDGAR J. MASON, doing business as MASON'S TRANSFER, Post Office Box 126, Inwood, WV 25428, and for acquisition by M. JAMES LEVITUS, 4320 West 25th Street, St. Louis Park, MN, of control of such rights and property through the purchase. Applicants' attorneys: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106, and Anthony C. Vance, 1111 E Street, NW., Washington, DC 20004. Operating rights

sought to be transferred: *Processed fruit products*, as a *common carrier* over irregular routes, from Inwood, W. Va., to points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 655, points in Delaware, except Dover, and points in Maryland, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, from Biglerville, Pa., and Winchester, Va., to Inwood, W. Va.; *fresh fruits*, from points in Berkeley, Jefferson, and Morgan Counties, W. Va., and Frederick County, Va., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia; *acid and excelsior*, from Philadelphia, Pa., to Inwood, W. Va.; *empty carboys*, from Inwood, W. Va., to Baltimore, Md., and Philadelphia, Pa.; *machinery and supplies* for use in fruit processing plants, between Inwood, W. Va., on the one hand, and, on the other, Baltimore, and Westminster, Md.; *malt beverages*, from New York, N.Y., and Pittsburgh, Pa., to Winchester, Va., from Pittsburgh, Pa., to Martinsburg, W. Va.; and return with empty containers; *canned fruit, canned fruit products, and canned tomato juice and puree*, from Inwood, W. Va., to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Minnesota, Arkansas, Kansas, Missouri, Oklahoma, Texas, Colorado, Nebraska, South Dakota, Delaware, Illinois, Indiana, Iowa, Michigan, North Dakota, Wisconsin, Ohio, Maryland, New York, Pennsylvania, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and as a *contract carrier* in Minnesota, Wisconsin, Texas, Arkansas, Missouri, Kansas, Tennessee, Louisiana, Georgia, California, Arizona, Colorado, Oklahoma, Nevada, New Mexico, Connecticut, Massachusetts, Maine, New Jersey, New York, Ohio, Illinois, Iowa, North Dakota, South Dakota, Delaware, Maryland, New Hampshire, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11336. Authority sought for purchase by GARTON'S EXPRESS, INC., 116 Almond Street, Vineland, NJ 08360, of a portion of the operation rights of CROSS TRANSPORTATION, INC., Carl's Corners, Bridgeton, N.J. 08302, and for acquisition by HENRY A. GARTON, JR., also of Vineland, N.J. 08360, of control of such rights through the purchase. Applicants' attorney: David G. Macdonald, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except liquors, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common*

*carrier* over regular routes, between Philadelphia, Pa., and Bridgeton, N.J.; *general commodities*, except those of unusual value, liquors, classes A and B explosives, bakery products and containers, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between Bridgeton, N.J., on the one hand, and, on the other, points in New Jersey (except those within 30 miles of Elizabeth, N.J.), with restriction. Vendee is authorized to operate as a *common carrier* in New Jersey and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11337. Authority sought for purchase by BURGMEYER BROS., INC., 50 North Fifth Street, Reading, PA 19603, of a portion of the operating rights of CROSS TRANSPORTATION, INC., Carl's Corners, Bridgeton, N.J. 08302, and for acquisition by HERBERT CROSS, also of Reading, Pa. 19603, of control of such rights through the purchase. Applicants' attorneys: Theodore P. Halperin, 18 East 48th Street, New York, NY 10017, and David G. Macdonald, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, and except classes A and B explosives, furs, alcoholic beverages, household goods as defined by the Commission, livestock, silk, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between New York, N.Y., and points in Essex, Union, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, Baltimore, Md., and Washington, D.C. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11338. Authority sought for purchase by KENMORE TRANSPORTATION CO., 66 Lynwood Lane, Worcester, MA 01604, of a portion of the operating rights of CROSS TRANSPORTATION, INC., Carl's Corners, Bridgeton, N.J. 08302, and for acquisition by ABRAHAM SACK, also of Worcester, Mass. 01604, of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State Street, Boston, MA 02109, and David G. Macdonald, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, except dangerous explosives, bakery products and containers, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between New Brunswick, N.J., and Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, New Jersey, Rhode

