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Agencies in this issue—

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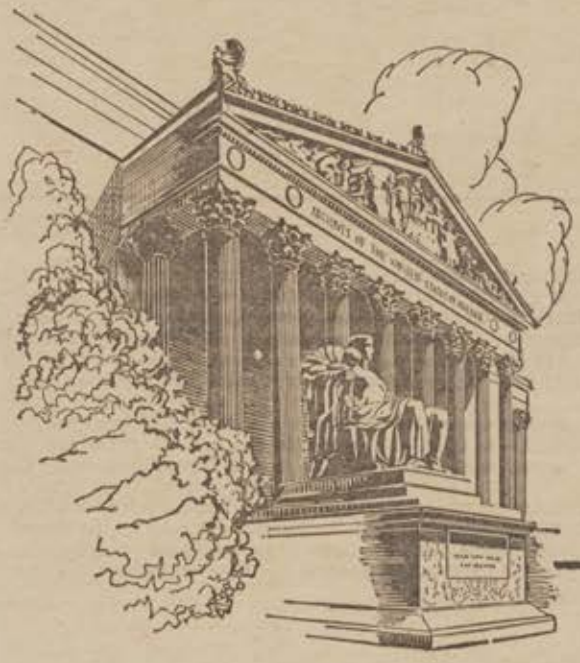

Up-to-date Revision

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Appointed January 20–April 20, 1969

A listing of about 350 appointments of key officials made after January 20, 1969. Serves as a supplement to the 1968–69 edition of the U.S. Government Organization Manual.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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Title 7—AGRICULTURE

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PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart A—Regulations Under the U.S. Cotton Standards Act

SUBMISSION OF COTTON SAMPLES

On April 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6244) regarding the proposed amendment of § 28.25 of the Regulations Under the U.S. Cotton Standards Act (7 CFR Part 28, Subpart A).

Statement of considerations. This amendment deletes from the Regulations the requirement that cotton samples be mailed, shipped or delivered no later than the close of the next business day after sampling is completed.

Two communications were received pursuant to the notice. One was in favor of the amendment as proposed while the other thought that a definite time limit for shipping samples after sampling is completed should be stated in the regulations. After consideration of these comments it has been decided to make the amendment in the regulations as proposed in the notice of proposed rule making, pursuant to authority contained in the U.S. Cotton Standards Act, as amended (sec. 10, 42 Stat. 1519; 7 U.S.C. 61).

Paragraph (g) of § 28.25 is revised to read as follows:

§ 28.25 Samples for Form A determination.

* * * * *

(g) Samples shall be addressed to and mailed, shipped, or delivered direct to the Board serving the territory in which the warehouse is located. Samples shall in no case be consigned or routed through the owner or custodian of the cotton. Samples mailed or shipped shall be prepaid.

* * * * *

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

Effective date. This amendment shall become effective July 1, 1969.

Dated: May 16, 1969.

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

[F.R. Doc. 69-6063; Filed, May 20, 1969; 8:52 a.m.]

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

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

Expenses and Rate of Assessment

On April 23, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 6787) regarding proposed expenses and the related rate of assessment for the period November 1, 1968, through October 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1968, through October 31, 1969, will amount to $264,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.012 per carton of Valencia oranges.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1968, and said rate of assessment will automatically apply to all such oranges beginning with such date.

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

Dated: May 16, 1969.

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

[F.R. Doc. 69-6065; Filed, May 20, 1969; 8:52 a.m.]

[Lime Reg. 3; Amdt. 10]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the introductory text of paragraph (a), and paragraph (a) (2) and (3) of § 944.202 (Lime Reg. 3; 33 F.R. 5039, 6096, 6518, 19248; 34 F.R. 6516) are hereby amended to read as follows:

§ 944.202 Lime Regulation 3.

(a) On and after May 26, 1969, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

* * * * *

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color; or

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under amended Lime Regulation 27 (§ 911.329), which becomes effective May 19, 1969; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum that is prescribed by section 8e, is given with respect to such regulation; and (e) such notice is hereby determined under the circumstances, to be reasonable.

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

Dated, May 16, 1969, to become effective May 26, 1969.

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

[F.R. Doc. 69-6064; Filed, May 20, 1969; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-18]

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

Alteration of Control Zone

On March 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5745) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego (Montgomery Field) control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the San Diego, Calif. (Montgomery Field) is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 69-6020; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-19]

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

Alteration of Control Zone

On March 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5745) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego, Calif. (San Diego County-Gillespie Field), control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the San Diego, Calif. (San Diego County-Gillespie Field) control zone is amended to read as follows:

SAN DIEGO, CALIF. (SAN DIEGO COUNTY-GILLESPIE FIELD)

Within a 3-mile radius of San Diego County-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in The Airman's Information Manual.

[F.R. Doc. 69-6021; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-28]

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

Alteration of Transition Area

On April 15, 1969, F.R. Doc. 69-4350 [Airspace Docket No. 69-SW-19] was published in the FEDERAL REGISTER (34 F.R. 6474) amending Part 71 of the Federal Aviation Regulations. This document revoked the 700-foot portion of the Guthrie, Tex., transition area. Subsequently, the agency learned that information which led to revocation of the controlled airspace was incorrect and this alteration should not have been effected. Action is taken herein to reestablish that portion of the transition area which was revoked.

Since this amendment reestablishes controlled airspace recently revoked and it is required to be effective immediately to prevent the data being removed from the Sectional Aeronautical Chart, notice and public procedures hereon are not practical and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as herein set forth.

In § 71.181 (34 F.R. 4696), the Guthrie, Tex., transition area 700-foot portion is redesignated as described therein.

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

Issued in Fort Worth, Tex., on May 8, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6022; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-14]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Waco, Tex., transition area.

On March 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5953) stating the Federal Aviation Administration proposed to alter the Waco, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as herein set forth.

In § 71.181 (34 F.R. 4780), the Waco, Tex., transition area 700-foot portion is amended in part by deleting "* * * lat. 31°27'00" N., long. 97°34'00" W.; to lat. 31°33'00" N., long. 97°28'00" W.; to lat. 31°46'00" N., long. 97°30'00" W.; to lat. 31°59'00" N., long. 97°24'00" W. * * *" and substituting therefor "* * * lat. 31°27'00" N., long. 97°34'00" W., to lat. 31°46'30" N., long. 97°41'50" W., to lat. 31°59'00" N., long. 97°24'00" W. * * *."

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

Issued in Fort Worth, Tex., on May 12, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6023; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-CE-2]

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

Designation of Transition Area

On page 5181 of the FEDERAL REGISTER dated March 13, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Plymouth, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendent as so proposed is hereby adopted, subject to the following change: The Plymouth Municipal Airport coordinates recited in the Plymouth, Ind., transition area designation as "latitude 41°21'55" N., longitude 86°18'05" W." are changed to read "latitude 41°22'00" N., longitude 86°18'10" W.".

This amendment shall be effective 0901 G.m.t., July 24, 1969.

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

Issued in Kansas City, Mo., on May 5, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

PLYMOUTH, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Plymouth Municipal Airport (latitude 41°22'00" N., longitude 86°18'10" W.); and within 2 miles each side of the Knox, Ind., VOR 080° radial, extending from the 5-mile radius area to 10 miles east of the VOR.

[F.R. Doc. 69-6024; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-CE-3]

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

Designation of Transition Area

On pages 5181 and 5182 of the FEDERAL REGISTER dated March 13, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fort Scott, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Fort Scott Municipal Airport latitude coordinate recited in the Fort Scott, Kans., transition area designation as "latitude 37°47'50" N." is changed to read "latitude 37°47'45" N.".

This amendment shall be effective 0901 G.m.t., July 24, 1969.

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

Issued in Kansas City, Mo., on May 5, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

In § 71.181 (34 F.R. 4637), the following transition area is added:

FORT SCOTT, KANS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Scott Municipal Airport (latitude 37°47'45" N., longitude 94°46'10" W.); and within 2 miles each side of the 348° bearing from Fort Scott Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 348° bearing from Fort Scott Municipal Airport, extending from the airport to 12 miles north of the airport.

[F.R. Doc. 69-6025; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-120]

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

Designation of Transition Area

On pages 1402 and 1403 of the FEDERAL REGISTER dated January 29, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Perry, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Perry Municipal Airport latitude coordinate recited in the Perry, Iowa, transition area designation as "latitude 41°49'30" N." is changed to read "latitude 41°49'35" N.".

This amendment shall be effective 0901 G.m.t., July 24, 1969.

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

Issued in Kansas City, Mo., on May 5, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

PERRY, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perry Municipal Airport (latitude 41°49'35" N., longitude 94°09'30" W.); and within 2 miles each side of the 147° bearing from Perry Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 147° bearing from Perry Municipal Airport, extending from the airport to 12 miles southeast of the airport, excluding the portions which overlie the Jefferson, Iowa, transition area.

[F.R. Doc. 69-6026; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-15]

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

Designation of Transition Area

On April 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6197) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Garfield County Airport, Colo.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 24, 1969.

Issued in Los Angeles, Calif., on May 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (34 F.R. 4637) the following transition area is added:

RIFLE, COLO.

That airspace extending upward from 8,200 feet MSL within 2 miles south and 4 miles north of the 099° and 279° bearing from the Rifle radiobeacon (latitude 39°31'34" N., longitude 107°43'37" W.) extending from 4 miles west to 8 miles east of the radiobeacon; that airspace extending upward from 9,700 feet MSL within 6 miles south and 9 miles north of the 099° and 279° bearings from the Rifle radiobeacon extending from 8 miles west of the radiobeacon to longitude 107°-30'00" W., that airspace east of Rifle bounded by a line beginning at latitude 39°37'45" N., longitude 107°30'00" W., to latitude 39°37'-00" N., longitude 107°26'00" W., to latitude 39°30'00" N., longitude 107°21'00" W., to latitude 39°24'00" N., longitude 107°30'00" W., thence to point of beginning.

[F.R. Doc. 69-6027; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-16]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Vernon, Tex., transition area.

On April 2, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6001) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Vernon, Tex.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

VERNON, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (lat. 34°14'00" N., long. 99°17'30" W.), and within 2 miles each side of the Altus VOR 182° radial extending from the 6-mile radius area to 7 miles north of the airport.

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

Issued in Fort Worth, Tex., on May 12, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6028; Filed, May 20, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-124]

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

Designation, Alteration and Revocation of Federal Airway Segments

On March 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5180) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway between Roberts, Ill., and Knox, Ind.; redesignate and renumber VOR Federal airway No. 332 segment between Moline, Ill., and South Bend, Ind.; and revoke VOR Federal airway No. 177 segment between Chicago Heights, Ill., and Fort Wayne, Ind.

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

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

a. V–233 is added:

V–233 From Roberts, Ill., 12 AGL to Knox, Ind.

b. In V–177 all before "From Naperville, Ill.," is deleted.

c. In V–332 all before "From Lansing, Mich.," is deleted.

d. V–156 is added:

V–156 From Moline, Ill., 12 AGL Bradford, Ill.; 12 AGL Peotone, Ill.; 12 AGL INT Peotone 098° and Knox, Ind., 238° radials; 12 AGL Knox; 12 AGL South Bend, Ind.

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

Issued in Washington, D.C., on May 13, 1969.

T. McCormack,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–6029; Filed, May 20, 1969; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Simazine

A petition (PP 9F0792) was filed with the Food and Drug Administration by the Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of a tolerance of 0.25 part per million for residues of the herbicide simazine (2-chloro - 4,6-bis(ethylamino) - *s*-triazine) in or on the raw agricultural commodity filberts.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.213 is amended by revising the paragraph "0.25 part per million * * *" to read as follows:

§ 120.213 Simazine; tolerances for residues.

* * * * *

0.25 part per million in or on almonds (hulls and nuts), apples, avocados, blackberries, blueberries, boysenberries, cherries, fresh corn including sweet corn (kernels plus cobs with husks removed), corn grain (including popcorn), corn forage or fodder (including field corn, sweet corn, and popcorn), cranberries, currants, dewberries, filberts, grapefruit, grapes, lemons, loganberries, macadamia nuts, olives, oranges, peaches, pears, plums, raspberries, strawberries, and walnuts.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the Federal Register.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 14, 1969.

J. K. Kirk,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6001; Filed, May 20, 1969; 8:46 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7013]

PART 6—INDUCEMENTS FURNISHED TO RETAILERS

Furnishing of Window and Other Interior Displays by Industry Members to Retail Liquor Dealers

Notice of public hearing to be held in Washington, D.C., on April 2, 1969, with respect to a proposal to amend 27 CFR Part 6, Inducements Furnished to Retailers, was published in the Federal Register on January 23, 1969 (34 F.R. 1051). Upon the conclusion of the said hearing and after a study of the proposal in the light of relevant material submitted by interested persons thereat, the following conclusion has been reached:

1. It had been proposed to amend § 6.23, with respect to wines only, so as to increase from $10 to $15 the limitation contained therein on the cost of advertising matter for use at any one time in the windows or elsewhere in the interior of a retail establishment. The increased amount would be exclusive of the cost of transportation and installation of such materials provided such costs do not exceed those which are usual and customary in the particular locality.

Inasmuch as the proposed amendment had been urged by the California Wine Institute and the Wine Conference of America, trade associations whose memberships represent the major portion of the wine industry; as the proposal appears reasonable and not inconsistent with the purposes of statute (27 U.S.C. 205(b)(3)) under which this regulation is issued; and as there was no opposition to the proposal voiced at the hearing, 27 CFR Part 6 is amended as follows:

§ 6.23 [Amended]

Paragraph 1. Section 6.23 is amended by deleting the words "wine and" from the heading and by deleting the phrase "as a rectifier, blender, producer, bottler, importer, or wholesaler, of wine, or" in the first sentence thereof.

Par. 2. A new section, § 6.23b, is added, immediately following § 6.23a, to read as follows:

§ 6.23b Inside signs; wine.

Signs, posters, placards, designs, devices, decorations, or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned, or sold to a retailer by an industry member engaged in business as a rectifier, blender, producer, bottler, importer, or wholesaler, of wine, if they have no value to the retailer except as advertisements and if the total value of all such materials furnished by any industry member and in use at any one time in any retail establishment does not exceed $15, exclusive of all expenses incurred directly or indirectly by any industry member in connection with the transportation and installation of such materials if such costs do not exceed those which are usual and customary in the particular locality: *Provided*, That the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation.

This amendment shall become effective 30 days after the date of publication in the Federal Register.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] Randolph W. Thrower,
Commissioner of Internal Revenue.

Approved: May 15, 1969.

Edwin S. Cohen,
Assistant Secretary of the Treasury.

[F.R. Doc. 69–6044; Filed, May 20, 1969; 8:50 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Certain Employee Benefit Plans Utilizing Continental Assurance Co.

On March 13, 1969, there was published in the FEDERAL REGISTER (34 F.R. 5176) notice of a proposed variation under which employee benefit plans which utilize the services of the Continental Assurance Company of Chicago, Ill., and which do not maintain separate experience records are excused from the requirement of section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act (WPPDA), 29 U.S.C. 306(d)(2)(A), that they attach a copy of the Continental Assurance Co. financial report to their annual reports. Interested persons were invited to submit objections to the proposed variance within 15 days of the date of publication. Although no objections have been received, a nonsubstantive change in the proposed variance has been made for the sake of clarity in paragraph (b), § 462.30 by striking the words "indicate that the financial report of said company is on file with the Office of Labor-Management and Welfare-Pension Reports," and substituting the words "place in Item 6 of said part and section the symbol 'VAR' in the space provided for the code number." In accordance with section 5(a) WPPDA, 29 U.S.C. 304(a), 29 CFR Part 462, Subpart A and Secretary's Order No. 16–68 (33 F.R. 15574) the variation, to appear as §§ 462.29 and 462.30 of 29 CFR Part 462, Subpart B, with an undesignated centerhead, is granted as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE CONTINENTAL ASSURANCE CO.

§ 462.29 Rule of variation.

Every employee benefit plan which utilizes the Continental Assurance Co., 310 South Michigan Avenue, Chicago, Ill. 60604, to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the Continental Assurance Co. will no longer be required to do so, subject to § 462.30.

§ 462.30 Conditions of variation.

(a) The Continental Assurance Co. shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the Continental Assurance Co. has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the Continental Assurance Co., each plan administrator of an employee benefit plan to which this variation applies shall report in Part III, section D of Department of Labor Annual Report Form D–2, or attachment thereto, the complete name and address of the Continental Assurance Co. and shall place in Item 6 of said Part and section the symbol "VAR" in the space provided for the code number.

(c) The Continental Assurance Co. is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the Continental Assurance Co. maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the Continental Assurance Co. to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

This variation shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

Signed at Washington, D.C., this 14th day of May 1969.

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

[F.R. Doc. 69–6008; Filed, May 20, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 231—BANKING INSTITUTIONS SERVING DOD PERSONNEL ON MILITARY INSTALLATIONS

The Deputy Secretary of Defense approved the following revision to Part 231:

Sec.
231.1 Reissuance and purpose.
231.2 Applicability and scope.
231.3 Responsibilities.
231.4 Policy.
231.5 Logistical support and services.

AUTHORITY: The provisions of this Part 231 issued under 10 U.S.C. 136.

§ 231.1 Reissuance and purpose.

(a) This part reissues Part 231 to incorporate substantive changes (see § 231.5) and administrative changes necessary to update Department of Defense policies governing the establishment, operation and termination of "banking facilities," "banks," and "branch banks" serving on military installations worldwide.

(b) It also assigns responsibility for developing and monitoring adequate banking services for official and quasi-official DoD organizations and personnel.

§ 231.2 Applicability and scope.

The provisions of this part apply to all DoD Components worldwide.

§ 231.3 Responsibilities.

(a) The Assistant Secretary of Defense (Comptroller), in concert with the Fiscal Assistant Secretary of the Treasury Department, shall develop and monitor policies and procedures governing the establishment, operation and termination of banking institutions on military installations.

(b) The Assistant Secretary of Defense (Installations and Logistics) shall develop and monitor policies and procedures governing logistical support, including the use of DoD property and real estate furnished banking institutions on military installations.

§ 231.4 Policy.

Recognizing that the prudent administration of public moneys and the efficient management of private funds of DoD personnel require the services of a properly constituted and convenient banking institution, DoD Components will:

(a) Encourage regularly established banks or branch banks to provide complete banking and finance services on military installations worldwide where there is a demonstrated need for such services;

(b) Establish military banking facilities with the approval and assistance of the Treasury Department at military installations where a demonstrated and justified need cannot be met by off-base banks or branches;

(c) Provide the Treasury Department with full particulars concerning the requirements for banking services to facilitate the selection of a banking institution under prescribed competitive principles;

(d) Participate with the Treasury Department in evaluating banking and finance services being provided by banking facilities serving the DoD and DoD personnel in relation to (1) existing requirements at each location, and (2) operating changes needed to improve existing services or satisfy additional requirements; and

(e) Encourage the use of banking facilities on military installations as a means of:

(1) Assisting DoD personnel;

(2) Providing safe custody of official and quasi-official funds;

(3) Facilitating the paying and collection of official and quasi-official funds; and

(4) Eliminating the possibility of loss of funds by theft or otherwise.

§ 231.5 Logistical support and services.

In the interest of providing banking and finance services at a minimum cost to the DoD and DoD personnel, banking facilities, banks, and branch banks authorized to locate on military installations will be furnished such utilities and other logistical support as may be authorized under the provisions of DoD 4270.1–M "DoD Construction Criteria Manual"[1] and DoD Directive 4000.6.[2]

(a) Non-self-sustaining banking facilities—permits: Banking facilities certified as non-self-sustaining organizations by the Treasury Department will be furnished logistical support, including the use of DoD property and services, without charge; *Provided*, The properties and services are available from existing resources.

(1) Generally, DoD facilities will be furnished in support of banking facilities on a nonreimbursable permit for a period of 5 years subject to renewal for an additional 5 years by mutual agreement.

(2) Type and size of facilities shall be in accordance with criteria set forth in DoD 4270.1–M and DoD Directive 4000.6.

(3) The Secretary of the Military Department concerned shall have the right to terminate the permit at any time.

(4) In the event of a notice by the Treasury Department that a banking facility has become a self-sustaining organization, the nonreimbursable permit under which it occupies DoD facilities shall be terminated and a lease will be negotiated in accordance with paragraph (b)(2) of this section.

(b) Self-sustaining banking activities—leases:

(1) *Construction.* A lease of land for construction of a building by a self-sustaining banking activity shall be at fair rental value. The term of the lease will normally be 15 years. Any variation from a 15-year term will be effected only when there are unusual circumstances peculiar to a particular situation. Approval of Assistant Secretary of Defense (Installations and Logistics) will be obtained in advance whenever a term in excess of 15 years is to be considered. In no event, however, shall a term exceed 25 years.

(i) The right shall be reserved to terminate a lease in the event of national emergency, base closure, installation or a major portion thereof becomes excess, default by the lessee, or in the interest of national defense.

(ii) A lessee shall be required to provide written notice 90 days in advance of an intention to voluntarily terminate the lease.

(iii) Maintenance and the cost of utilities and services furnished shall be the responsibility of the lessee.

(iv) Whenever such a lease is terminated or when the term expires, the option shall be in the Government either to cause title in all improvements to be vested in the United States or to require the lessee to remove the improvements and restore the land.

(v) If title to improvements passes to the United States, arrangements may be made for continued occupancy for the extension of banking services by mutual assent under acceptable lease provisions to include fair rental value for the land, improvements, payment of utilities, and support services.

(2) *Government-furnished building.* A lease of existing structures to house a self-sustaining military banking facility, a bank, or a branch bank shall be at fair rental value for a period of 5 years, subject to renewal by mutual agreement for an additional 5-year term, and subject also to the right of the Secretary of the Military Department concerned to terminate the lease in accordance with the cancellation provisions set forth in subparagraph (1) of this paragraph. The lessee shall be responsible for interior maintenance, and reimbursement shall be made by the lessee for utilities, custodial, janitorial and other services to the extent such are furnished.

(3) *Existing leases.* Leases executed prior to the issuance of this part will not be disturbed unless a lessee (bank) specifically requests that a lease be renegotiated under the provisions of this § 231.5.

(c) The duration of leases as set forth in paragraph (b) of this section will (1) promote the interests of the national defense and the public, and (2) satisfy the determinations and findings required by section 2667(b)(1) of title 10 United States Code.

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

MAY 15, 1969.

[F.R. Doc. 69–6000; Filed, May 20, 1969; 8:46 a.m.]

[1] Not filed with original (bulky).

[2] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Pacific Ocean, Hawaii

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.807 is hereby prescribed establishing and governing the use and navigation of a restricted area in the Pacific Ocean at Makapuu Point, Waimanalo, Island of Oahu, Hawaii, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.807 Pacific Ocean, at Makapuu Point, Waimanalo, Island of Oahu, Hawaii, Makai Undersea Test Range.

(a) *The restricted area.* The waters within an area beginning at a point in latitude 21°18'50" N., longitude 157°39'07" W.; thence to latitude 21°20'33" N., longitude 157°38'00" W.; thence to latitude 21°22'02" N., longitude 157°39'07" W.; and thence to latitude 21°19'35" N., longitude 157°40'46" W.

(b) *The regulations.* (1) During critical testing phases of surface and submerged units, the operating officials of the Makai Test Range will mark in a conspicuous manner the location of the equipment which might be subject to damage from navigation and fishing activities or might represent a hazard to persons or property in the vicinity. During the display of signals in the restricted area, all surface craft will remain away from the area until such time as the signals are withdrawn. At all other times the area is open to unrestricted fishing, boating and general navigation.

(2) Operating officers and personnel of the Makai Test Range will be responsible for marking in a conspicuous manner the location of surface and underwater equipment which is subject to damage from navigation and fishing activities in the vicinity or represents a hazard to persons or property in the vicinity, and the location of the work area during critical testing phases. Surface communication by boat will be provided by the Makai Test Range during testing phases.

[Regs., Apr. 11, 1969, ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–5997; Filed, May 20, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18495; FCC 69–534]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

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

Broadcast License Renewal Applications

Report and order. In the matter of amendment of § 1.580 of the rules, governing public notice of broadcast license renewal applications, and §§ 1.227, 1.516, 1.571, and 1.591, relating to applications mutually exclusive therewith, Docket No. 18495.

1. Our proposal to require local notice to the public before instead of after the filing of applications for renewal of broadcast station licenses was supported by all parties except American Broadcasting Co. and General Electric Broadcasting Co., Inc. Pointing out that broadcast licensees in given areas normally

expire on a fixed, known date at 3-year intervals, these two parties contended that those desiring to file competing applications thus have ample notice without the prefiling publication. Storer Broadcasting Co. suggested that local publication within the 4 weeks (rather than the proposed 6 weeks) preceding the deadline for filing renewal applications would be ample.

2. We believe that local public notice prior to filing is preferable to postfiling notice because it gives more notice to the public and afford additional time for republication of defective notices. This will expedite the readying of renewal applications for grant prior to expiration of the current license terms. Stations which find a 4-week period ample, as suggested by Storer, may time their local notices accordingly. We retain the proposed 6-week leeway, however, for the benefit of stations who may find it more convenient to allow a longer time in which to assemble their renewal applications, including the required certification of the giving of local public notice.

3. All but two parties supported our proposal to establish deadlines for the filing of petitions to deny broadcast station license renewal applications and applications mutually exclusive therewith. A number of the parties urged, however, that the deadlines be advanced. We had proposed that in the case of timely filed renewal applications, this deadline be the 15th day of the last full calendar month of the expiring license term. This proposal was supported by Columbia Broadcasting System, McClatchy Newspapers, Golden West Broadcasters, Mullins Broadcasting Co., Palmer Broadcasting Co., WOC Broadcasting Co., and Westinghouse Broadcasting Co., Inc.

4. ABC and General Electric preferred a cutoff date 30, rather than 15, days before expiration of the current license term. This, they say, would leave enough time to dispose of "frivolous" petitions to deny, without deferring action on the renewal applications beyond the expiration of the current license term.

5. The law firm of Dempsey and Koplovitz urges that the filing of competing applications and petitions to deny be barred if filed more than 30 days after the Commission gives public notice of the acceptance of the renewal application for filing. This party suggests that the cutoff should in any event be no later than 60 days after the date renewal applications are required to be filed. This would leave the Commission free to act on renewal applications at any time within the last 30 days of the license term, as permitted under section 307(e) of the Communications Act.

6. Another group of parties urged that competing applications be barred unless filed by the date the renewal application is due to be filed. These included the National Association of Broadcasters, National Broadcasting Co., Storer Broadcasting Co., Taft Broadcasting Co., and the licensees of 102 AM, FM, and TV broadcast stations, in behalf of which two sets of joint comments were filed by their counsel. These parties urged principally that competitors for the facilities of existing stations should base their proposals on surveys of their communities, and that it is undesirable and inequitable to afford them the opportunity to examine the renewal application and then "outpromise" the proposals of existing stations. They believe that simultaneous filings are proper because the competing applicant knows in advance the date when the renewal application is due, and because competing proposals should be the product of familiarity with the community and independent evaluation of its broadcast needs.

7. We do not agree that it would give competing applicants undue advantage to see the renewal proposals of the existing station before filing a competing application. First, it is questionable whether the later filing would give competing applicant significant advantage. The program services of the existing station are publicly known. Few stations alter their proposals significantly at license renewal time. A satisfactory community survey, evaluation and preparation of a sound programing proposal would be difficult to prepare after a renewal application is filed.

8. We are now persuaded that it is desirable to fix the cutoff date at the first day of the last full month of the expiring licensee term, instead of the 15th day, as proposed. This will leave the Commission free to act on renewal applications otherwise ready for grant, at any time during the last 30 days of the current license term as permitted by the Act. We do not believe that a persuasive case has been made by parties favoring a cutoff 30 days after public notice of acceptance of the renewal application. It appears appropriate, in the public interest, to permit competing applications and petitions to deny renewal applications to be filed up to the date beyond which the orderly processing of and action upon the bulk of each area's renewal applications would be impeded by holding up all renewals against the possibility of such filings. The date we have chosen meets this test, and is not, we thing, unfair to existing stations or contrary to the principles of the Communications Act, which permit competition, at license renewal time, for existing facilities.

9. We have carefully considered the two oppositions, filed by the United Church of Christ and the National Citizens Committee for Broadcasting, to the establishment of a cutoff date for the filing of applications for existing broadcast station facilities for which a license renewal application is pending. These parties believe a cutoff to be adverse to the public interest because members of the public should have "every possible opportunity to file complaints and petitions to deny license renewal applications against broadcasters who fail to serve the public interest," and because a cutoff "would protect deficient licensees at the moment those deficiencies became known to the Commission and the public," among other related reasons.

10. On the first point, and to the extent that petitions to deny renewal applications may rest, in part, on the contents of renewal applications, including composite logs mentioned by the United Church of Christ, we think the 60-day interval between the filing (and substantially simultaneous local availability to the public) of a renewal application and the cutoff date is adequate for the purposes of evaluation of, and comment to the Commission on, renewal applications by parties seeking to oppose their grant. Nor would the cutoff on formal petitions to deny preclude the submission of, or our consideration of, informal complaints about a station which may be filed with the Commission at any time. Invariably, when such complaints have substance material to a pending license application, they are entertained and carefully considered despite their failure to meet the requirements of a formal petition to deny.

11. As for competing applications, we cannot agree with the contention that there is "hardship" in requiring their preparation and filing by a date 2 months after the license renewal application is filed. The United Church of Christ also suggests that the Commission's deferral of action on a renewal application may provide the first spur to the development of a competing application. But the mere circumstance that our action on a renewal application is deferred past the expiring term is not necessarily indicative to dereliction on the licensee's part of a kind which raises a presumption of unfitness. Invariably, among each bimonthly group of licensee renewals, action is deferred in some dozens of cases, mostly because of technical or procedural circumstances which can be, and are, remedied by the licensees, and which do not raise presumptions of unfitness or dereliction so serious as to disqualify the applicant or even to weigh materially against the applicant in a comparative hearing. In those cases where our investigations and hearing processes establish disqualification, the renewal application is denied and the facility becomes available for other applicants.

12. Where competitors for a facility rely upon deficiencies of existing service and upon programing proposals so significantly superior as to enable them to be given decisional weight in a comparative hearing, we see no hardship in looking to such competitors to commence their preparation—including the required community survey and the elaboration of programing proposals based upon careful evaluation of its results—early enough to permit the completion and filing of the competing application not later than 2 months after the renewal application is due to be filed and a month before the license term expires. The programing services of the existing station are matters of public knowledge, as are the dates when the license term expires and when renewal applications are due to be filed. We think that the cutoff date we now adopt

reasonably balances all the pertinent considerations of the public interest, administrative practicality and reasonable notice to prospective applicants, complainants, and licensees.

13. Several parties in their reply comments suggested that the rule should fix the cutoff, in the case of older renewal applications already on file, at 30 days after publication of the rule in the FEDERAL REGISTER. The rule changes we adopt herein will enter into effect on June 25, 1969. That will be the cutoff date for filing applications mutually exclusive with, and petitions to deny, then pending applications for renewal of licenses whose terms expired June 1, 1969 or earlier. This conforms substantially with the suggested provision, but designates a fixed cutoff date, embodied in the rule, applicable to now pending renewal applications on which action has been deferred past the expiration of the previous license term. The regular cutoff date prescribed in the rules (first day of the last full month of the expiring license term) will apply to pending applications for the renewal of licenses expiring August 1, 1969,[1] and thereafter.

14. We retain the proposed delay of the deadline for late-filed renewal applications.

15. In cases where renewal applications are deferred pending action on assignment and transfer applications, the deadlines applicable to the assignor or transferor will apply.

16. *Accordingly, it is ordered,* Under authority found in sections 4(i), 303(f), and 307 of the Communications Act of 1934, as amended, that effective June 25, 1969, the rule amendments set out below are adopted, and this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 14, 1969.

Released: May 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 1.227 is amended by inserting the words "except as provided in subparagraph (5) of this paragraph," in paragraph (b)(1) after the opening phrase "In broadcast cases," and by adding new paragraph (b)(5). The amended portions of § 1.227 read as follows:

§ 1.227 Consolidations.

* * * * *

(b)(1) In broadcast cases, except as provided in subparagraph (5) of this paragraph, no application will be consolidated for hearing with a previously filed application or applications unless such application, or such application as amended, if amended so as to require a new file number, is substantially complete and tendered for filing by whichever date is earlier: (i) The close of business on the day preceding the day the previously filed application or one of the previously filed applications is designated for hearing; or (ii) the close of business on the day preceding the day designated by public notice published in the FEDERAL REGISTER as the day any one of the previously filed applications is available and ready for processing.

NOTE: Subdivision (ii) of this subparagraph applies only to standard broadcast applications for new stations or for major changes in the facilities of authorized stations. See also §§ 1.571 (c) and (h) and 1.591(a).

* * * * *

(5) An application which is mutually exclusive with an application for renewal of license of a broadcast station will be designated for comparative hearing with such license renewal application if it is substantially complete and tendered for filing no later than the date prescribed in § 1.516(e).

2. Section 1.516 is amended by adding new paragraph (e), reading as follows:

§ 1.516 Specification of facilities.

* * * * *

(e)(1) Except as provided in subparagraph (2) of this paragraph an application for a construction permit for a new broadcast station or for modification of construction permit or license of a previously authorized broadcast station will not be accepted for filing if it is mutually exclusive with an application for renewal of license of an existing broadcast station unless it is tendered for filing by the end of the first day of the last full calendar month of the expiring license term: *Provided,* That if the license renewal application is not timely filed as prescribed in § 1.539(a), the deadline for filing applications mutually exclusive therewith is the 60th day after the Commission gives public notice that it has accepted the late-filed renewal application for filing: *And provided, further,* That if any deadline prescribed in this subparagraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full busines day thereafter.

NOTE: The dates when the licenses of standard, FM, noncommercial FM, television and TV translator broadcast stations regularly expire are listed in §§ 73.34, 73.218, 73.518, 73.630, and 74.15, respectively, of this chapter.

(2) Applications mutually exclusive with a pending application for renewal of license of a broadcast station for a new term commencing on or before June 1, 1969, will not be accepted for filing after June 25, 1969.

3. Section 1.571(c) is amended by changing the final period to a colon, and adding the following proviso:

§ 1.571 Processing of standard broadcasting applications.

* * * * *

(c) * * *: *Provided,* That applications which are mutually exclusive with applications for renewal of license of standard broadcast stations will not be so listed in such a public notice, but will be treated as available and ready for processing upon timely filing as provided in § 1.516(e).

* * * * *

4. Section 1.580 is amended by changing the headnote, changing the final period of paragraph (c) to a colon and adding an additional proviso to paragraph (c), revising the introductory texts of paragraphs (d) and (f), revoking subparagraph (f)(9), revising the second proviso to paragraph (i), adding paragraph (l) as "[Reserved]", and introducing new paragraph (m). The amended portions of § 1.580 read as follows:

§ 1.580 Local notice of the filing of broadcast applications, and timely filing of petitions to deny them.

* * * * *

(c) * * *

And provided further, That in the case of applications for the renewal of station licenses, but not amendments thereof, notice shall be published prior to filing as prescribed in paragraph (m) of this section, instead of after filing, as prescribed in this paragraph.