Island, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11339. Authority sought for purchase by DeHART MOTOR LINES, INC., Highway 70W, Conover, N.C. 28613, of the operating rights and property of R. D. FOWLER MOTOR LINES, INC., Box 5528, Springfield Road, High Point, N.C. 27262, and for acquisition by HAWTHORNE AVIATION, Post Office Box 10005, Charleston, SC 29411, of control of such rights through the purchase. Applicants' attorneys: Herbert Burstein, 30 Church Street, New York, NY 10007, and Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, from Baltimore, Md., and Philadelphia, Pa., to certain specified points in North Carolina; *general commodities*, excepting, among others, dangerous explosives, household goods and commodities in bulk, from Baltimore, Md., to certain specified points in North Carolina; *new furniture*, from High Point, Thomasville, and Lenoir, N.C., to Washington, D.C., Baltimore, Md., Philadelphia, Pa., Richmond, Va., and Wilmington, Del., from Mebane, Drexel, Morgantown, and Marion, N.C., to Richmond, Va., Baltimore, Md., Wilmington, Del., Philadelphia, Pa., and points and places in the Washington, D.C. commercial zone as defined by the Commission in 3 M.C.C. 243, from Thomasville, Mebane, Morgantown, Marion, Drexel, and Lenoir, N.C., to High Point, N.C. Vendee is authorized to operate as a *common carrier* in North Carolina, New Jersey, New York, Pennsylvania, Virginia, Delaware, and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11340. Authority sought for purchase by LENAPE TRANSPORTATION CO. INC., Limecrest Road, Andover Township, N.J. 07821, of the operating rights and property of J. MITCHKO TRUCKING, INC., also of Andover Township, N.J. 07821, and for acquisition by GEORGE A. AND ARTHUR J. FETZER, both of Northrup Lane, Augusta, N.J. 07822, ITALO CIAFFA, 18 Condit Street, Newton, NJ 07860, and HAROLD DUNN, Rural Delivery No. 6, Box 636, Newton, NJ 07860, of control of such rights through the purchase. Applicants' attorneys: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102 and Samuel Weitzman, 50 Union Avenue, Irvington, NJ 07111. Operating rights sought to be transferred:

*Dry salt*, in bulk, as a *common carrier* over irregular routes, from railroad sidings in Passaic, Bergen, Warren, Morris, Essex, Hudson, Hunterdon, and Union Counties, N.J., those in that part of Middlesex County, N.J., north of the Raritan River, and points in Sussex County, N.J. (except Newton, N.J., and points within 5 miles thereof), to points in New Jersey, Connecticut, Massachusetts, Rhode Island, New York, Delaware, Maryland, and the District of Columbia, with restriction; *salt and salt products*, in packages, and pepper and *animal and poultry feed supplements*, in packages, when transported in mixed shipments with salt and salt products, in packages, from Port Newark, N.J., to points in Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia; *damaged or otherwise rejected shipments* of such commodities previously delivered by carrier, from points of delivery in the above-named destination States and the District of Columbia, to Port Newark, N.J.; *Salt*, from the facilities of the Morton Salt Co., Division of Morton International, Inc., at Milo, N.Y., to points in Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia. Vendee holds no authority from this Commission. However, it is affiliated with GEORGE A. FETZER, INC., Newton-Sussex Road, Augusta, N.J. 07822, which is authorized to operate as a *common carrier* in Michigan, New York, Ohio, Pennsylvania, New Jersey, Connecticut, District of Columbia, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia, and ARTHUR J. FETZER, Newton-Sussex Road, Box 68, Augusta, NJ 07822, which is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.71-15015 Filed 10-13-71; 8:50 am]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 8, 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 Inter-