(d) If the application seeks modification, assignment or transfer of an operating broadcast station (except for applications for stations in the international broadcast service and for television translator stations), or is an amendment of an application for renewal of a broadcast station license, the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the tendering for filing of such application, or in the second week immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578. In the case of applications for the renewal of broadcast station licenses, but not amendment thereof, notice shall be broadcast at least once daily on 4 days of any single week starting not more than 45 days prior to the due date for filing the renewal application. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

* * * * *

(f) The notice required by paragraphs (c) and (d) of this section shall contain the following information, except as otherwise provided in paragraph (m) of this section in the case of license renewal applications:

* * * * *

[1] The August 1, 1969 expiration date applies to radio and regular television stations in Pennsylvania and Delaware, and to television translators in Montana.

[2] Commissioner Cox's concurring statement filed as part of the original document. Commissioner Johnson's dissenting statement to be released at a later date.

(9) [Revoked]

* * * * *

(l) Any party in interest may file with the Commission a petition to deny any such application (whether as originally filed or amended) no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto: *Provided, however*, That in the case of applications for standard broadcast facilities, petitions to deny may be filed at any time prior to the day of Commission grant thereof without hearing or the day of formal designation thereof for hearing; but where the Commission issues a public notice pursuant to the provisions of § 1.571(c) listing standard broadcast applications as available and ready for processing, no petitions to deny any such listed application will be accepted after the "cutoff" date specified in the public notice: *And provided further*, That in the case of applications for renewal of license, petitions to deny may be filed at any time up to the last day for filing mutually exclusive applications under § 1.516(e). Petitions to deny shall contain specific allegations of fact sufficient to show that the petitioner is a party, in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

* * * * *

(l) [Reserved]

(m)(1) Paragraphs (a) through (k) of this section apply to applications for the renewal of station licenses except that:

(i) Notices required under paragraphs (c), (d), and (g) of this section shall be given to the public, in the prescribed manner, and at the prescribed times during the prescribed number of weeks, but during the 6-week period preceding the date specified in § 1.539(a) for the timely filing of license renewal applications, instead of after the application is filed.

(ii) The information contained in the public notice prescribed in paragraphs (f) and (g) of this section shall reflect the prospective (rather than the previous) filing of the license renewal application.

(iii) Notices for stations subject to paragraphs (c) and (d) of this section shall include the following statement, in addition to the information required under paragraph (f) (1) and (4) of this section.

The application of this station for renewal of its license to operate in the public interest is required to be filed with the Federal Communications Commission no later than (insert here the date prescribed in § 1.539(a)). Members of the public who desire to bring to the Commission's attention facts concerning the operation of this station should write to the Federal Communications Commission, Washington, D.C. 20554, not later than (insert here the date 30 days after the last day for timely filing of the license renewal application). Letters should set out in detail the specific facts which the writer wishes the Commission to consider in passing on the application.

A copy of the license renewal application and related material will, upon filing with the Commission, be available for public inspection at (state here the address where station records are made available for public inspection as required by § 1.526(d)) between the hours of ------ and ------. (Regular business hours.)

(iv) The statement containing the information prescribed in paragraph (h) of this section shall be filed with the license renewal application.

(2) Paragraphs (a) through (k) of this section apply, without change, to major amendments to license renewal applications, to which § 1.578(a) applies.

5. Section 1.591 is amended by changing the final period of paragraph (b) to a semicolon and adding new subparagraph (3) reading as follows:

§ 1.591 Grants without hearing of authorizations other than licenses pursuant to construction permits.

* * * * *

(b) * * * or (3) the date prescribed in § 1.516(e) in the case of applications which are mutually exclusive with applications for renewal of license of broadcast stations.

* * * * *

§§ 73.34, 73.218, 73.518, 73.630, 74.15 [Amended]

6. The following identical note is added at the end of §§ 73.34, 73.218, 73.518, 73.630, and following paragraph (d) of § 74.15.

NOTE: For the cutoff date for the filing of applications mutually exclusive with, and petitions to deny, renewal applications, see § 1.516(e) of this chapter.

[F.R. Doc. 69-6062; Filed, May 20, 1969; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Proposed Findings of Fact and Conclusions and Tentative Order Regarding Listing of Chlordiazepoxide and Its Salts and Diazepam as Subject to Control

In the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965 because of their having a potential for abuse due to their depressant effect on the central nervous system:

The "Drug Abuse Control Amendments of 1965" (Public Law 89–74, 79 Stat. 226), enacted July 15, 1965, amended the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) to establish special controls for "depressant and stimulant drugs". The term "depressant or stimulant drug" was defined to include any drug which the Secretary designates by regulation as having "a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect" (79 Stat. 227; 21 U.S.C. 321(v)).

On January 27, 1966, following its earlier publication as a proposal for comment, the Commissioner of Food and Drug published in the FEDERAL REGISTER (31 F.R. 1071) a final order amending the regulations under the Federal Food, Drug, and Cosmetic Act (Title 21 of the Code of Federal Regulations), to add a new Part 166 dealing with depressant and stimulant drugs and containing basic definitions, and procedural and interpretive regulations with reference thereto.

Earlier, on January 18, 1966, the Commissioner published in the FEDERAL REGISTER (31 F.R. 565) a proposal to amend Part 166 of the regulations under the Act (21 CFR Part 166), by adding thereto § 166.3 (b) and (c). The proposed amendment listed chlordiazepoxide (Librium) and diazepam (Valium) under § 166.3 (c)(1), as "depressant or stimulant drugs" having a potential for abuse because of their depressant effect on the central nervous system. This proposal was issued under the authority given to the Secretary of Health, Education, and Welfare by sections 201(v) and 511 of the Act (21 U.S.C. 321(v) and 360a), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120). The proposal was issued pursuant to the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371), and as provided in that Section, interested persons were invited to submit their views in writing regarding the proposal.

Thereafter, by letter of February 17, 1966, respondent Hoffmann-La Roche, Inc., a New Jersey corporation, which manufactures and distributes the drugs, chlordiazepoxide (Librium) and diazepam (Valium), submitted its comments on the proposed inclusion of Librium and Valium on the list of drugs subject to control as having a potential for abuse because of their depressant effect on the central nervous system.

On March 19, 1966, the Commissioner published in the FEDERAL REGISTER (31 F.R. 4679) the order proposed on January 18, 1966, amending Part 166 by adding § 166.3(c)(1) designating Librium and Valium as substances having a potential for abuse because of their depressant effect on the central nervous system, and thereby subjecting persons manufacturing and distributing Librium and Valium to the additional controls imposed under the Drug Abuse Control Amendments of 1965. The order provided that persons adversely affected might file written objections within 30 days following the date of its publication in the FEDERAL REGISTER.

Timely objections to the inclusion of Librium and Valium in § 166.3(c)(1) were filed by respondent by letter of April 18, 1966. Respondent's objections asserted that it is the manufacturer and distributor of Librium and Valium; and that the listing of these drugs as having such potential for abuse as to require controls comparable to those imposed on amphetamines and barbiturates is not justified by the nature of the drugs nor on the basis of the experience with the drugs, and would adversely affect respondent and be contrary to the public interest. Respondent specifically objected to the inclusion of the drugs on the basis that it has not been demonstrated or established that they have a potential for abuse as that phrase is used in section 201(v)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(v)(3)), or even as it is defined in the regulations issued thereunder (21 CFR 166.2(e)).

Thereafter, on May 17, 1966, the Commissioner issued an order staying the effectiveness of his prior order with respect to Librium and Valium, finding that the objections of respondent stated reasonable grounds for a hearing, specifying the issues, and setting the matter for hearing before Mr. William E. Brennan as Presiding Officer, beginning on July 25, 1966.

The issues established to resolve the question of potentiality for abuse, pursuant to the foregoing directive, are as follows:

1. Whether there is evidence that individuals are taking the drug or drugs containing such substances in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community;

2. Whether there is evidence of significant diversion of the drug or drugs containing such substances from legitimate drug channels;

3. Whether there is evidence that individuals are taking the drug or drugs containing such substances on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; and

4. Whether, if chlordiazepoxide (Librium) has been the subject of abuse, diazepam (Valium), a newer drug, is so related to it as to make it likely that the drug will have the same potentiality for abuse.

Thereafter, on July 19, 1966, the Commissioner published in the FEDERAL REGISTER (31 F.R. 9752) an order rescheduling the hearing on the inclusion of Librium and Valium, to begin August 8, 1966, before Mr. Edgar A. Buttle, as Presiding Officer.

Following prehearing conferences on August 1 and August 5, 1966, hearings in this proceeding began on August 8, 1966, and finally concluded on November 18, 1966. During this period, there were 46 days of hearings and conferences, the transcript of which covers 5,167 pages. Thirty-four witnesses were called and 55 articles or extracts from the medical literature were introduced by the respondent. In addition, several hundred exhibits which consisted of reports of individual cases and incidents involving, or alleged to have involved, these drugs were admitted in evidence.

On February 6, 1968, President Johnson transmitted to the Congress of the United States of America, Reorganization Plan No. 1 of 1968. This plan provided for the transfer to the Department of Justice under the Attorney General all functions of the Secretary of the Treasury administered through or with respect to the Bureau of Narcotics and all functions of the Secretary of Health, Education, and Welfare under the Drug Abuse Control Amendments of 1965 (Public Law 89–74; 79 Stat. 226), except the function of regulating the counterfeiting of those drugs which are not controlled "depressant or stimulant" drugs. This plan became effective on April 8, 1968. Since the functions of the Bureau of Narcotics and the functions of the Bureau of Drug Abuse Control are now combined in the Bureau of Narcotics and Dangerous Drugs, under the Department of Justice, it was necessary to amend regulations previously promulgated by the former agencies by changing the titles of those individuals authorized to act to reflect the change in authority provided by the reorganization plan. It was also necessary to combine the regulations previously promulgated by the Secretary of Health, Education, and

Welfare for the enforcement of the Drug Abuse Control Amendments of 1965 under Chapter I of Title 21 Code of Federal Regulations, with the regulations of the former Bureau of Narcotics under Chapter II of Title 21.

Amendment of these regulations was effected by publication in the FEDERAL REGISTER on October 3, 1968 (33 F.R. 14818). In accordance with the amendments, Part 166 of Chapter I of Title 21 of the Code of Federal Regulations was placed in Part 320 of Chapter II of Title 21 of the Code of Federal Regulations.

On the basis of the evidence received at the hearing, and after consideration of written arguments and proposed findings and conclusions, which are adopted in part or rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200):

FINDINGS OF FACT

THE NATURE, EFFECTS, AND USES OF LIBRIUM AND VALIUM

1. The benzodiazepines, of which chlordiazepoxide (Librium) was the first synthesized, are a new class of drugs, different chemically from the barbiturates or any other drugs known at the time of their syntheses (Zbinden, Tr. 2080–84; R–142C; R–119; Lofft, Tr. 531).

2. Chlordiazepoxide (Librium) is a benzodiazepine compound with the following chemical formula:

7-chloro-2-methylamino-5-phenyl-3H-1-, 4-benzodiazepine 4-oxide hydrochloride.

It is a colorless crystalline substance; is soluble in water and its molecular weight is 336.22 (R–119).

3. Diazepam (Valium) is a benzodiazepine derivative with the following chemical formula:

7-chloro-1, 3-dihydro-1-methyl-5-phenyl-2H-1, 4-benzodiazepine-2-one.

It is a colorless crystalline compound insoluble in water and its molecular weight is 284.74 (R–120).

4. Experimental studies of their effects in animals were conducted by the Respondent. These tests indicated that Librium and Valium are depressant drugs having a marked calming action on the central nervous system at lower doses. An increase in dose resulted in more pronounced effects on the central nervous system, i.e., drowsiness, motor incoordination or ataxia, and sleep. On the basis of specially designed experiments whereby excitation was induced by surgical or chemical means, or by putting the animals under stressful conditioned behavior situations, the benzodiazepines produced an antiexcitatory effect at dose levels below those that caused neurotoxicity or oversedation, thus suggesting a usefulness in the treatment of anxiety and tension. (Zbinden, Tr. 2199–2204; R–142; Lang (1963), R–145; Heise (1961), R–146).

5. The Respondent also presented evidence concerning the results of experimental tests on animals, designed to determine the primary site of action of the benzodiazepines. Primary site of action is defined to mean the location in the brain where a drug at the lowest dose will produce an effect. It is believed that the primary site of action of these drugs is in the subcortical structures of the brain. The precise site of action cannot be determined with certitude. Dr. Gerhard Zbinden of Roche Laboratories stated that their tests showed it to be in the hippocampus (Tr. 2187–88). However, Dr. Harold Himwich, another Respondent witness, testified that his tests showed that the area most sensitive to low doses of Librium and Valium, was in the transmission from the amygdala to the hippocampus. (Tr. 2677.) Moreover a doubling of the dose in these tests done at Roche Laboratories resulted in the drug effect spreading to the cortex, the area of the brain associated with judgmental functions. (Zbinden, Tr. 2187; R–142S.) When the dose was further increased the whole brain was involved. (Tr. 2188.)

6. Librium and Valium are widely used in the treatment of anxiety and tension, as muscle relaxants, as anticonvulsants, and as antidepressants.

7. Librium has been in general medical use since 1960 and more than 6 billion capsuls of the drug have been commercially distributed since its approval by the Food and Drug Administration (Bennett, Tr. 4135–36; R–222).

8. Librium is indicated whenever fear, anxiety and tension are significant components of the clinical profile.

In low oral doses, the drug is effective in mild to moderate anxiety and tension, tension headache, pre- and post-operative apprehension, premenstrual tension and mentrual stress, chronic alcoholism, behavior disorders in children, and whenever anxiety and tension are concomitants of gastrointestinal, cardiovascular, gynecologic or dermatologic disorders.

Skeletal muscle spasticity (resulting from spinal cord injury, congenital or acquired brain damage) and other debilitating neuromuscular disorders such as dystonia and athetosis frequently respond to Librium. Painful muscle spasm associated with myositis, fibrositis, bursitis, tenosynovitis, arthritis, fractures, intervertebral disc syndrome, whiplash injury, low back pain or postural strains is often benefited when emotional factors are present.

In higher oral doses, Librium is of value in the more severe anxiety and tension states, agitated depression and ambulatory psychoneuroses (e.g., acute and chronic anxiety states, phobias, obsessive-compulsive reactions and schizoid behavior disorders). In addition, it may be useful in certain types of acute agitation due to chronic alcoholism or alcoholic withdrawal (including delirium tremens), hysterical or panic states, paranoid states and acute stages of schizophrenia (R–119).

9. Diazepam (Valium) is of use in dealing with anxiety reactions stemming from stressful circumstances or whenever somatic complaints are concomitants of emotional factors. It is useful in psychoneurotic states manifested by anxiety, tension, fear and fatigue.

Valium may also be useful in acute agitation due to alcohol withdrawal.

Valium may be of use to alleviate muscle spasm associated with cerebral palsy and athetosis (R–119).

10. Librium and Valium have also been used in the treatment of epilepsy. (Gibbs, Tr. 2241–42). Dr. Frederick E. Gibbs, a renowned expert in the field of electroencephalography, testified that he found Valium most effective in the treatment of petit mal variance, a condition usually associated with very severe convulsions with neurological signs and symptoms. (Gibbs, Tr. 2252). Valium has also been used in the management of status epilepticus (Gibbs, Tr. 2142–45).

11. Librium is considered by many physicians to be the drug of choice in the treatment of acute alcoholism (Chambers, Tr. 1625; Kissen (1961), R–91; Armour (1963), R–51). The concensus of medical opinion appears to be that Librium given intramuscularly at sufficient doses suppresses and prevents the symptoms of alcohol withdrawal, i.e., tremor, hallucinations, delerium tremens, and convulsive seizures. (Lofft, Tr. 532, 558, Chambers, Tr. 1625; D'Agostino, Tr. 3812–15; Armour (1963), R–51, p. 369–70, Hoff (1963), R–85, p. 152, Kissen (1961), R–91, p. 106, Morrison (1963), R–99, p. 431, Lawrence (1960), R–93). A minority view holds that Librium does not prevent all symptoms of alcohol withdrawal but only "makes the withdrawal from alcohol less painful" (Kendis, Tr. 2874); "makes [hallucinations] less terrifying" (Kendis, Tr. 2885; also Short and Moore (1965), R–227, p. 1204); and "calms the patient markedly, [and] diminishes anxiety and restlessness" (Rosenfield & Brizzoco (1964), R–228, p. 83).

PSYCHIC AND PHYSICAL DEPENDENCE, TOLERANCE, WITHDRAWAL SYMPTOMS, AND OTHER HAZARDS TO HEALTH AS FACTORS IN DETERMINING POTENTIALITY FOR ABUSE

12. The existence of psychic dependence is one of the elements in assessing abuse liability. Psychic dependence on a drug (habituation) has developed when "the effects produced by a drug, or the conditions associated with its use, are necessary to maintain an optimal state of well-being" (Jaffe (1965), R–133, p. 285). It involves "a belief on the part of the subject that he must experience the effect of a drug" (Deneau, Tr. 1028). It is "a situation in which getting the drug, taking the drug, safeguarding his supply, becomes one of his major motivations in life" (Isbell, Tr. 1546).

13. The World Health Organization Expert Committee on Addiction Producing Drugs has described the problem of psychic dependence in these terms: "[Individuals] may become dependent upon a wide variety of chemical substances

that produce central nervous system effects ranging from stimulation to depression. All of these drugs have one effect in common: They are capable of creating, in certain individuals, a particular state of mind that is termed 'psychic dependence'. In this situation, there is a feeling of satisfaction and a psychic drive that require periodic or continuous administration of the drug to produce pleasure or to avoid discomfort. Indeed, this mental state is the most powerful of all of the factors involved in chronic intoxication with psychotropic drugs, and with certain types of drugs it may be the only factor involved, even in the case of most intense craving and perpetuation of compulsive abuse" (Eddy, et al. (1965), G-81, p. 723; Tr. 1104-05).

14. The habitual use of a substance, per se, does not necessarily imply psychic dependence. Chronic diseases such as diabetes require continual drug treatment, and this does not imply psychic dependence. (Seevers (1962), R-131, p. 94; Deneau, Tr. 1035.) In sum, psychic dependence is "something more than simply symptomatic relief" (Eddy, Tr. 1105-06).

15. Substantial evidence of record establishes that individuals have developed psychic dependence to Librium and Valium. The uncontested testimony of physicians was that patients find the two drugs pleasant to take (Murray, Tr. 364; Barten, Tr. 454; Evans, Tr. 813-15, 829-30). They provide an inner sensorial feeling that is gratifying to the patient (Uzee, Tr. 907). Patients were reported to have been apprehensive about being without their supply of the medication and expressed to their physicians a reluctance to come off the drugs. Individuals have attempted unsuccessfully to discontinue taking Librium and Valium when a dependency has developed. Still other patients have gone to excessive lengths to maintain their supply of the two drugs. (Lofft, Tr. 1560; Evans, Tr. 817, 825; Uzee, Tr. 905-06; Galen, Tr. 1443-48; Chelton, Tr. 1672; Williams, Tr. 1757-59; Guile (1963), G-14; Lingjerde (1965), G-55; Wenkstetten (1965), G-91, Table 3; Kranz (1965), G-94, pp. 8-9). This experience confirms the opinion expressed by experts that Librium and Valium are drugs to which individuals can and do develop psychic dependence. (Eddy, Tr. 1077; Isbell, Tr. 1552-54; Eddy, et al (1965), G-81, 727).

16. Respondent has adduced evidence by the testimony of practicing physicians and reports from the medical literature that psychic dependence to Librium and Valium has not been encountered in extensive clinical use over many years (Cohen, Tr. 324; Feldman, Tr. 3683; D'Agostino, Tr. 3819; Stanfield, Tr. 3844; Schicle, Tr. 4933; Harris & Cohen (1969), R-81; Farb (1961), R-78; Cohen and Harris (1961), R-63; Moore (1962), R-98; Reiser (1962), R-86; Bragan (1963), R-58; Levy (1963), R-95; Burnett & Holman (1965), R-61). This does not rebut the evidence introduced by the Government. The doctors appearing on behalf of the Respondent were administering Librium and Valium generally at conservative therapeutic levels, not in excess of recommended doses, and were closely supervising the drug therapy of their patients.

Such evidence tends to confirm the following estimation set forth in the Final Report of the President's Advisory Commission on Narcotics and Drug Abuse of 1963:

> Drug abuse is not a uniform problem throughout the country, and even in the areas of the highest incidence few medical practitioners come into contact with the afflicted. It is estimated that most medical practitioners never see a habitual drug abuser [G. Ex. 331, p. 57].

17. Drugs which are capable of producing euphoria are particularly susceptible to being abused. Euphoria is defined as "an exaggerated sense of well being." (21 CFR 166.2(c)(2)). The evidence establishes that euphoria has been reported following use of Librium and Valium. (Barten, Tr. 454; Chambers, Tr. 1628; Domino, Tr. 4617; Zbinden et al. (1961), R-118, pp. 627, 634; Guile (1963), G-14, p. 57; Towler et al. (1962), R-73, p. 833; Darling (1963), G-48, p. 502.)

18. The Respondent introduced the results of two experimental studies designed to explore the capacity of Librium and Valium to produce psychic dependence. The experimental procedures used in these studies are in the early stages of their development and, although promising, have produced inconclusive results.

The study reported by Gerald A. Deneau involved the self-administration of Librium to five Rhesus monkeys. He has developed equipment which permits the animal to self-administer the drug but which still restrains the animal sufficiently for the purpose of the experiment. The number of injections of a drug which an animal self-administers is electronically recorded on a strip chart, from which it is possible to compute the total doses taken by the animal during a given period of time. Of the five monkeys tested, one monkey could not be induced to take any of the drug (Deneau, Tr. 2300, 2302-05). Two of the remaining four monkeys failed to take pentobarbital—a drug with a proven abuse liability and which was used as a control in the test—in any consistent way (Tr. 2306, 2308). The remaining two monkeys showed an erratic pattern of self-administration, sometimes taking no Librium for a period of several days and then spontaneously self-administered as much of the drug as they could physically withstand (Tr. 2309-10.) The experiments, which were complicated by several technical failures (Tr. 2305-07), are very difficult to interpret. (Tr. 2311.)

The study reported by Alberto Di Mascio, Ph. D., involved the observation of behavior effects in humans following administration of various central nervous system drugs, including d-amphetamine, secobarbital, meprobamate, Librium and Valium. The essential method of these studies is to administer a battery of standard tests to a group of subjects, then to administer the drug being tested to one group and placebo to another, and then to repeat the same tests, in order to compare the changes in the scores following administration of the drug, with the changes occurring after administration of the placebo. (Di Mascio et al. (1963), R-167). The test subjects were given mild, tranquilizing doses of Librium (5 mg. t.i.d./10 mg. t.i.d.) and Valium (2 mg. t.i.d./5 mg. t.i.d.). They received high, sleep-promoting doses of secobarbital (100 mg./200 mg.) (R-170 (F) (1) and (2)).

19. "Tolerance" is an adaptive process which contributes to abuse because, where it exists, a person tends continually to increase the amount of drug being taken. Tolerance has developed when, after repeated administration, a given dose of a drug produces a decreasing effect or, conversely, when increasingly larger doses must be administered to obtain the effects observed with the original dose (Jaffe (1965), R-13, p. 285; Deneau, Tr. 1009).

20. Tolerance occurs with a great many drugs which, on the basis of clinical experience, have been found to be both addicting and nonaddicting in character, and therefore, "the phenomenon of tolerance by itself is not a reliable index of abuse liability" (Deneau, Tr. 1010). However, "Tolerance enables the central nervous system to bear exposure to larger and larger concentrations of the drug, and it permits the optimal development of those adaptive processes, probably of a biochemical nature, which lead to physical dependence." (Seevers (1962), R-131, p. 95).

21. There was evidence of reports from the medical literature that drowsiness and ataxia in patients on given doses of Librium and Valium have disappeared within a few days with no reduction in dose (Grayson (1962), G-66, p. 10; Youngblood (1964), G-75, p. 2107; Scherbel (1961), G-29, p. 280; Domino, Tr. 4698-4701).

22. There was also evidence that patients have increased their dosage in order to maintain relief of anxiety (Uzee, Tr. 913, 919; Mr. E., Tr. 494-95; Lingjerde (1965), G-55, p. 3). To date, however, there have been few such reports in the medical literature and Respondent's witnesses have testified that tolerance to Librium and Valium has not been encountered in extensive use over many years (Gibbs, Tr. 2263-64; D. Feldman, Tr. 2532-33; Bercel, Tr. 2653-54, 2657; Scherbel, Tr. 2821; Goldman, Tr. 2914; Friend, Tr. 2937; Cohen, Tr. 3218, 3220; Schwab, Tr. 3383-84; D. Feldman, Tr. 3682; Knott, Tr. 3716; D'Agostino, Tr. 3817; Stanfield, Tr. 3844; Snell, Tr. 3884; Smith, Tr. 3924; Schiele, Tr. 4033; Greenberg, Tr. 4060). The evidence establishes that it is possible to develop tolerance to Librium and Valium but that it has not been frequently observed or reported.

23. The evidence shows that Librium has been used widely and with satisfactory results in the treatment and rehabilitation of alcoholic patients (Kendis, Tr. 2867; Rosenfeld, Tr. 3422; Hoff (1963), R-85, p. 152). There is some evidence that Valium has also been used

with alcoholic patients without encountering abuse (Hoff (1963), R–85, pp. 150, 152; Burdine (1964), R–59, p. 591).

24. Although expert medical witnesses testified that they had not observed Librium or Valium to produce any sensorial effect that could be characterized as a "kick" or "high", there was substantial evidence adduced by the Government to the effect that patients with alcoholic problems had abused the two drugs either alone or in combination with alcohol to the point of intoxication. (Lofft, Tr. 536, 555, 557; Uzee, Tr. 907–08; Chambers, Tr. 1629; Chelton, Tr. 1669–70, 1673; Williams, Tr. 1741, 1747, 1749; Kjolstad (1964), R–92, p. 7).

25. Physical dependence is a major factor in causing drug abuse. The World Health Organization Expert Committee on Addiction-Producing Drugs has defined physical dependence as "an adaptive state that manifests itself by intense physical disturbances when the administration of the drug is suspended * * *. These disturbances, i.e., the withdrawal or abstinence syndrome, are made up of specific arrays of symptoms and signs of psychic and physical nature that are characteristic for each drug type. These conditions are relieved by readministration of the same drug or of another drug of similar pharmacological action within the same generic type." (Eddy et al. (1965), G–81, p. 723). The production of a withdrawal syndrome or a withdrawal illness upon discontinuation of the drug "is the only way one can demonstrate that physical dependence exists." (Deneau, Tr. 1011–12).

26. Discussing physical dependence, Dr. Martin Seevers states "Among depressant drugs, the order of magnitude of abuse is: (1) Alcohol, (2) the morphine-like analgesics, and (3) the barbiturate-like sedatives. With these drugs, abuse is enhanced by the development of physical dependence, and the compulsion to continue taking the drug is reinforced by fear of the mental and physical agonies of withdrawal. However, although physical dependence is only rarely a primary factor leading to compulsive abuse, in those drugs that induce it, it is a potent factor favoring continuance of abusive use." (R–131, p. 95).

27. Nonnarcotic drugs, such as the barbiturates, which produce demonstrable physical dependence usually do so only on extremely high doses continued over a long period of time. To produce physical dependence maximally, one must administer the drug frequently enough so that the subject is under continuous drug effect, and in doses such that the effect is rather pronounced, and for prolonged periods of time. (Deneau, Tr. 1014).

28. The demonstration of physical dependence, either experimentally or spontaneously, does not mean that the drug involved will necessarily produce psychic dependence. (Eddy, et al (1965), G–81, p. 723). Morphine, for example, has been administered to patients in hospitals thousands of times even over prolonged periods of time without the development of psychic dependence. This occurs because the patient accepts the drug for symptomatic relief and does not become personally involved in its administration. (Eddy, Tr. 1106–07). However, it is now generally accepted that physical dependence to a drug is a strong reinforcing factor for the development of psychic dependence. (Isbell, Tr. 1555, 1565, 1569–71, 1581).

29. Dr. Leo E. Hollister directed the only controlled study to determine whether it is possible to produce withdrawal reaction from Librium. In this study large doses of Librium were administered to 38 patients, most of whom were schizophrenics, over a 6-month period. In 11 of these patients, treatment with the drug was abruptly terminated by substituting a placebo, in a conscious attempt to determine whether they would experience withdrawal symptoms. The dosage used in these 11 patients ranged from 300 to 600 mg. daily; six patients received the latter dose. Duration of treatment varied from 2 to 6 months, 10 patients having been treated for 5 months or longer (G–16A, p. 64).

30. Dr. Hollister has summarized his observations as follows: "When they were withdrawn we found that 10 out of 11 patients experienced new symptoms or signs which could have been due to drug withdrawal. I emphasize 'could have been' because many of the symptoms of drug withdrawal are similar to those one ordinarily treats with these drugs, and there is also a problem in determining which is which." (Tr. 301–02.) "Although differentiating withdrawal reactions from recrudescent psychiatric symptoms after drug withdrawal is always difficult, a number of factors favored the former interpretation of the newly appearing symptoms and signs. First, the frequency (10 of 11 patients) of new symptoms or signs soon after withdrawal. Second, their coincidence with decreasing plasma levels of drug. Third, postwithdrawal seizures in two patients. Fourth, a slower onset and subtler development of this syndrome than that from meprobamate or barbiturates. This difference is consonant with the slower decline in plasma levels of chlordiazepoxide, whose half-life is 48 hours as compared with 24 hours for meprobamate (Hollister and Glazener, 1960b)." (Hollister, (1961), G–16A, p. 67).

31. Dr. Hollister stated that the withdrawal reactions "in general * * * would resemble withdrawal to alcohol, barbiturates or meprobamate, with the major distinguishing feature being the timing. The withdrawal syndrome here was attenuated and delayed. Instead of getting all symptoms early, as you usually get with the other drugs, within 24 to 48 hours, you did not begin to develop symptoms until after 48 hours. Then they appeared somewhat subtly and insidiously." (Tr. 307).

32. Dr. J. L. Bennett conducted a study in which Valium was administered to groups of schizophrenic patients for a period of 6 weeks (Hollister, Bennett, et al. (1963), G–69). The purpose of the study was "to test the effect after the completion of 6 weeks * * * of abrupt withdrawal of the drug from the patient, by the substitution of an inert placebo medication so that the patient was not aware the drug was being withdrawn." (Bennett, Tr. 229). These patients were given 30 mg. of Valium per day for the first week, with the dosage being progressively increased to 60 mg. per day, 80 mg. per day, and finally reaching 120 mg. per day in the fourth week of the study. In 13 patients the drug was abruptly stopped. Dr. Bennett described symptoms in six of the 13 patients which he attributed to the abrupt withdrawal of the drug, including one who had preconvulsive symptoms of tenseness, rigidity, and loss of consciousness, and another who had a grand mal seizure on the eighth day after withdrawal. Defining physical dependence as a state in which such physical symptomatology is manifested upon withdrawal, he concluded that such physical dependence could develop with Valium "at the dosage that was used" (Tr. 234).

33. Librium and Valium have been taken in excessive amounts for extended periods of time by individuals to the point that they have become physically dependent on the drug. When use of the drugs has been abruptly discontinued, some of these persons have experienced symptoms associated with the barbiturate abstinence syndrome (See Lofft, Tr. 534–35, 541; Eddy, Tr. 1096–97; Isbell, Tr. 1547–48; G–81, pp. 725–26; R–133, p. 297). These symptoms as evidenced include:

(a) Increased tension and anxiety (Mr. E., Tr. 501–02; Lofft, Tr. 546; Uzee, Tr. 919; Williams, Tr. 1747, 1749, 1750–51);

(b) Insomnia (Lofft, Tr. 544, 548–49; Williams, Tr. 1749);

(c) Restlessness (Barten, Tr. 448; Lofft, Tr. 543; Chelton, Tr. 1673; Williams, Tr. 1747, 1748, 1754);

(d) Tremulousness (Lofft, Tr. 543; Uzee, Tr. 908–09; 921);

(e) Muscle spasms (Mr. E., Tr. 502; Lofft, Tr. 544, 546);

(f) Hallucinations (Barten, Tr. 447–48; Lofft, Tr. 540–41; Uzee, Tr. 915; Williams, Tr. 1744);

(g) Grand mal seizures (Bennett, Tr. 241; Hollister, Tr. 305; Barten, Tr. 448; Lofft, Tr. 540, 611; Williams, Tr. 1751–52; and

(h) Confusion and disorientation (Barten, Tr. 447–48; Lofft, Tr. 540–43; Uzee, Tr. 907–08, 921).

34. Dr. John G. Lofft, a psychiatrist and specialist in the treatment of alcoholism and allied addictions, testified that the abstinence syndrome associated with Librium and Valium withdrawal compares to that experienced after abrupt withdrawal from barbiturates (Tr. 550). It is characterized in its mildest form by insomnia and increased anxiety (Tr. 548–49). When the patient has been taking elevated doses for long periods of time the withdrawal syndrome is marked by restlessness, tremulousness, muscle pains, perspiration, hallucinations, and sometimes, although not frequently, convulsive seizures (Tr. 540, 543, 547). The severity of the withdrawal is dependent upon the degree of dependence, and the amount of drug the person has been taking (Tr. 551–52; Jaffe

(1965), R–133, p. 289). Librium-Valium withdrawal differs from the barbiturate withdrawal syndrome in that it persists over a longer period of time (Lofft, Tr. 550–51).

35. The evidence also indicates that those individuals who showed signs of Librium or Valium dependence usually had experienced difficulty with similar drugs before-most often alcohol (Lofft, Tr. 553; Evans, Tr. 820; Uzee, Tr. 905; Chambers, Tr. 1626–29; Chelton, Tr. 1670, 1674). These "dependent personalities", as they have been characterized, look for chemical solutions to a variety of problems. They will reduce a dependency on alcohol by moving to a different but related dependency (Lofft, Tr. 552–53). Sometimes the pattern is one of multiple addiction, e.g., Librium and alcohol together, Librium and a barbiturate, etc. (Lofft, Tr. 536; Evans, Tr. 819–20; Uzee, Tr. 907; Isbell, Tr. 1558; Chambers, Tr. 1632; Chelton, Tr. 1671; Williams, Tr. 1741).

36. Substantial evidence of record demonstrates that Librium and Valium taken in excessive doses produce intoxication which is manifested by staggering gait, drowsiness, slurred speech, and poor coordination. (Bennett, Tr. 241–42; Barten, Tr. 447; Lofft, Tr. 539–40, 555; Evans, Tr. 812, 823–24; Galen, Tr. 1434–37; Chelton, Tr. 1669–70, 1673–75; Lemere (1960), G–20; J. Miller (1962), G–22; Murray (1960), G–23; Barten (1965), G–42).

37. There were further evidence that Libruim at moderate doses has some effect upon judgment and that at elevated doses it may reasonably be expected to impair a person's ability to operate an automobile with normal alertness required to insure safety (Bennett, Tr. 242; Murray, Tr. 329–45; Lofft, Tr. 554; Eddy, Tr. 1097; Chelton, Tr. 1675; J. Miller, Tr. 3349–54; 3374–75; J. Miller (1962), G–22; Murray (1960), G–23).