state 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. 71-181-ME/S (Clarification), filed July 1, 1971, published FEDERAL REGISTER, issues of July 28 and September 1, 1971, and republished as clarified this issue. Applicant: JOHN W. & JOANNE C. HOOGLAND, doing business as SEWARD BUS LINE, Seward, Alaska 99664. Applicant's representative: Roger A. McShea, Suite 300, 425 G Street, Anchorage, Alaska 99501. Note: The purpose of this republication is to note that the transportation of express is proposed to be in both interstate and foreign commerce. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Alaska, Department of Commerce, Alaska Transportation Commission, 750 Mackay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. C-3742 (Case No. 14), filed September 2, 1971. Applicant: EARL C. SMITH, INC., 1720 Dove Street, Port Huron, MI 48060. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Detroit, Mich., and Flint, Mich., via I94 to junction with U.S. 23, thence via U.S. 23, restricted against service to points not otherwise authorized. Both intrastate and interstate authority sought.

HEARING: November 17, 1971, 9:30 a.m., at Michigan Public Service Commission, 525 West Ottawa Street, Lansing, Mich. 48913. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Department of Commerce, Michigan Public Service Commission, Seven Story State Office Building, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.71-15014 Filed 10-13-71; 8:50 am]



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Volume 36 ■ Number 199

PART II



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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education



Financial Assistance To Meet the Special  
Educational Needs of Educationally  
Deprived Children

## Title 45—PUBLIC WELFARE

### Chapter I—Office of Education, Department of Health, Education, and Welfare

#### PART 116—FINANCIAL ASSISTANCE TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

##### Miscellaneous Amendments

Notice of proposed rule making was published in the FEDERAL REGISTER on April 27 and, with certain corrections, on May 4, 1971, setting forth certain requirements and provisions for programs under title I of the Elementary and Secondary Education Act of 1965. Comments were received with respect to public information, parental involvement, and bonus pay for teachers (§ 116.17, paragraphs (n), (o), and (p)) and on the requirement for comparability of State and local funded services in title I schools with those in nontitle I schools (§ 116.26). Following the review of the comments (summarized below) the following changes were made:

*Summary of changes.* 1. The requirements in § 116.17(n) concerning the furnishing of copies of project documents have been clarified. The provision now states specifically that educational agencies may provide such copies free of charge and that any charges for such copies shall not exceed the costs actually incurred and not covered by title I funds.

2. The role of State educational agencies in administering the provisions of § 116.17, paragraphs (o) (1) and (2) has been clarified by the addition of paragraph (o) (3). This new paragraph is intended to make clear to State educational agencies that they may add such requirements as may be reasonably necessary to implement the provisions of § 116.17(o) (1) and (2).

3. The provisions of § 116.26 have been amended in paragraph (d) so that local educational agencies are not required to take any action to decrease the ratio of pupils to professional staff other than teachers or of pupils to noncertified instructional staff where the addition of less than the equivalent of one full-time staff member is required to achieve comparability with respect to either of those ratios.

*Summary of comments—1. Public information.* Commenters on § 116.17(n) emphasized the possibility that notwithstanding the limitations in the rule with respect to charges for copies of documents local educational agencies might charge excessively, thus preventing poor parents from securing the documents they need in order to understand the local title I program. They recommended that copies be made available free of charge. Objections were raised to the proposed rule on the grounds that it could be interpreted as requiring the assessment of charges of project documents and that the amounts charged could be recovered both from parties requesting copies and from title I funds.

The change indicated above is intended to remove the cause for both of those objections. Also, while charges may still be made for copies of documents it should be noted that the subject paragraph requires a positive dissemination program and the following paragraph (§ 116.17(o)) requires that parent councils be given such documents free of charge.

2. *Parental involvement.* Comments on the rule on parental involvement reflect two opposing points of view. One group of commenters requested that requirements be added for the election of parent councils, for councils to be formed at each title I school, for representation on the council from all eligible areas, and for a requirement that the State educational agency respond specifically to any objection raised by the parent council to a proposed project. Although those suggestions were not adopted, a few clarifying remarks are in order concerning the rule that has been adopted:

a. Nothing in the regulation precludes the election of parent councils; however, the legislative history of the parental involvement provision indicates that such elections should not be mandated from the Federal level.

b. There is no barrier in the regulation to the inclusion on parent councils of parents from attendance areas eligible but not expected to receive title I services, provided parents from the areas to be included in the project "constitute more than a simple majority."

c. The present regulation sufficiently indicates that State educational agencies are required to respond to objections which are raised by the parent council to proposed projects.