38. There was some evidence indicating that Librium may produce a paradoxical rage reaction, i.e., an excitable and exhilarated state whereby the individual may become a danger to himself and to others. This reaction has been manifested in isolated instances by a hostile and irritable mood to a point where the person taking Librium has become violent and has physcially threatened the lives of others (Murray, Tr. 355–56, 357–59, 360–63; Barten, Tr. 447; Lofft, Tr. 558; Gibbs, Tr. 2254–55; Stanfield, Tr. 3860–61; Murray (1962), G–24; Bowes (1965), G–44; p. 338; Krakowski (1963), G–51, p. 49; Dean (1962), R–70, p. 4).

39. Some physicians have prescribed Librium and Valium extensively for a wide variety of patients and have never encountered any difficulty in discontinuing the drugs or observed any withdrawal reaction. (Gibbs, Tr. 2258; D. Feldman, Tr. 2531; Rothman, Tr. 2586, 2622; Bercel, Tr. 2661–63; Scherbel, Tr. 2803; Goldman, Tr. 2912; Friend, Tr. 2936; Cohen, Tr. 3217, 3219–20, 3228; Meyerson, Tr. 3653–54; P. Feldman, Tr. 3683, 3690; Knott, Tr. 3717; Stanfield, Tr. 3849; Snell, Tr. 3888; Smith, Tr. 3925; Schiele, Tr. 4033; Greenberg, Tr. 4060; Bitman (1966), G–62). But this is not surprising since over evidence of physical dependence to say of the sedative drugs is not seen unless the individual has maintained a concentration in his organism well above the therapeutic level (Eddy, Tr. 112–13). Also see Finding No. 16.

DIVERSION FROM LEGITIMATE DRUG CHANNELS

40. The evidence indicates that some pharmacists are distributing amounts of Librium without authorization from physicians. During a 5-year period extending from 1961 through 1965, U.S. Food and Drug Administration records show that there were 35 completed prosecutions involving the drug chlordiazepoxide, all of which were terminated in convictions. These 35 cases involved 132 illegal buys of the drug, made either without a prescription or as requests for a refill when no refill was authorized. Investigation in three of these cases was initiated following complaints that a druggist had illegally dispensed Librium. (Clevenger, Tr. 1846). At the close of the investigations in 14 of these cases, Food and Drug Inspectors checked the records, invoices, and prescription files of the drugstores involved. On the basis of investigation it was estimated that in each case between 47 percent and 100 percent of the pharmacies' supply of chlordiazepoxide had been dispensed without authorization of a physician. An average of 75 percent of the total amount of the drug dispensed by the pharmacists involved in these instances could not be accounted for. This amounted to over 54,000 capsules (Clevenger, Tr. 1799–1807, 1815, 1834–36; G–268). See also Ashcraft, Tr. 1158, 1519; Witness X, Tr. 1895–97 for other evidence to the same effect.

41. In the foregoing connection, Agent "X", a regular employee of the Bureau of Drug Abuse Control, testified to illegal purchases made by him of five 25 mg. capsules of Librium from one "S.H." on August 19, 1966 (Tr. 1891) and another of thirty 25 mg. Librium capsules on August 23, 1966 (Tr. 1896) from a pharmacist.

42. Another FDA employee, Agent "Y", stated that he purchased one hundred 10 mg. capsules of Librium from a heroin addict on August 30, 1966, 2 days before he testified in this case (Tr. 1907).

43. Also, Mr. "B", a "part-time employee of the Food and Drug Administration and part-time hotel clerk, in Kansas City" (Tr. 1210), testified concerning six sales of Librium observed by him at various bars and on the street in Kansas City, Mo. These cases are pending and there have been no convictions. (Tr. 1217–1232; Ashcraft, Tr. 1166–69).

44. Respondent, on the other hand, adduced evidence on the subject of illicit traffic through witnesses; Alfred J. Murphy, Senior Inspector, Drug Control Section, Division of Food and Drugs, Massachusetts Department of Mental Health (Tr. 3749); Lt. James Hitchcock, Commanding Officer, Intelligence Unit, Kansas City Police Department (Tr. 3625); John E. Storer, Chief, California Bureau of Narcotic Enforcement (Tr. 3601); Willis A. Roose, Chief, Drug Section, Food and Drug Division of the Indiana State Board of Health (Tr. 3528) and Robert Merritt, Supervisor, Division of Investigation, California Department of Professional and Vocational Standards (Tr. 3463). These investigators testified that they had not encountered a significant illicit traffic in Librium in their communities. However, some diversion of the drug had been encountered. (Murphy, Tr. 3760–67; Hitchcock, Tr. 3637–38, 3643; Roose, Tr. 3539–40.)

45. There is evidence that individuals have obtained chlordiazepoxide in excess of the amounts prescribed and without authorization of a physician by:

(a) Returning for a renewal of a prescription before the supply of the drug would normally have run out (Mr. E., Tr. 496; Perras, Tr. 690–91; Lash, Tr. 723–24).

(b) Obtaining concurrent prescriptions for the drug from several physicians (Perras, Tr. 691; Lash, Tr. 722–23; Sagansky, Tr. 987–89; Galen, Tr. 1433, 1440; Williams, Tr. 1749, 1759).

(c) Receiving it from relatives and friends (Williams, Tr. 1748, 1750, 1759; Rothman, Tr. 2607; G–101, G–193).

(d) Illegal purchases of the drug (Cohen, Tr. 883–96; Mr. B., Tr. 1219, 1223, 1227–28; Fenton, Tr. 1395; Chambers, Tr. 1630).

(e) Stealing the drug (G–112; G–113; G–178).

46. Patients have increased the prescribed dosage of Librium on their own initiative for the relief of anxiety (Murray, Tr. 360; Mr. E., Tr. 494–95; Uzee, Tr. 908; Galen, Tr. 1434–38; Chelton, Tr. 1670, 1671, 1673; Williams, Tr. 1748, 1749, 1751; Guile (1963), G–14; Lingjerde (1965), G–55; G–112; G–113).

INDIVIDUALS TAKING DRUG ON THEIR OWN INITIATIVE RATHER THAN ON THE BASIS OF MEDICAL ADVICE

47. The evidence herein indicates that Librium and Valium have been taken in large amounts in what appeared to be a suicide attempt (Spellman, Tr. 649–51; Lash, Tr. 714–15, 719; Galen, Tr. 1440–42; Verhulst, Tr. 1488–1505; Chambers, Tr. 1633–36; Bercel, Tr. 2666; Stanfield, Tr. 3857–60; Clarke, et al. (1961), G–6; Ehlers (1963), G–9; Gilbert (1961), G–13; Smith (1961), G–32; Bowes (1965), G–44; Kranz (1965), G–94, p. 11; G–99; G–225(B); G–226(B); G–227(B); G–261; G–262; G–282; G–288; G–289; G–290; Stanfield (1961), R–111; Zbinden (1961), R–118; Boxall (1966), 198).

48. Studies of suicide and attempted suicide, and their general patterns, have been reported in the medical literature and were introduced into evidence. (Hirsch, Zauder and Drolette, "Suicide Attempts with Ingestants", Archives of Environmental Health, Vol. 3, July–December 1961, p. 212 (G–93); Grahan, J.D.P., "The Diagnosis and the Treatment of Acute Poisoning" (extracts), Oxford Medical Publications, 1962 (R–219); ibid. (Ch. 19), "Attempted Suicide by Poisoning" (R–219A).) These studies were supplemented in the evidence in this proceeding by the testimony of Dr. James A. Knight, Professor of Psychiatry and Assistant Dean of the Tulane

University School of Medicine (Tr. 4351). Rather definite patterns exist across the spectrum of population, and what may be expected can be predetermined within these patterns regardless of the agent employed. There are demonstrable differences in age, sex, and occupation groups. The pattern of unsuccessful attempts is different from that where the attempt was successful (R–226). The distribution of the cases of attempted suicide with Librium and Valium, both by age and sex, conforms to the distribution shown in these studies, and that generally encountered in medical practice (Knight, Tr. 4346–47).

49. The testimony produced at the hearing dealing with cases in which Librium or Valium have been taken in a suicidal attempt or gesture, including that of the Government's witnesses, shows that these drugs appear sometimes as an agent used in suicidal attempts for the very reason of their known safety for use with a patient population in which there is a high incidence of such attempts (Lash, Tr. 739; Knight, Tr. 4354; Snell, Tr. 3887).

50. The Government has not contended that either Librium or Valium caused a patient to attempt suicide.

51. Numerous reports from the medical literature indicate that individuals have recovered following large overdoses of Librium and Valium (Clark (1961), G–6; Gilbert (1961), G–13, p. 309; Schaefer (1962), G–28, p. 164; Smith (1961), G–32; Ehlers (1963), G–9). However, this does not minimize the evidence that intentional overdosages of either Librium or Valium, taken alone or together with other sedative drugs (including alcohol), have depressed the central nervous system to the point of causing stupor, semicoma, coma, and in some instances, death. (Spellman, Tr. 649–51; Lash, Tr. 720; Snoddy, Tr. 1132–40; Galen, Tr. 1441; Chambers, Tr. 1633–36; Gilbert (1961), G–13; Schaefer (1962), G–28; G–99 (b) through (k); G–121; G–129; G–136; G–139; G–150; G–154; G–156; G–157; G–158; G–197; G–221 (a) through (i); G–225(B) (40), (48), (49), (54), (61), (63), (71), (74), (78), (81), (87), (88), (91), (97); G–226(b) (6), (7), (9), (11), (15); G–227(B) (1), (5), (10); G–241; G–259; G–261 (1), (4), (5), (7), (10), (12), (13), (15), (20), (21), (22), (23), (25), (28), (29), (30), (32), (36), (37), (40), (50), (52), (54), (55), (58); 262 (3), (4), (7), (8), (9), (12), (23), (24); G–288; G–289; G–290).

EVIDENCE OF SIMILARITY IN ACTION OF VALIUM TO LIBRIUM

52. The evidence is conclusive that Valium, a recently marketed drug, is similar in its effect on the central nervous system to that of Librium. Valium is a chemical analog of Librium which shows some quantitative but no significant qualitative differences from Librium (Hollister, Tr. 316; Shideman, Tr. 1301; Zfiden, Tr. 2214–15; Scherbel, Tr. 2796–2803; Schwab, Tr. 3381–88; Darling (1963), G–48; R–119; R–120). Those differences that were noted are not qualitative in nature and at best are of clinical significance only. (Chambers, Tr. 1652–53; Gibbs, Tr. 2242, 2245; P. Feldman, Tr. 3678–79; Bowes (1965), G–44, p. 336; Darling (1963), G–48, p. 503).

53. The World Health Organization Expert Committee on Addiction-Producing Drugs has classified drug dependence according to drug types, i.e., drug dependence of the morphine type, of the barbiturate-alcohol type, of the cocaine type, etc. (Eddy, et al. (1965), G–81). This classification is based partly on the ability of drugs within the group to substitute one for another. (Isbell, Tr. 1549). Substitution in this context refers to the ability of one drug to suppress partially if not completely the withdrawal symptoms of another drug. (Isbell, Tr. 1549). This same phenomenon has been referred to as cross-dependence. (Jaffe (1965), R–133, p. 289). Relying on this theory, physicians, as a matter of course, treat patients who show physical dependence on a certain drug by substituting in gradually tapered doses a more manageable drug of the same group. (Jaffe (1965), R–133, p. 289). In explanation there was expert medical testimony that drugs which depress the central nervous system act upon different neurons in the brain but that certain drugs have their effect within the same neuronal system. (Domino, Tr. 4550–55.)

54. The substantial evidence of record establishes that Librium and Valium are among those sedative drugs which substitute for the barbiturates and alcohol. Animal studies demonstrated that Librium effectively suppresses the barbiturate withdrawal syndrome. Further, considerable clinical experience in the treatment of acute alcoholism shows that the benzodiazepines, particularly Librium, effectively suppress the symptoms of the abstinence syndrome in alcoholic withdrawal. (Lofft, Tr. 532; Deneau, Tr. 998–1007; Isbell, Tr. 1586–87; Chambers, Tr. 1624–25; Thomas and Freedman (1964), G–295; D'Agostino, Tr. 3812–15; Domino, Tr. 4648–52, 4717–70; Deneau, G–235; Armour (1963), R–51; Burdine (1964), R–59, p. 591; Kissen (1961), R–91; Morrison (1963), R–99; Jaffe (1965), R–133).

55. There was expert medical testimony to the effect that individuals who abuse barbiturates or alcohol can be expected to turn to Librium and Valium whenever their drugs of choice are not readily available because the benzodiazepines are known to produce similar effects, to sustain physical dependence of the barbiturate-alcohol type and to prevent barbiturate-alcohol withdrawal. Likewise it is reasonable to assume that they will use Librium and Valium to reinforce the effects of barbiturates and alcohol (Isbell, Tr. 1556–58, 1577–79).

56. The legislative history of the Amendments reflects the expectation of Congress, in enacting this legislation, that Librium and similar tranquilizing drugs, would be expeditiously brought under the control of the Amendments because of their potential for abuse. Testimony taken before the House Committee on Interstate and Foreign Commerce demonstrated the need for bringing Librium under these controls. This Committee considered the advisability of listing chlordiazepoxide (Librium) among others by name, but decided not to single out this or any other drug. The Committee, however, stated that it expected the Secretary of Health, Education, and Welfare to take early action with respect to the consideration of bringing Librium and other drugs within the controls of the Amendments. A similar expectation was expressed by the Senate Committee on Labor and Public Welfare. (G–228, pp. 2–3; G–229, p. 13; G–230, pp. 24, 33, 38, 43–53, 54–56, 91–92, 101–105, 115–121).

CONCLUSIONS OF LAW

1. The Drug Abuse Control Amendments of 1965 are intended to protect the public health and safety by establishing special controls for depressant and stimulant drugs. This protection is to be accomplished through increased record keeping and inspection requirements, through providing for control over intrastate traffic in these drugs because of its effect on interstate traffic, and through making possession of these drugs [other than by the user] illegal outside of the legitimate channels of commerce.

2. Chlordiazepoxide (Librium) and diazepam (Valium) are drugs with a depressant effect on the central nervous system. They may be legitimately dispensed only upon the prescription of a practitioner licensed by law to administer such drugs, and in full conformity with section 503(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 353(b).

3. The substantial, probative, and reliable evidence of record establishes that chlordiazepoxide (Librium) due to its depressant effect on the central nervous system has been abused in the past in the following ways:

(a) There has been significant use of chlordiazepoxide (Librium) in amounts sufficient to create a hazard to the health of the individual and to the safety of other individuals and the community.

(b) There has been significant diversion of chlordiazepoxide (Librium) from legitimate channels.

(c) There has been significant use of Librium by individuals on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

4. Due to the past history of abuse of chlordiazepoxide (Librium), because of its established capacity to substitute for other sedative drugs which are known to be abused and which are now subject to increased controls of the amendments, it is reasonable to conclude that the abuse of chlordiazepoxide (Librium) will continue and increase unless this drug is similarly brought under the control of the amendments.

5. The substantial, probative, and reliable evidence of record establishes that diazepam (Valium) due to its depressant effect upon the central nervous system has been abused in the past in the following manner:

(a) There has been significant use of diazepam in amounts sufficient to create a hazard to the health of the individual and to the safety of other individuals and the community.

(b) There has been significant use of diazepam (Valium) by individuals on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

6. Diazepam (Valium), a newer drug, is so related to chlordiazepoxide (Librium), a drug for which there is considerable evidence of past abuse, as to make it likely that it will have the same potentiality for abuse.

7. Due to past history of abuse of diazepam (Valium), because of its close relation to chlordiazepoxide (Librium), and because of its established capacity to substitute for other sedative drugs which are known to be abused and which are now subject to controls under the provisions of the Drug Abuse Control Amendments of 1965, it is reasonable to conclude that the abuse of diazepam (Valium) will continue and increase.

8. Chlordiazepoxide (Librium) and diazepam (Valium) are drugs which because of their depressant effect on the central nervous system, have a substantial potential for significant abuse within the meaning of the Amendments, 21 U.S.C. 321(v)(3).

9. Chlordiazepoxide (Librium) and diazepam (Valium) are "depressant or stimulant drugs" within the meaning of 21 U.S.C. 321(v), and are therefore subject to the provisions of 21 U.S.C. 360a. Any drug which contains any quantity of chlordiazepoxide or diazepam is a "depressant or stimulant drug" within the meaning of 21 U.S.C. 321(v)(3) and is also subject to the provisions of 21 U.S.C. 360a.

Therefore, it is ordered, That the stay of effectiveness announced May 17, 1966 (31 F.R. 7174), on the listing of chlordiazepoxide and its salts and diazepam in § 166.3(c)(1) [redesignated § 320.3 (c)(1)] as a drug subject to control under the Amendments by the order of March 19, 1966 (31 F.R. 4679), be ended.

NOTE: The preceding sets forth a proposed order that includes findings of fact, conclusions, and the ending of a stay of effectiveness. It is contemplated that the subsequent final order in this matter will have an effective date that will be 30 days from its date of publication in the FEDERAL REGISTER.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Office of the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 I Street NW., Washington, D.C. 20537, written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the findings of fact and proposed order, and shall contain specified references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: May 19, 1969.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-6091; Filed, May 20, 1969; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TDE (OR DDD)

Proposed Reduction of Tolerances for Residues in or on Raw Agricultural Commodities

Following the spray residue public hearings held in 1950, and pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, tolerances for residues of the insecticide TDE (1, 1-dichloro-2, 2-bis (*p*-chlorophenyl) ethane) were established in Part 120 at a single level of 7 parts per million by an order published in the FEDERAL REGISTER of March 11, 1955 (20 F.R. 1473).

It is the policy of the Food and Drug Administration to review its pesticide tolerances with respect to new scientific data and information and in response to recommendations by recognized scientific bodies. The report "Use of Pesticides" of the President's Science Advisory Committee (May 15, 1963) recommended that the accretion of residues in the environment be controlled by orderly reduction in the use of persistent pesticides.