Another group of commenters found the requirements concerning the parent council to be too detailed and in some cases inappropriate for their communities. The regulation is designed to give each local educational agency sufficient flexibility to establish a parent council that is appropriate for its school district and to assure that the council has the information and opportunities it needs to be effective. Many suggestions for additional requirements in the regulation were rejected because it was felt that such provisions would reduce the amount of flexibility available to local educational agencies. As the proposed change to the rule indicates State educational agencies are free to prescribe additional requirements which are not inconsistent with the regulation.

3. *Bonus pay for teachers.* The relatively small number of commenters on the rule governing bonus pay for teachers (§ 116.17(p)) generally took exception to the idea that title I funds could be used for such a purpose and not to the specific provision. The rule as stated is based on the statutory amendment permitting title I funds to be used for this purpose and on the legislative history.

4. *Comparability.* The comments received on § 116.26 reflected a variety of concerns. Objections were raised to the failure to require the inclusion of expenditures for salary payments based on length of service (longevity) in comput-

ing the comparability of expenditures per pupil for instructional personnel in title I and nontitle I schools. In that respect the proposed provision was said to be discriminatory and an unconstitutional denial of equal educational opportunity. On the other hand, some school officials expressed concern that even with the exclusion of longevity pay they might not be able to redeploy their staffs sufficiently to overcome differences in costs per pupil due to differences in the training of the personnel. Many of these officials and other commenters stated that in their opinion the pupil-staff ratios are adequate indicators of the comparability of services and requested that the instructional expenditures per pupil set forth in the proposed rule be eliminated. Still other commenters asked that the pupil-staff ratios be tempered or eliminated altogether and that comparability be determined primarily or solely on the basis of instructional costs per pupil as set forth in the proposed rule.

The exclusion of salary increments based on length of service as provided in the rule is derived from the legislative history of the comparability provision which, while definite on the Senate side (116 Congressional Record S4361, (daily edition March 27, 1970)) is ambiguous on the House side (116 Congressional Record H2691-93 (daily edition April 7, 1970)). In any event the treatment of this very difficult problem in the proposed rule is not to be taken as reflective of an educational judgment that longevity pay is a factor unrelated to the quality of a teacher's services. While the rule, as proposed, does not require State educational agencies to include longevity pay in determining comparability of per-pupil instructional expenditures, it should be noted that State agencies are permitted to include such pay in additional criteria which they may establish as provided in the last sentence of § 116.26(c) of the rule. Furthermore, the fact that a school district meets the comparability requirements established by this rule would not excuse the district from its responsibility to observe other statutory and constitutional provisions prohibiting discrimination based on impermissible classifications.

After consideration of all of the above comments, it was determined that no changes need be made in the rule with respect to the indicators of the comparability of a title I school with the average of nontitle I schools. A change was made, however, in paragraph (d) so that action is not required to reduce the ratios of pupils to professional staff other than teachers or of pupils to nonprofessional instructional staff when the addition of less than the equivalent of a full-time staff member would be required to achieve comparability.

After consideration of the above-summarized comments, Part 116 of Title 45 of the Code of Federal Regulations is hereby amended as set forth below.

*Effective date.* As appears from the above summary, the modifications do not involve any changes of a substantial nature from the provisions which were published in the FEDERAL REGISTER on April 27

and May 4, 1971, as proposed rule making. Accordingly, these regulations shall be effective upon publication in the FEDERAL REGISTER (10-14-71), except for any portions thereof which have become effective by operation of law.

Dated: August 25, 1971.

S. P. MARLAND, JR.,  
U.S. Commissioner of Education,

Approved: October 4, 1971.

ELLIOT L. RICHARDSON,  
Secretary of Health,  
Education, and Welfare.

1. In § 116.1, paragraph (c) is amended to read as follows:

§ 116.1 Definitions.

(c) "Average daily attendance" means (1) average daily attendance in elementary and secondary schools, not beyond grade 12, as determined in accordance with State law and (2) in the case of schools for handicapped children and children in institutions for neglected or delinquent children operated or supported by a State agency, the average number of children under 21 years of age participating per day for the length of a normal school year in an organized program in such schools of instruction which is recognized under State law as furnishing elementary or secondary education, but not beyond grade 12. In the case of handicapped children daily attendance shall be measured by the number of daily hours of participation in such instruction as the State agency determines to be appropriate for children with the particular handicap involved, except that any such instruction for more than 1 hour, but less than 3 hours, a day shall be deemed to constitute a maximum of one-half day of attendance. Time spent primarily in custodial care or medical treatment or therapy cannot be counted in determining attendance. In the case of special instructional services provided by a State agency under contract or other arrangement (such as itinerant, resource room, or other types of part-day or part-week programs) to handicapped children in attendance at public or nonpublic schools, such children may be reported as being in average daily attendance if (i) a statute or official written rule, policy, or other standard applicable to such State agency provides a reliable basis for determining that such State agency, rather than a local educational agency, is directly responsible for providing educational services to such children; and (ii) such State agency's average per pupil contribution to the cost of providing education to such handicapped children exceeds (a) the State's average per pupil contribution to the cost of education of handicapped children in educational programs operated by local educational agencies in the State, and (b) exceeds one-half of the average per pupil expenditure in that State as defined in section 103(e) of title I, ESEA. For the purposes of this paragraph, a State agency's average per pupil contribution to the cost of providing education to such handicapped children, a State's average

per pupil contribution to the cost of education of handicapped children by local educational agencies, and the average per pupil expenditure in a State shall be determined on the basis of data for the same fiscal year.

(20 U.S.C. 241c(a)(5))

2. In § 116.17, paragraph (h) is amended and new paragraphs (n), (o), and (p) are added to read as follows:

§ 116.17 Project covered by an application.

(h) Each application for a grant under Title I of the Act for educationally deprived children residing in a project area shall contain an assurance that the use of the grant funds will not result in a decrease in the use for educationally deprived children residing in that project area of State or local funds which, in the absence of funds under Title I of the Act, would be made available for that project area and that neither the project area nor the educationally deprived children residing therein will otherwise be penalized in the application of State and local funds because of such a use of funds under title I of the Act. No project under title I of the Act will be deemed to have been designed to meet the special educational needs of educationally deprived children unless the Federal funds made available for that project (1) will be used to supplement, and to the extent practical increase, the level of State and local funds that would, in the absence of such Federal funds, be made available for the education of pupils participating in that project; (2) will not be used to supplant State and local funds available for the education of such pupils; and (3) will not be used to provide instructional or auxiliary services in project area schools that are ordinarily provided with State and local funds to children in nonproject area schools.

(20 U.S.C. 241e(a)(3))

(n) Each application by a local educational agency for a grant under title I of the Act shall include specific plans for disseminating information concerning the provisions of title I, and the applicant's past and present title I programs, including evaluations of such programs, to parents and to the general public and for making available to them upon request the full text of current and past title I applications, all pertinent documents related to those applications, evaluations of the applicant's past title I projects, all reports required by § 116.23 to be submitted to the State educational agency, and such other documents as may be reasonably necessary to meet the needs of such parents or other members of the public for information related to the comprehensive planning, operation, and evaluation of the title I program but not including information relating to the performance of identified children and teachers. Such plans shall include provision for the reproduction, upon request, of such documents free of charge

or at reasonable cost (not to exceed the additional costs incurred which are not covered by title I funds) or provisions whereby persons requesting such copies will be given adequate opportunity to arrange for the reproduction of such documents.

(20 U.S.C. 214e, 1231d)

(o) (1) Parental involvement at the local level is deemed to be an important means of increasing the effectiveness of programs under title I of the Act. Each application of a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected and delinquent children) for assistance under that title, therefore, (i) shall describe how parents of the children to be served were consulted and involved in the planning of the project and (ii) shall set forth specific plans for continuing the involvement of such parents in the further planning and in the development and operation of the project.