A review of the TDE tolerances has been made. A reevaluation of the available TDE experimental residue data reflecting specified patterns of use shows that a tolerance of 7 parts per million is higher than necessary for many of the crops for which it was established in 1955.

The U.S. Department of Agriculture has advised that under current agricultural practices tolerances lower than 7 parts per million are adequate to provide for the residues likely to result in or on some of these commodities. That Department also advises that there are no registered uses for TDE on radishes, Swiss chard, and youngberries. Differences in tolerance levels on similar crops for TDE and the insecticide DDT are based on differences in registered patterns of use.

To bring the TDE tolerances into line with the policy that a pesticide tolerance should be no higher than the amount reasonably required to cover the residue when the USDA registered directions for use are followed, the Commissioner of Food and Drugs proposes to reduce tolerances for TDE from 7 parts per million to 3.5 parts per million or 1 part per million on those commodities where available residue data indicate that the currently registered uses do not require a higher level.

Based on consideration given to the above information, and other relevant material, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 120.187 be revised to read as follows:

§ 120.187 TDE (or DDD); tolerances for residues.

Tolerances for residues of the insecticide TDE (1, - dichloro - 2,2 - bis(*p*-chlorophenyl) ethane are established in or on raw agricultural commodities as follows:

7 parts per million in or on apples, apricots, beans, blueberries (huckleberries), cucumbers, eggplants, grapes, melons, nectarines, peaches, pears, peppers, pumpkins, quinces, rutabaga tops, squash, summer squash, tomatoes, and turnip greens.

3.5 parts per million in or on blackberries, boysenberries, cherries, citrus fruits, dewberries, loganberries, plums (fresh prunes), raspberries, strawberries, sweet corn (kernels plus cob with husks removed).

1 part per million in or on broccoli, brussels sprouts, cabbage, carrots, cauliflower, kohlrabi, lettuce, peas, rutabagas (roots), spinach, and turnips (roots).

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical TDE may request, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 12, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6002; Filed, May 20, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-16]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the transition area at Bismarck, N. Dak.

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

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

Due to an increase in IFR air traffic in the Bismarck, N. Dak., terminal area, the existence of an Air Force Oil Burner Route northwest of Bismarck, and the location of navigational aids east and southeast of the Bismarck Municipal Airport, it is necessary to alter the Bismarck transition area to provide additional controlled airspace for the more efficient control of aircraft operating into and out of Bismarck, N. Dak.

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

In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

BISMARCK, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.); within 8 miles northeast and 5 miles southwest of the Bismarck ILS southeast course, extending from the OM to 12 miles southeast of the OM; and within 8 miles north and 5 miles south of the Bismarck VOR 105° radial, extending from the VOR to 12 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Bismarck VOR, extending from the Bismarck VOR 204° radial clockwise to the Bismarck VOR 082° radial; and within a 33-mile radius of the Bismarck VOR, extending from the Bismarck VOR 082° radial clockwise to the Bismarck VOR 204° radial.

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

Issued in Kansas City, Mo., on May 6, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6031; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-25]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the 700-foot transition area at Oklahoma City, Okla.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The proposed alteration will provide controlled airspace for aircraft executing new instrument approach/departure procedures proposed at Max Westheimer Field, Norman, Okla.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (34 F.R. 4738), the Oklahoma City, Okla., transition area 700-foot portion is amended in part by deleting "* * * lat 35°08'00" N., long. 97°42'00" W.; to lat. 35°08'00" N., long. 97°28'00" W.; to lat. 35°15'30" N., long. 97°28'00" W.; * * *" and substituting "* * * lat. 35°08'00" N., long. 97°42'00" W., to lat. 35°07'00" N., long. 97°30'00" W.; to point of beginning; * * *" therefor.

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

Issued in Fort Worth, Tex., on May 8, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6032; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-35]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Blanding, Utah, transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Subsequent to the designation of the Blanding, Utah, transition area the criteria for the establishment of such areas has been changed. Accordingly, it is necessary to alter the Blanding transition area to comply with the new criteria.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.181 (34 F.R. 4637) the description of the Blanding, Utah, transition area is amended to read as follows:

BLANDING, UTAH

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Blanding, Utah, airport (latitude 37°84'50" N., longitude 109°28'55" W.) and within 3.5 miles each side of the 188° bearing from the Blanding, Utah, RBN (latitude 37°81'03" N., longitude 109°29'31" W.) extending from the 6-mile radius area to 11.5 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 18.5 miles south to 7

miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC. Excluding that portion within R-6410 during the times that R-6410 is in use.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 40 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on May 9, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-6033; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-18]

FEDERAL AIRWAYS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Redesignate a segment of V-163 from Corpus Christi, Tex., 1,200 feet AGL via a VOR to be installed in the vicinity of Three Rivers, Tex., at lat. 28°30'18" N., long. 98°09'03" W., including 1,200 feet AGL west alternate via the intersection of Corpus Christi 296° T (287° M) and Three Rivers 165° T (156° M) radials; 1,200 feet AGL via the intersection of Three Rivers 345° T (336° M) and San Antonio, Tex., 167° (158° M) radials; 1,200 feet AGL San Antonio, including a 1,200 feet AGL west alternate via the intersection of Three Rivers 330° T (321° M) and San Antonio 183° T (174° M) radials.

2. Revoke the segment of V-68 from San Antonio to McAllen, Tex.

3. Extend V-20 from Corpus Christi, 1,200 feet AGL via the intersection of Corpus Christi 181° T (172° M) and McAllen 039° T (030° M) radials; 1,200 feet AGL McAllen, including a 1,200 feet AGL south alternate from the intersection of Corpus Christi 181° T (172° M) and McAllen 039° T (030° M) radials to McAllen via Harlingen, Tex. The airspace above 14,000 feet MSL from 49 miles northeast of McAllen to McAllen and the airspace within Mexico would be excluded.

These actions would permit lower minimum en route altitudes between San Antonio and Corpus Christi and would provide for more precise navigation in an area of extensive military training. The extension of V-20 would merely renumber V-68 between Corpus Christi and McAllen and would retain the limitations associated with this segment of V-68.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C. on May 13, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6034; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-23]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Jacksonville, Ill.

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

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

A new public use instrument approach procedure has been developed for the Jacksonville, Ill., Municipal Airport utilizing a privately owned VOR located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by designating a transition area at Jacksonville, Ill. The new procedure will become effective concurrently with the designation of the transition area.

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

In § 71.181 (34 F.R. 4637), the following transition area is added:

JACKSONVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jacksonville Municipal Airport (latitude 39°46'30" N., longitude 90°14'30" W.); and within 3 miles each side of the 309° bearing from Jacksonville Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 129° and 309° bearings from Jacksonville Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Springfield, Ill., transition area.

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

Issued in Kansas City, Mo., on May 5, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6035; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-30]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ainsworth, Nebr.

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

arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public use instrument approach procedure has been developed for the Ainsworth, Nebr., Municipal Airport, utilizing a State-owned VOR located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Ainsworth, Nebr. The new procedure will become effective concurrently with the designation of the transition area. The Denver Air Route Traffic Control Center, through the O'Neill, Nebr., facilities, will control IFR air traffic into and out of the Ainsworth Municipal Airport.

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

In § 71.181 (34 F.R. 4637), the following transition area is added:

AINSWORTH, NEBR.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'20" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 164° and 344° bearings from Ainsworth Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

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

Issued in Kansas City, Mo., on May 6, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-6036; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SW-27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Kerrville, Tex. The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Kerrville Municipal Airport (Louis Schreiner Field), Kerrville, Tex. The southeasterly extension to the proposed transition area is based on the 134° true (125° magnetic) bearing from the Kerrville RBN.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Forth Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

KERRVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (lat. 29°58'41" N., long. 99°05'11" W.), and within 3 miles each side of the 134° bearing from the Kerrville RBN (lat. 29°59'20" N., long. 99°03'50" W.) extending from the 5-mile radius area to 8 miles SE of the RBN.

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

Issued in Fort Worth, Tex., on May 12, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-6037; Filed, May 20, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-142]

FEDERAL AIRWAY

Proposed Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the U.S. portion of Green Federal airway No. 1 and the Millinocket, Maine, radio beacon domestic low altitude reporting point.

The most recent FAA peak-day IFR air traffic survey showed no aircraft movement on Green airway No. 1. This airway also is no longer required for air traffic control purposes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on May 13, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-6038; Filed, May 20, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397; FCC 69-515]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Development of Communications Technology and Services; Memorandum Opinion and Order

In the matter of Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397.

1. The Commission has before it for consideration a number of pleadings seeking reconsideration, modification, or clarification of the interim processing procedures set forth in Part IV of the notice of proposed rule making and notice of inquiry, issued on December 13,

1968 (15 FCC 2d 417, 437–438, 441), and various responsive pleadings.[1] Also before us for consideration at this time are the oral presentations heard herein on February 3–4, 1969, insofar as they relate to the interim processing procedures.

A. CONTENTIONS OF THE PARTIES

2. In support of its request for temporary relief, NCTA asserts that the Commission's present CATV rules (adopted in 1966 in the Second Report and Order, 2 FCC 2d 725) and the interim processing procedures and proposed rules set forth in the December 13 notice (15 FCC 2d 417, 429–441), together confer a de facto license to operate in compliance with the proposed rules. It urges that the provisions of present §§ 74.1105(c) and 74.1109 permit a substantial delay in the inauguration of such implicitly authorized service and are unduly harsh on those who seek to operate consistently with the proposed rules. NCTA requests that the Commission require security or the posting of a reasonable bond in substitution for the so-called "automatic stay" provision of § 74.1105(c) or provide that the automatic stay will terminate within 30 days from the filing of a petition pursuant to § 74.1109 if the Commission does not find good cause for continuing the stay for a time certain. Other petitions on behalf of CATV interests request the Commission to vacate the notice and rescind the interim processing procedures as unlawful or, in the alternative, to modify the interim procedures by removing the automatic stay provision of § 74.1105(c) or by providing that the Commission will act within 60 days from the filing of a petition pursuant to § 74.1109.

3. Those broadcast interests seeking reconsideration—the NAB, ACTS, AMST, Eastern Educational Network (EEN), and WFRV, Inc.—challenge the substantive provisions of the proposed rules, and seek corresponding modification of the interim processing procedures insofar as they call for immediate processing of petitions and microwave applications that are consistent with the proposed rules. With respect to the proposed rules, it is asserted principally that: (1) Not enough attention has been paid to the factor of economic impact, (2) the proposed 35-mile zone is far too small, (3) too few communities have been designated in major markets, (4) all overlapping major market cases under footnote 69 of the second report should be held in abeyance, and there should be a similar "footnote 69" policy for smaller markets, (5) the definitions of "full network" and "independent" stations in the proposed rules should be changed, (6) in the proposed smaller market rules, there should be substitution rather than addition of any closer independent station that subsequently commences operation, and (7) the proposed rules are discriminatory against educational television stations and should be revised to provide the same treatment as for commercial stations. Procedurally, it is urged that the interim processing procedures should be revised to simplify the procedure for objecting to CATV proposals that are inconsistent with the proposed rules. They assert that elaborate and costly pleadings on the merits should not be required until such time as it is determined that the case will be processed on the merits.

4. Most, if not all, of the foregoing contentions with respect to the interim processing procedures were also raised in the oral presentations before the Commission, particularly the contentions relating to expeditious procedures for implementing consistent CATV proposals and simplified procedures for objecting to inconsistent CATV proposals. In addition, it was urged that the Commission should process all pending microwave applications filed prior to December 13, 1968, and all microwave applications and § 74.1109 petitions that are unopposed. It was further asserted that the Commission should not process petitions under the interim procedures until the backlog of pending carriage and nonduplication cases has been cleared up.

B. DISCUSSION

5. While the proposed rules have been challenged on their merits by both CATV and broadcast interests, we shall not undertake to consider the requested modifications of the rule-making proposals until we have received and evaluated the comments and reply comments of all interested persons on Part IV of the rule making. It is hoped that the written submissions will set forth the full and considered views of all parties, and will incorporate constructive suggestions and counterproposals. Pending consideration of such views and suggestions, we think it premature to embark on any piecemeal reappraisal of the proposals set forth in Part IV of the notice, at the instance of some of the parties (except as noted below).[2]

6. Accordingly, this memorandum opinion and order is directed towards the requests for procedural modifications in the interim processing procedures. Before discussing these requests we think that preliminary clarification of the nature of the interim processing procedures and the applicable legal requirements would be helpful in view of the contentions of some of the petitioners and others participating in the oral presentations.

1. NATURE AND PURPOSE OF THE INTERIM PROCESSING PROCEDURES

7. Unler the Administrative Procedure Act, 5 U.S.C. 551 et seq., and relevant judicial decisions,[3] the Commission is bound to follow its existing rules until they have been amended pursuant to the procedures specified by that Act or unless it finds in an individual case that a waiver of the rules is warranted. Thus, the rules adopted in the second report and order, 2 FCC 2d 725 (1966), as amended by subsequent orders, are governing during the pendency of the proposed rule making in this docket. These include the provisions of § 74.1105(c), with respect to the commencement of new service challenged in a § 74.1109 petition; the provisions of § 74.1107, prohibiting carriage of distant signals within the Grade A contour of any station in the top 100 television markets without Commission approval after a showing in an evidentiary hearing that such operation would be consistent with the public interest; and the provisions of § 74.1109, with respect to petitions for waiver of the rules or for additional or different requirements. In addition, in the case of applications for microwave facilities, section 309(e) of the Communications Act requires the Commission to designate the application for hearing if it is for any reason unable to make the requisite finding that the public interest will be served by a grant.

8. While the Commission has not, of course, reached any final conclusion as to the rules proposed in Part IV of the notice and will give careful consideration to suggestions and counterproposals that have been or may be submitted, the notice clearly raises substantial public interest questions with respect to the

[1] These pleadings consist of: (a) A "Request for Temporary Relief and Expedited Consideration" filed by National Cable Television Association, Inc. (NCTA) on Dec. 30, 1968; (b) petitions for reconsideration or clarification filed on Jan. 13, 1969, by the National Association of Broadcasters (NAB), the Association of Maximum Service Telecasters, Inc. (AMST), the All-Channel Television Society (ACTS), the Eastern Educational Network, WFRV, Inc., Pueblo TV Power, Inc., Xenia Cable TV, Inc., Aiken Cablevision, Inc., TV Power of North County, Inc., and Alabama Cablevision Co. et al.; (c) petitions for reconsideration and modification filed by Hendersonville, Inc., and Clearview Corp. on Jan. 16, 1969; (d) a joint statement in support of the NCTA "Request for Temporary Relief and Expedited Consideration" filed on Jan. 16, 1969 by The Jerrold Corp., Cox Cable Communications, National Trans-Video and Television Communications Corp.; (e) oppositions to the NCTA request filed on Jan. 29, 1969 by NAB, ACTS, and AMST; and (f) a reply to those oppositions filed on Feb. 18, 1969, by The Jerrold Corp., Cox Cable Communications, National Trans-Video and Television Communications Corp.

[2] We are, however, undertaking to clarify on our own motion some aspects of the proposed rules and interim processing procedures in light of our experience with processing to date. We are also proposing a few modifications of a substantive nature, one at the instance of NCTA. See currently issued further notice of proposed rule making in Docket No. 18397 (FCC 69–516).

[3] See, e.g., Sangamon Valley Television Corporation v. U.S., 269 F. 2d 221, 225 (C.A.D.C.); Accardi v. Shaughnessy, 347 U.S. 260; Service v. Dulles, 354 U.S. 363, 372–373; Jefferson Amusement Co. v. F.C.C., 226 F. 2d 277 (C.A.D.C.); American Broadcasting Co. v. F.C.C., 179 F. 2d 437, 442–443 (C.A.D.C.).

carriage of some television signals by CATV systems (see, e.g., paragraphs 33–42, 46, 59 and 56 of the notice). These public interest questions must be resolved before the Commission could, or would, authorize CATV systems to carry television signals to which these questions are pertinent, whether by way of a waiver of § 74.1107, a ruling on the merits of a § 74.1109 petition, or a grant of microwave facilities to enable the proposed CATV service.

9. Thus, in the absence of the interim processing procedures or if such procedures were to be rescinded, we believe that the Commission would have no choice during the pendency of this proceeding but to designate for hearing petitions for waiver of § 74.1107 involving the public interest questions set forth in the notice; § 74.1109 petitions with respect to proposed service at issue in the notice; and, pursuant to section 309(e) of the Communications Act, microwave applications involving service of this nature. Apart from the fact that such hearings would be burdensome and time-consuming for the Commission and all parties involved, we believe that the process would be largely futile in many instances. For, it appears unlikely that the Commission would be in a position to reach a decision on the merits before the broad policy issues in the rulemaking have been resolved.[4] Moreover, we do not regard further individual adjudicatory proceedings as appropriate vehicles for the formulation of future overall policies in these areas, which are of concern to a great many interested persons and affect the entire CATV and broadcast industries. Nor do we believe that those seeking a rescission of the interim processing procedures actually desire the foregoing consequences.

10. Rather than following that unpromising approach, the Commission attempted to devise an interim procedure which would avoid both large-scale hearings and also a "freeze" on all processing of petitions and applications during the pendency of the rule making. The interim processing procedures are designed generally to defer a determination as to whether questionable §§ 74.1107 and 74.1109 petitions and microwave applications should be designated for hearing until after the public interest questions involved in the rule making have been resolved and broad definitive policies have been established by rule. It may well turn out that a hearing is unnecessary in many instances, either because the petition or application comports with any rules and policies ultimately established or because it is so patently in conflict with such rules and policies as to warrant denial without hearing. While some hearings may still be required, we believe that they would be few.