(2) Each local educational agency shall, prior to the submission of an application for fiscal year 1972 and any succeeding fiscal year, establish a council in which parents (not employed by the local educational agency) of educationally deprived children residing in attendance areas which are to be served by the project, constitute more than a simple majority, or designate for that purpose an existing organized group in which such parents will constitute more than a simple majority, and shall include in its application sufficient information to enable the State educational agency to make the following determinations:

(i) That the local educational agency has taken appropriate measures to insure the selection of parents to the parent council who are representative (a) of the children eligible to be served (including such children enrolled in private schools) and (b) of the attendance areas to be included in the title I program of such agency;

(ii) That each member of the council has been furnished free of charge copies of title I of the Act, the Federal regulations, guidelines, and criteria issued pursuant thereto, State title I regulations and guidelines, and the local educational agency's current application; and that such other information as may be needed for the effective involvement of the council in the planning, development, operation, and evaluation of projects under said title I (including prior applications for title I projects and evaluations thereof) will also be made available to the council;

(iii) That the local educational agency has provided the parent council with the agency's plans for future title I projects and programs, together with a description of the process of planning and developing those projects and programs, and the projected times at which each stage of the process will start and be completed;

(iv) That the parent council has had an adequate opportunity to consider the information available concerning the

special educational needs of the educationally deprived children residing in the project areas, and the various programs available to meet those needs, and to make recommendations concerning those needs which should be addressed through the title I program and similar programs;

(v) That the parent council has had an opportunity to review evaluations of prior title I programs and has been informed of the performance criteria by which the proposed program is to be evaluated;

(vi) That the title I program in each project area includes specific provisions for informing and consulting with parents concerning the services to be provided for their children under title I of the Act and the ways in which such parents can assist their children in realizing the benefits those services are intended to provide;

(vii) That the local educational agency has adequate procedures to insure prompt response to complaints and suggestions from parents and parent council;

(viii) That all parents of children to be served have had an opportunity to present their views concerning the application to the appropriate school personnel, and that the parent council has had an opportunity to submit comments to the State educational agency concerning the application at the time it is submitted, which comments the State educational agency shall consider in determining whether or not the application shall be approved.

(3) The State educational agency may establish such additional rules and procedures, not inconsistent with the provisions of this section, as may be reasonably necessary to insure the involvement of parents and the proper organization and functioning of parent councils.

(20 U.S.C. 1231d)

(p) An application for a grant for a project under title I of the Act may include, as a part of the applicant's program, provision for the payment of bonuses to teachers in a limited number of schools serving attendance areas with exceptionally high concentrations of children from low-income families. For the purposes of this paragraph, the term "teacher" means a person holding a teaching certificate in the State. Such a person is regarded as a teacher only to the extent that he has a regular instructional assignment and only to the extent that he is taken into account in the computation of pupil-teacher ratios in the State. The eligibility of teachers for such bonuses may be made subject to such conditions, including the completion of prescribed courses of special training, as may be imposed by the local educational agency with the approval of the State educational agency. Such bonuses must be reasonable in amount but must be deemed by the approving State educational agency to be sufficient to attract to, or retain at, such schools the teachers best qualified to help meet the special educational needs of the educationally

deprived children to be served by the program of that agency. A project application that includes provision for the payment of teacher bonuses must demonstrate that the applicant's regular salary schedule has not attracted or has not retained sufficient numbers of teachers of high caliber in the area in which the teacher bonus provision is to be made applicable. It must also demonstrate how the local educational agency plans to recruit, hire, provide in-service training to, and evaluate all teachers who will receive bonuses, and how such teachers will serve as an integral part of the title I program. The continuation of the payment of teacher bonuses by a local educational agency beyond a 2-year period shall be conditioned upon a demonstration in project applications for subsequent years that bonus payments in the school district have in fact been effective in attracting and retaining teachers of high caliber and that such teachers have significantly contributed to improving the performance of educationally deprived children. For that purpose, the State educational agency must assume a special responsibility for monitoring and evaluating teacher bonus components of programs in the light of specific measurable goals and must collect and maintain data on the extent of the use and the effectiveness of such teacher bonus components of programs under title I of the Act.