11. The interim processing procedures are also designed to permit processing of petitions and applications which appear prima facie consistent with our present tentative view as to the public interest. The parties may raise any additional public interest questions in their pleadings, and questions of a substantial nature will be considered by the Commission in making its determination on the merits. The presumption in favor of authorizing consistent proposals will be controlling in the absence of a strong showing that this would be contrary to the public interest in the particular circumstances. We recognize that some service may be authorized during the pendency of this proceeding which would have been proscribed by any rules ultimately adopted, and that such service will be "grandfathered" in view of the impracticability of withdrawing service to which the public has become accustomed. However, we think that any resulting impact upon our responsibilities for the regulation of television broadcasting is likely to be insubstantial. Moreover, there is a countervailing consideration in the need of the public in some areas for additional services via CATV at an early date, which warrants continued processing in the situations set forth in the notice.

12. In this connection, we stress that the interim processing procedures do not call for operation under the proposed rules prior to their adoption. For example, the proposed rules would authorize carriage of distant and overlapping major market signals within the 35-mile zone in major markets, and additional distant signals in smaller markets, if the CATV system has retransmission consent of the originating station with respect to the programs. As stated in the Commission's order of January 17, 1969 (FCC 69–45), this proposed requirement is not presently applicable, and such operations will not be authorized on any general basis during the pendency of the rulemaking. Rather, the Commission has stated that it would grant very few requests for experimental operations, waiving the existing rules if need be, in order to gain valuable information concerning the actual operation of systems under the proposed requirement which might assist it in the resolution of the rulemaking. Similarly, under the interim processing procedures a waiver of present § 74.1107 is required for carriage of distant signals in major markets within the Grade A contour but outside of the proposed 35-mile zone, whereas such operations would be authorized by proposed § 74.1107(b) without further recourse to the Commission if the proposed rule is adopted.

13. With respect to the proposed 35-mile zone in major markets, the interim processing procedures provide that the Commission will continue to act on requests for waiver of present § 74.1107(a) and will use the standard of the proposal because "* * * waiver policies under the existing rules have largely paralleled the proposed 35-mile zone" (paragraph 51 of the notice).[4a] Similarly, action on any petition filed under § 74.1109 would be pursuant to that rule and the public interest standard embodied therein. To the extent that the proposed 35-mile zone is generally smaller than the Grade A contour, the interim processing procedures are not prejudicial to CATV systems. While some broadcasters may assert prejudice in the interim use of a 35-mile zone, we do not think there is any valid basis for such a claim in view of the considerations set forth in this paragraph and in paragraph 11 above.

14. There are no existing rules governing in smaller markets, "footnote 69," and "leap-frogging" situations (except to the extent that the pertinent community may lie within the Grade A contour of a major market station).[5] Where microwave is involved, the interim processing procedures for applications inconsistent with the proposed rules rest on the Commission's present inability to make the requisite public interest finding pursuant to section 309 of the Communications Act and the considerations set forth in paragraphs 7–11 above. The Commission's decision to process applications consistent with the proposed rules, in order to facilitate the growth of CATV in those areas where it can make such a marked contribution to the public interest, is similar to the approach followed by the Commission during the rule making on the carriage and nonduplication rules in Docket No. 14895, First Report and Order, 38 FCC 683, 684, footnote 2. This approach received judicial approval when challenged in the courts.[6]

15. In the nonmicrowave situation, where a § 74.1109 petition is filed, we think that the Commission's responsibility under § 74.1109(f) to make a public interest determination, and the considerations set forth in paragraphs 7–11 above, justify an approach analogous to the processing of microwave applications. Where neither microwave nor a § 74.1109 petition is involved, the proposed rules are not presently applicable. However, if adopted, there is always the question of what systems will be affected upon the effective date of the rules. The Commission has proposed a grandfathering cutoff of December 20, 1968—the date the rule making proposals were published in the FEDERAL REGISTER (see paragraphs 52–53, and 59 of the notice, and proposed § 74.1107(f) in Appendix C).

16. In short, we are acting under the present rules, with the exception of a

[4] Since the same considerations apply to pending § 74.1107 hearings and proceedings on § 74.1109 petitions, the Commission also called a halt to such proceedings during the pendency of the rule making (see paragraph 51 of the notice).

[4a] The 35-mile standard reflects our past actions taken on the average. In individual instances we have, of course, waived at lesser as well as greater mileages. We have also designated for hearing at both greater and lesser mileages.

[5] Processing of some pleadings and applications that fall within the above-noted exception is justified, we believe, by the considerations discussed in paragraphs 11 and 13 herein.

[6] See, e.g., Idaho Microwave, Inc. v. F.C.C., 352 F. 2d 729 (C.A.D.C.).

few possible experiments with retransmission consent as noted above, and the public interest standard embodied in § 74.1109(f) of our rules and in section 309 of the Communications Act. The nature of our actions is based on our evaluation of the public interest, as we gain insight and experience in this complex area. Our decision to continue processing or to defer processing petitions, applications, and pending proceedings during the pendency of this rule making, rests on that evaluation and a desire to avoid needless or fruitless hearings. We believe that the interim processing procedures are well within the Commission's discretion to "conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice" (section 4(j) of the Communications Act). See also, F.C.C. v. WJR, 337 U.S. 265, 282.[7]

2. MODIFICATION OF THE INTERIM PROCESSING PROCEDURES

17. As previously stated, NCTA and other CATV petitioners request the Commission to remove the automatic stay provision in § 74.1105(c), or to substitute a requirement for security or a bond, with respect to petitions which involve service consistent with the proposed rules and which thus would be processed during the pendency of the rule making. In the alternative, they request that we achieve the expeditious commencement of consistent service by providing that the automatic stay in § 74.1105(c) will terminate within 30 or 60 days of the filing of a § 74.1109 petition unless the Commission finds good cause for continuing the stay for a time certain.

18. We are in agreement that there should be expeditious processing of petitions involving consistent service, as a matter of equity and also from the standpoint of the public interest.[8] Otherwise there would seem to be little practical distinction between continuing to process and deferring processing during the pendency of the rulemaking. However, we cannot conclude that expedition can be appropriately achieved in the manner suggested.

19. In the first place, §§ 74.1105(c) and 74.1109 are existing rules which must be followed until they are amended. Even assuming that the automatic stay provision in § 74.1105(c) is procedural only, despite its substantial practical consequences for the parties and the public interest, and therefore subject to amendment without prior notice and an opportunity to be heard (section 4 (b) and (c) of the Administrative Procedure Act, 5 U.S.C. 553 (b) and (c)), we do not believe that such action would serve the public interest. We have previously set forth the basis for this provision: The necessity of resolving public interest questions before service is commenced in view of the general impracticability of withdrawing service to the public and our belief that this is "a more orderly manner in which to proceed, rather than permitting a challenged service to start and later interrupting it." See memorandum opinion and order denying reconsideration of the Second Report, 6 FCC 2d 309, 323, and opinions there cited; cf. United States v. Southwestern Cable Company, 393 U.S. 157, 178–181. These reasons are equally applicable to the processing of petitions under the interim procedures.

20. Secondly, the posting of a bond or other security is not an adequate substitute to protect the public interest and to permit orderly processing. Moreover, the suggestion that § 74.1105(c) automatically terminate after 30 or 60 days, in the absence of a Commission order continuing the stay for a time certain, does not afford sufficient time for the filing and consideration of pleadings allowed by § 74.1109 (d) and (e). Since the question of consistency may be at issue, the provisions of §§ 74.1105(c) and 74.1109 (d), (e), and (f), should be followed at least pending a decision on that issue. In addition, as noted in paragraph 11 above, there may be other public interest questions with respect to a petition involving consistent service, which should be considered prior to the commencement of service.

21. As earlier stated, we believe that equity and the public interest would be served by expeditious processing of petitions involving consistent service. Further, on the basis of the pleadings filed since the December 13 notice, it appears that the Commission will be able to keep abreast of the current workload. There are only a dozen or so pending cases of this nature, and we do not anticipate any sharp increase in the rate of new filings such as might lead to backlog delays. In short, the Commission will undertake to issue a decision on the merits of cases involving consistent service within 60 days after the expiration of the time for filing reply pleadings, or sooner if possible.

22. In order to avail themselves of this commitment to expeditious processing, CATV systems who are parties to proceedings instituted prior to December 13, 1968, or who filed pleadings prior to that date, should file a supplemental request for processing of such portion of the proposed service as is consistent with the proposed rules, if they have not already done so.[9] Such supplemental petition or any new petition and responsive pleadings should treat the question of consistency with proposed rules. In the interest of achieving expedition, the parties should refrain from seeking extension of the filing times except in extraordinary circumstances or with the consent of all parties. Priority in processing cases involving consistent service will be accorded to pleadings filed since December 13, 1968. However, in the event that such workload permits, the Commission may examine other pending proceedings in order of place on the processing line to determine whether they involve (in whole or in part) service which would be consistent with the proposed rules and may process any portion found to be consistent on the basis of the pleadings already on file. No guaranty of Commission action within any specified time period can be made, since we would lack the assistance of the parties on the question of consistency. Moreover, it is not known whether or to what extent the workload of cases filed since December 13 would permit such examination of the Commission's own initiative.[10]

23. We also see merit in the request of the NAB, ACTS, and AMST that we permit a simplified interim pleading procedure for objecting to proposed service which appears clearly inconsistent with the proposed rules. We see little point in requiring a full treatment of the merits in such cases until such time as it is determined that the proceeding will be processed on the merits. The outcome of the rule making might be such as to obviate the necessity for further pleadings on the merits in some instances. Where a proceeding is held in abeyance during the pendency of the rule making because of inconsistency with the proposed rules, the Commission will subsequently give notice of processing and will afford an opportunity for supplementary pleadings of the merits of such other pertinent questions, if any, as may then pertain. In the interim, persons filing petitions and responsive pleadings need address only the issue of inconsistency with the proposed rules unless: (a) The only claim of inconsistency with proposed § 74.1107 (d) or (e) is alleged "leap-frogging" or (b) consistency is conceded or claimed by another party.[11] In the event of such a claim, persons choosing not to treat the full merits will do so at their own

[7] It was urged during the oral presentations that the Commission should not defer processing of pending microwave applications and unopposed petitions for waiver of existing § 74.1107, even if the proposed CATV service is inconsistent with the proposed rules. For the reasons set forth above (particularly in paragraphs 8–10, 13–15, and in paragraph 19 below), we feel compelled to deny these requests. Such applications and petitions will be processed upon conclusion of Part IV of the rule making in accordance with the rules and policies pertaining at that time.

[8] Indeed, in paragraph 52 of the notice, the Commission indicated that CATV systems could request relief from § 74.1105(c) in order to commence consistent service.

[9] Pleadings filed since Dec. 13, 1968, need not be supplemented.

[10] While we have been urged to defer action under the interim processing procedures until the backlog of carriage and nonduplication cases has been eliminated, we do not think that this suggestion is appropriate; rather, it is important that both types of cases move forward as expeditiously as possible.

[11] We think that full treatment of the merits is warranted in the case of proposed § 74.1107(e), since that section contemplates flexibility for good cause shown. A similar situation would pertain for proposed § 74.1107 (d) where the only issue is alleged "leap-frogging," i.e. whether the signals authorized by proposed § 74.1107(d) would be obtained from the closest source in the region or in the State of the system. See concurrently issued further notice of proposed rule making (FCC 69–516).

risk. For, the Commission will expeditiously process the proceeding and act on the merits where it resolves a disputed question in favor of consistency or finds good cause for "leap-frogging" within the meaning of proposed § 74.1107 (d) or (e). Thus, in the doubtful or close case, the full merits should be addressed.

24. In sum, we think that the procedures discussed above and set forth in the public notice below will facilitate expeditious and orderly processing during the pendency of the rule making by avoiding undue delays and lengthy presentations on the merits that may turn out to have been largely unnecessary. Such procedures will substantially accommodate the equities asserted by both sides, without prejudice to the requirements of due process and our determination as to the public interest. As stated at the outset (paragraphs 5–6), these procedures are not intended to meet contentions on the merits of the rule making proposals which seek a corresponding substantive modification in the interim processing standards, e.g. the substitution of a 50- or 60-mile zone for the proposed 35-mile zone.[12] The Commission will consider requests of this nature in conjunction with its evaluation of the written comments and reply comments on Part IV of the rule making. In the event that modification of the rule making proposals or of the interim processing standards should appear desirable prior to any final rule making action, the Commission will take appropriate steps at that time.

C. CONCLUSIONS

25. In light of the foregoing, we conclude that the public interest would be served by adoption of the public notice below, and that the requests of petitioners should otherwise be denied.

26. *Accordingly, it is ordered*, That the public notice set forth below is adopted.

27. *It is further ordered*, That the relief sought in the pleadings listed in footnote 1 herein is granted to the extent reflected herein and is otherwise denied.

[12] However, as previously noted, we are proposing some modifications on our own motion in the concurrently issued further notice of proposed rule making. While educational interests have asserted that the proposed rules and the interim processing procedures are discriminatory against ETV stations, we do not think that the interim burden is such as to require expedited consideration of this challenge to the merits of the proposed rules. Under the provisions of §§ 74.1105(a) and 74.1109(b), educational interests should receive notice of the proposed carriage of educational signals. A simple letter of objection, with service upon the relevant CATV system, would suffice to cause a deferral of processing pending the outcome of the rule making. In the event of a further notice of processing, an opportunity would be afforded for the filing of supplementary pleadings on the merits.

Adopted: May 14, 1969.

Released: May 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[13]

[SEAL] BEN F. WAPLE,
Secretary.

INTERIM PROCEDURES TO BE FOLLOWED DURING THE PENDENCY OF THE PROPOSED RULE MAKING IN PART IV OF THE NOTICE OF PROPOSED RULE MAKING AND NOTICE OF INQUIRY IN DOCKET NO. 18397, 15 FCC 2d 417, RELATIVE TO CATV

A. *Contents of pleadings.* Petitions for waiver of § 74.1107 of the Commission's rules, petitions filed pursuant to § 74.1109 for additional or different requirements (exclusive of petitions involving the provisions of § 74.1103), and responsive pleadings, should address the question of whether the proposed service is consistent or inconsistent with the rule making proposals in Part IV of the notice of proposed rule making and notice of inquiry in Docket No. 18397, 15 FCC 2d 417, and the further notice of proposed rule making in Docket No. 18397 (FCC 69–516). Where inconsistency is conceded, the pleadings need not discuss any other aspect of the merits unless the only claim of inconsistency with proposed § 74.1107 (d) or (e) is alleged "leap-frogging." Where consistency is alleged, or the only claim of inconsistency with proposed § 74.1107 (d) or (e) is alleged "leap-frogging," the pleadings should either address the merits in full or the party declining to do so proceeds at his own risk.

B. *Processing procedures.* Where consistency is conceded or found, or the only claim of inconsistency with proposed § 74.1107 (d) or (e) is alleged "leap-frogging," the Commission will endeavor to act on the merits within 60 days from the expiration of the time for filing reply pleadings, or sooner if possible. Where inconsistency with the proposed rules in Part IV of Docket No. 18397 is conceded or found by the Commission, or where a claim of good cause for "leap-frogging" is resolved adversely to the claimant, the proceeding will be held in abeyance pending the issuance of a notice of processing, unless the Commission finds extraordinary circumstances requiring prompt action in the public interest. The notice of processing will specify the time allowed for filing supplementary pleadings on the merits of such other pertinent questions, if any, that may remain at that time.

C. *Adherence to time schedules.* In the interest of expedition, parties should not seek extension of the times for filing pleadings with respect to proposed service within the scope of these procedures unless all parties to the proceeding consent to such extension or extraordinary circumstances are shown.

D. *Pending proceedings.* In order to avail themselves of the expeditious processing procedures set forth above, parties to pending proceedings instituted prior to December 13, 1968, should file a supplementary request for processing of such portion of the proposed service as is consistent with the proposed rules in Docket No. 18397 and address the question of consistency with such proposed rules. Pleadings filed since December 13, 1968, need not be supplemented. The Commission may examine other pending proceedings in order of position in the processing line to determine whether they involve (in whole or in part) service which would be consistent with the proposed rules, and may process any portion found to be consistent on the basis of the pleadings already on file. However, no guaranty of Commission action within any specified time period can be made, and priority of processing will be accorded to pleadings filed since December 13, 1968.

[13] Concurring statement of Chairman Hyde and dissenting statement of Commissioner Bartley filed as part of original document; concurring and dissenting statement of Commissioner Cox not filed as part of original document; Commissioner Johnson abstaining from voting; Commissioner H. Rex Lee dissenting.

[F.R. Doc. 69–6060; Filed, May 20, 1969; 8:51 a.m.]

[47 CFR Part 74]

[Docket No. 18397; FCC 69–516]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Development of Communications Technology and Services; Further Notice of Proposed Rule Making

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397.

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

2. In the course of processing requests for waiver of § 74.1107(a) pursuant to the interim processing procedures set forth in Part IV of the notice of proposed rule making and notice of inquiry issued herein on December 13, 1968 (15 FCC 2d 417, 33 F.R. 19028), the Commission has become aware that some confusion may exist with respect to two minor aspects of the proposed rules. We think it appropriate to clarify our proposals at this time, in order to assist persons filing comments in the rule making and those who may be concerned with the interim processing procedures.