(20 U.S.C. 241e(a)(1))

§ 116.18 [Amended]

3. In § 116.18, paragraph (f) is revoked.

4. A new § 116.26 is added, reading as follows:

§ 116.26 Comparability of services.

(a) A State educational agency shall not approve an application of a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) for the fiscal year 1972 and subsequent fiscal years unless that agency has filed, in accordance with instructions issued by the State educational agency, information as set forth in paragraphs (b) and (c) of this section upon which the State educational agency will determine whether the services, taken as a whole, to be provided with State and local funds in each of the school attendance areas to be served by a project under title I of the Act are at least comparable to the services being provided in the school attendance areas of the applicant's school district which are not to be served by a project under said title I. For the purpose of this section, State and local funds include those funds used in determinations of fiscal effort in accordance with § 116.45.

(b) The State educational agency shall require each local educational agency, except as provided under paragraph (d) of this section, to submit data, based on services provided from State and local expenditures for subparagraphs

(2) through (7) of this paragraph, for each public school to be served by a project under title I of the Act and, on a combined basis, for all other public schools in the district serving children in corresponding grade level, which schools are not served by projects under that title. Such data shall show (1) the average daily membership, (2) the average number of assigned certified classroom teachers, (3) the average number of assigned certified instructional staff other than teachers, (4) the average number of assigned noncertified instructional staff, (5) the amount expended for instructional salaries, (6) the amount of such salaries expended for longevity pay, and (7) the amounts expended for other instructional costs, such as the costs of textbooks, library resources, and other instructional materials, as defined in § 117.1(i) of this chapter; and such other information as the State educational agency may require and utilize for the purpose of determining comparability of services under this section. The data so provided shall be data for the second fiscal year preceding the fiscal year in which the project applied for under said title I is to be carried out unless a local educational agency finds that it has more recent adequate data from the immediately preceding fiscal year which would be more suitable for the purpose of determining comparability under this section.

(c) The data submitted by the local educational agency based on services provided with State and local expenditures, shall, in addition to the information required under paragraph (b) of this section, show for each public school serving children who are to participate in projects under title I of the Act and for the average of all public schools in the school district serving corresponding grade levels but not serving children under title I of the Act, on the basis of pupils in average daily membership:

(1) The average number of pupils per assigned certified classroom teacher;

(2) The average number of pupils per assigned certified instructional staff member (other than teachers);

(3) The average number of pupils per assigned noncertified instructional staff member;

(4) The amounts expended per pupil for instructional salaries (other than longevity pay); and,

(5) The amounts expended per pupil for other instructional costs, such as the costs of textbooks, library resources, and other instructional materials.

The services provided at a school where children will be served under said title I are deemed to be comparable for the purposes of this section if the ratios for that school determined in accordance with subparagraphs (1), (2), and (3) of this paragraph do not exceed 105 percent of the corresponding ratios for the said other schools in the district, and if the ratios for that school determined in accordance with subparagraphs (4) and (5) of this paragraph are at least 95 percent of the corresponding ratios for said other schools. State educational agencies may, subject to the approval of the

Commissioner, propose and establish criteria, in addition to those specified in this section, which must be met by local educational agencies.

(d) The State educational agency shall not approve project applications under title I of the Act for fiscal year 1972 unless the applicant local educational agency has submitted the data required by paragraphs (b) and (c) of this section. Such data must be submitted to the State educational agency no later than July 1, 1971, and July 1 of each year thereafter. In the case of local educational agencies the data for which indicate a failure to meet the standards for comparability described in this section, such applications must indicate how such comparability will be achieved by the beginning of fiscal year 1973. Applications for fiscal year 1973 and succeeding fiscal years shall not be approved unless the State educational agency (1) finds, on the basis of the data submitted, that the local educational agency has achieved comparability (as described in this section) and has filed a satisfactory assurance that such comparability will

be maintained, or, (2) in the case of a local educational agency the data for which indicate a failure to meet such standards of comparability, receives from that local educational agency information with respect to projected budgets, staff assignments, and other pertinent matters showing that comparability will be achieved by the beginning of that fiscal year, together with a satisfactory assurance that such comparability will be maintained during the period for which such application is submitted. Notwithstanding the foregoing provisions no action shall be required of any local educational agency concerning the achievement of comparability with respect to subparagraphs (2) and (3) of paragraph (c) of this section if less than the equivalent of a full time staff member would be required to achieve such comparability.

(e) An agency which has an allocation of less than \$50,000 for the fiscal year under parts A, B, and C of title I of the Act, and which is operating schools where children are not to be served under

that title shall file a satisfactory assurance that it will use its State and local funds to provide services in its schools serving children who are to participate in projects under that title, which services are comparable to the services so provided in these schools serving children in corresponding grade levels which are not to be served by a project under that title. Such an agency shall also file the data required by paragraph (b) (1), (2), (3), and (4) of this section and the data required by paragraph (c) (1), (2), and (3) of this section.

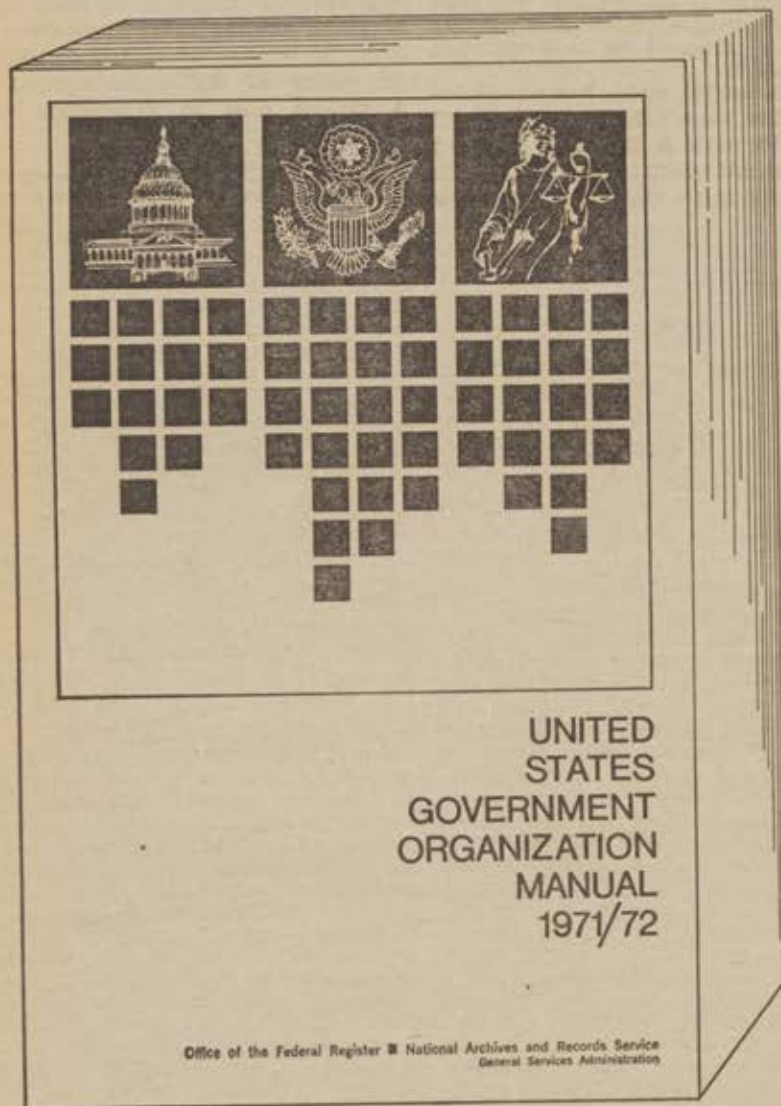
(f) The requirements of this section are not applicable to a local educational agency which is operating only one school serving children at the grade levels at which services under said title I are to be provided or which has designated the whole of the school district as a project area in accordance with § 116.17(d).

(20 U.S.C. 241e(a)(3))

[FR Doc.71-14841 Filed 10-13-71;8:45 am]



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