3. First, proposed § 74.1107(d) does not accurately reflect the Commission's intended proposal with respect to carriage of commercial television signals by CATV systems in communities which are located within the proposed 35-mile zone of a noncommercial educational station, but outside of the proposed 35-mile zone of any commercial station. This section is phrased in terms of carriage of distant signals by a "CATV system operating in a community located in whole or in part within the specified zone of a television broadcast station assigned to a smaller television market." We did not intend to propose any restriction, other than the "leap-frogging" provisions in proposed

§ 74.1107(e), upon carriage of distant commercial signals by a CATV system which is located within the 35-mile zone of a noncommercial educational station only. The 35-mile zone of an educational station is pertinent only with respect to carriage of distant educational signals. We are accordingly proposing to modify proposed § 74.1107(d) as set forth below in Appendix A.[1]

4. Second, on the part of some persons there appears to be an erroneous impression that the Commission is proposing that television stations assigned to communities which are attributed by ARB to a major television market, but which are not designated in proposed § 74.1107 (a), would have no specified zone and would not come within the smaller market provisions of proposed § 74.1107(d). We intended to propose that every television station would have a specified zone, and that this zone would be a major or a smaller television market depending on whether the community of license is designated in proposed § 74.1107(a). In other words, the rules, rather than any rating of ARB, would be determinative. It appears that the ambiguity arises from the wording of the definitions of major and smaller television markets in proposed § 74.1101 (j) and (l). We are proposing to modify these definitions, as set forth in Appendix A below, to make clear that the term "smaller television market" means the specified zone of a television station assigned to any community which is not listed in proposed § 74.1107(a).

5. Processing under the interim procedures to date has also given rise to a third concern. The rules proposed in the December 13th notice, like the present rules, are geared to operating stations and do not propose a specified zone where there is an outstanding construction permit but no operating station. See Cedar Rapids Television Co. v. Federal Communications Commission, 387 F. 2d 228 (C.A.D.C.). However, it appears inconsistent with the considerations underlying the proposed rules to disregard entirely an outstanding construction permit. One of the important purposes of the proposed rules, as well as the present rules, is to encourage the development and healthy maintenance of new stations.

6. At the same time, we are not unmindful of the fact that the activation of some stations seems to take considerable time after the grant of the construction permit. We do not believe that the public interest would be served by precluding the provision of supplementary services by CATV in underserved areas for an indefinite period in the hope that a new local station will eventually result. In order to accommodate these competing considerations, we are proposing to accord a specified zone to a station authorized by an outstanding construction permit for a period of 18 months from the date of the grant, or 9 months from the date of this further notice, whichever occurs later. The provisions of proposed § 74.1107 would be applicable to that zone during such period. If the permittee receives program test authority within this period, it will be an operating station and the specified zone will continue in effect. If the permittee does not receive program test authority within this period, the specified zone will terminate until such time as the station does commence operation.[2] See proposed revision of proposed § 74.1101 (b) and (m) in Appendix A below. We are modifying our original proposal on our own motion at this time in order that interested persons may comment on this aspect in the comments and reply comments to be filed on Part IV. We shall also give appropriate consideration to this revised proposal in acting under the interim processing procedures.[2a]

6a. It should be noted that under the proposed revision of proposed § 74.1101 (m) in Appendix A, the pertinent community from which the specified zone extends is the community of license rather than the community or communities of assignment in § 73.606 of the rules. While the change makes no difference in most instances, our revised proposal takes account of the 15 mile provision of § 73.607(b) and those few instances where § 73.606 assigns channels to two or more communities listed in combination. It will ensure that each station has only one specified zone measured from the community of license. For purposes of the interim processing procedures and from the standpoint of equity, we are proposing prospective application of the revised proposal, i.e., only to pleadings filed after publication of this further notice in the FEDERAL REGISTER. Pleadings filed prior to that date need not be refiled, and will be processed in accordance with our original proposal as to the community or communities of assignment. However, parties may, if they wish, file supplementary pleadings. Intervening CATV service commenced since December 13, 1968, consistently with our original proposal of that date will be "grandfathered."

7. A further proposed revision stems from a matter which has been brought to our attention by the National Cable Television Association (NCTA). NCTA points out that there is no readily available list of post office locations (in terms of geographic coordinates) for use in computing distance separations where precise computation appears necessary. The U.S. Department of Commerce Special Publication No. 238, "Air-line Distances Between Cities in the United States," lists coordinates of, and distances between 492 cities. The reference point is not necessarily the main post office, and generally is the intersection of the two principal streets in the community. Moreover, not all of the communities with television stations in the major and smaller television markets are included on the list. NCTA has prepared a list which includes the post office locations for those communities not listed in Special Publication 238, as well as the reference points that are there listed. It has also explained the basis for the coordinates which it has added.

8. Since utilization of the list compiled by NCTA may well facilitate computations by interested persons, the Commission has no objection to the use of this list of reference points. Our proposal to use the main post office was intended to achieve certainty, and also to use a reference point that would be reasonably close to the center of the community. It appears that use of the NCTA list would accomplish both purposes, so long as it is the sole standard, and also facilitate the work of those making the computations. We are accordingly proposing to revise proposed § 74.1101(m) to provide that the specified zone is the area extending 35 miles from the listed reference point (see Appendix A below.[3] The list complied by NCTA and its explanatory material are attached hereto as Appendix B.[4] If adopted, the reference point list would be contained in a new § 74.1108. In the absence of any substantial objection in the comments, we propose to authorize use of the calculation methods described by NCTA. Reference points for communities with outstanding construction permits, and for any omitted communities of license, would be added to the NCTA list as promptly as possible (see paragraphs 6 and 6a above).

9. In this connection, clarification of another related aspect appears appropriate. While the provisions of proposed § 74.1107 (b), (c), and (d) necessitate precise distance computations in zone

[1] The problem does not generally arise with respect to proposed § 74.1107 (b) and (c), since most designated communities in major television markets have operating commercial stations. In the event that a CATV system is located solely within the specified zone of an ETV station, we would propose similar treatment. The proposed revision of § 74.1107(d) in Appendix A also supplies the words "in the State or the region" which were inadvertently omitted from § 74.1107 (d) (3) in our original proposal.

[2] In that event, the proposed rules would be applicable, but any CATV service which had commenced in the interim would be grandfathered as to the signals then being carried.

[2a] As in the case of the next matter (footnote 3), we intend to proceed largely on a prospective basis, namely, pleadings filed after publication of this further notice in the FEDERAL REGISTER will be governed by this revised proposal insofar as interim processing is concerned; those filed before will be governed by our prior proposed criteria. We believe that this is an appropriate way to proceed, taking into account the equity of systems which made plans and the relatively minor consequences to the public interest based upon our overall evaluation of the pending cases. However, we would make an exception to this prospective application in the case of a new CATV service in the main community or one of the most important communities in a permittee's coverage area.

[3] Pleadings filed after publication of this Notice in the FEDERAL REGISTER should use the reference points in the proposed list. Pleadings filed prior to that date need not be changed, and will be resolved upon the basis of our original proposal.

[4] Appendix B filed as part of original document.

borderline cases, § 74.1107(e) contemplates some flexibility. In proposing to require that CATV systems refrain from "leap-frogging," we did not intend to propose that fractions of miles or de minimis (e.g., less than 5 miles) differences would be determinative. It should generally suffice to measure comparative distances on a map with a ruler or a pair of dividers, even though this method is not as accurate as computations based on geographical coordinates. In the rare instance where interested persons believe that a precise measurement of comparative distance would be important, the pertinent computation would be the distance between the listed reference point for the community to which the station is licensed and the main post office in the community of the CATV system. For purposes of the interim processing procedures, the Commission will determine "leap-frogging" issues raised in the pleadings, but will not undertake an exhaustive search for any other possible "leap-frogging" except for obvious instances which have been overlooked in the pleadings.

10. There is a further related matter. Unlike proposed § 74.1107(e), which looks toward waiver of the "leap-frogging" provisions for good cause shown, proposed § 74.1107(d) (2), (3), and (4) does not permit any flexibility as to the source of the authorized signals except in the case of in-State stations. While this parallels the exception in proposed § 74.1107(e)(2)(i), there is no provision comparable to § 74.1107(e)(2)(ii) for a showing of other good cause such as a greater community of interest. We are now proposing to modify our original proposal in proposed § 74.1107(d) (2), (3), and (4) by adding a new § 74.1107(d)(6) containing a provision similar to proposed § 74.1107(e)(2) (see Appendix A), i.e., that the requirement for obtaining the authorized signals from the closest station in the region or in the State of the system may be waived for good cause shown. The discussion with respect to the measurement of distances in paragraph 9 above would apply also to the matter of alleged "leap-frogging" under proposed § 74.1107(d). Our interim processing procedures will, of course, take into account this proposed modification.

11. There is one further matter on which we specifically invite comment from interested persons. The list of designated communities in proposed § 74.1107(a) does not follow the designations of ARB, but rather is intended to reflect what the Commission believes to be appropriate in view of the nature of the respective markets (see paragraph 47 of the notice). Communities may be added or deleted in light of the comments of the parties or the experience of the Commission pursuant to the interim processing procedures. For example, it appears that the proposed designations in five markets should be revised as follows:

13. Hartford-New Haven-New Britain, Conn.
42. Albany-Schenectady, N.Y.
49. Lansing-Onondaga-Jackson, Mich.
60. Salinas-Monterey-San Jose, Calif.
78. Des Moines-Ames, Iowa.

Moreover, in view of the provisions of proposed § 74.1107(c), it has become apparent that stations licensed to other communities should be attributed to the designated community in some markets for purposes of this section, e.g., Oakland should be attributed to San Francisco. In other words, the signals in the San Francisco market which could not be carried in another major market except in accordance with the provisions of proposed § 74.1107(c), would include the signal of the station licensed to Oakland. However, the San Francisco market would have only one specified zone, measured from the reference point in the designated community, San Francisco.[5]

12. We have reached no final determination on the above or indeed on the list as a whole, but it does appear to us that the outstanding proposal should be modified as indicated above (and in Appendix A). The parties are requested to comment on these revisions and to focus on what other modifications in the proposed list of designated communities would be appropriate. Indeed, we would hope that these revisions will spur such focus and comment, and make clear the proposed nature of the list. We do not plan any further modification during the proposal stage, since it does not appear to us that constant proposed revisions would be the most appropriate or orderly way to proceed in the circumstances.

13. It has also come to our attention that in some instances the listing in proposed § 74.1107(a) may lead to anomalous results. For example, the community of Flagler Beach, Fla., lies within the proposed 35-mile zone of Orlando-Daytona Beach, but beyond the Grade B contour of all stations except WESH-TV (NBC) in Daytona Beach and some of the stations in Jacksonville, another major market. Under the proposed rules, it would appear that a system in Flagler Beach would be limited to carrying one local station in the Orlando-Daytona market. A situation of this nature calls for some form of remedial action (including under § 1.3 during the interim period) and at the least full carriage of the networks. Comments are requested on what action would be appropriate in situations of this nature.

[5] Other markets where additional communities should be attributed to the designated community for purposes of proposed § 74.1107(c), would include the following:

1. New York, N.Y. (including Newark, N.J.).
2. Los Angeles, Calif. (including Corona and Fontana, Calif.).
4. Philadelphia, Pa. (including Burlington, N.J.).
5. Boston, Mass. (including Cambridge, Mass.).
16. Cincinnati, Ohio (including Newport, Ky.).
20. Miami, Fla. (including Fort Lauderdale, Fla.).
27. Dayton, Ohio (including Kettering, Ohio).
61. Phoenix, Ariz. (including Mesa, Ariz.).
90. Fresno, Calif. (including Visalia, Calif.).
95. West Palm Beach, Fla. (including Palm Beach, Fla.).
97. Rockford, Ill. (including Freeport, Ill.).

14. Authority for the further rule making proposals set forth herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, and 403 of the Communications Act.

15. All interested persons may file comments on the revised rule making proposals set forth herein, and in the attached Appendices A and B hereto,[6] on or before June 6, 1969, and reply comments in conjunction with their reply comments on Part IV of the notice of December 13, 1968; the time for filing such reply comments is hereby extended to July 18, 1969. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this further notice. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs and other documents filed in this proceeding shall be furnished to the Commission.

Adopted: May 14, 1969.

Released: May 16, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

Part 74, Subpart K, is amended as follows:

1. In § 74.1101, paragraph (b) is revised and paragraphs (j), (l), and (m) are added as follows:

§ 74.1101 Definitions.

* * * * *

(b) *Television station; television broadcast station; television translator station.* The terms "television station" and "television broadcast station" mean any television broadcasting station operating on a channel assigned by § 73.606 of this chapter or, for purposes of §§ 74.1105 and 74.1107, a television broadcast station which is authorized but not operating. The term "television translator station" means a television broadcast translator station as defined in § 74.701. A television translator station which is licensed to, and rebroadcasts the programing of, a television broadcast station within that station's Grade B contour, shall be deemed an extension of the originating station.

NOTE: For purposes of §§ 74.1105 and 74.1107, the term "signal of a television station" includes the signal of any television station operating by authority of a country other than the United States.

* * * * *

(j) *Major television market.* The term "major television market" means the

[6] Concurring statement of Chairman Hyde and dissenting statement of Commissioner Bartley filed as part of original document; concurring and dissenting statement of Commissioner Cox not filed as part of original document; Commissioner Johnson abstaining from voting; Commissioner H. Rex Lee dissenting.

specified zone of a television station licensed to a community listed in § 74.1107 (a).

* * * * *

(l) *Smaller television market.* The term "smaller television market" means the specified zone of a television station licensed to a community which is not listed in § 74.1107(a).

(m) *Specified zone of television broadcast stations.* The term "specified zone of a television broadcast station" means the area extending 35 air miles from the listed reference point in the community to which that station is licensed by the Commission. The list of reference points is contained in § 74.1108 of this chapter. The specified zone of a television station which is authorized but not operating, terminates eighteen (18) months after the grant of the construction permit or on February 15, 1970, whichever occurs later, unless such station has received program test authority pursuant to § 73.629 of this chapter on or before the date of termination.

2. Section 74.1107 is revised to read as follows:

§ 74.1107 Requirements applicable to carriage of television broadcast signals in specified zones and in areas outside of specified zones.

(a) The major television markets and their designated communities are:

(1) New York, N.Y. (including Newark, N.J.).
(2) Los Angeles, Calif. (including Corona and Fontana, Calif.).
(3) Chicago, Ill.
(4) Philadelphia, Pa. (including Burlington, N.J.).
(5) Boston, Mass. (including Cambridge, Mass.).
(6) Detroit, Mich.
(7) San Francisco, Calif. (including Oakland, Calif.).
(8) Cleveland, Ohio.
(9) Washington, D.C.
(10) Pittsburgh, Pa.
(11) Baltimore, Md.
(12) St. Louis, Mo.
(13) Hartford-New Haven-New Britain, Conn.
(14) Providence, R.I.-New Bedford, Mass.
(15) Dallas-Fort Worth, Tex.
(16) Cincinnati, Ohio (including Newport, Ky.).
(17) Minneapolis-St. Paul, Minn.
(18) Indianapolis, Ind.
(19) Atlanta, Ga.
(20) Miami, Fla. (including Fort Lauderdale, Fla.).
(21) Buffalo, N.Y.
(22) Seattle-Tacoma, Wash.
(23) Kansas City, Mo.
(24) Milwaukee, Wis.
(25) Sacramento-Stockton, Calif.
(26) Houston-Galveston, Tex.
(27) Dayton, Ohio (including Kettering, Ohio).
(28) Columbus, Ohio.
(29) Johnstown-Altoona, Pa.
(30) Harrisburg-Lancaster-Lebanon-York, Pa.
(31) Tampa-St. Petersburg, Fla.
(32) Memphis, Tenn.
(33) Charlotte, N.C.
(34) Syracuse, N.Y.
(35) Toledo, Ohio.
(36) Portland, Oreg.
(37) Wheeling, W. Va.-Steubenville, Ohio.
(38) Grand Rapids-Kalamazoo, Mich.
(39) Denver, Colo.
(40) Birmingham, Ala.
(41) Nashville, Tenn.
(42) Albany-Schenectady, N.Y.
(43) New Orleans, La.
(44) Greenville - Spartanburg, S.C. - Asheville, N.C.
(45) Greensboro - Winston - Salem - High Point, N.C.
(46) Flint-Saginaw-Bay City, Mich.
(47) Louisville, Ky.
(48) Charleston-Huntington, W. Va.
(49) Lansing-Onondaga-Jackson, Mich.
(50) San Diego, Calif.
(51) Oklahoma City, Okla.
(52) Raleigh-Durham, N.C.
(53) Norfolk-Portsmouth-Newport News-Hampton, Va.
(54) Manchester, N.H.
(55) Omaha, Nebr.
(56) Wichita-Hutchinson, Kans.
(57) San Antonio, Tex.
(58) Tulsa, Okla.
(59) Salt Lake City-Ogden-Provo, Utah.
(60) Salinas-Monterey-San Jose, Calif.
(61) Phoenix, Ariz. (including Mesa, Ariz.).
(62) Davenport, Iowa-Rock Island-Moline, Ill.
(63) Portland-Poland Spring, Maine.
(64) Rochester, N.Y.
(65) Orlando-Daytona Beach, Fla.
(66) Richmond-Petersburg, Va.
(67) Roanoke-Lynchburg, Va.
(68) Shreveport, La.-Texarkana, Tex.
(69) Wilkes-Barre-Scranton, Pa.
(70) Green Bay, Wis.
(71) Little Rock, Ark.
(72) Champaign-Decatur-Springfield, Ill.
(73) Mobile, Ala.-Pensacola, Fla.
(74) Cedar Rapids-Waterloo, Iowa.
(75) Jacksonville, Fla.
(76) Spokane, Wash.
(77) Knoxville, Tenn.
(78) Des Moines-Ames, Iowa.
(79) Jackson, Miss.
(80) Cape Girardeau, Mo.-Paducah, Ky.-Harrisburg, Ill.
(81) Columbus, Ga.
(82) Youngstown, Ohio
(83) Columbia, S.C.
(84) Baton Rouge, La.
(85) Springfield-Holyoke, Mass.
(86) Greenville-Washington-New Bern, N.C.
(87) Binghamton, N.Y.
(88) Madison, Wis.
(89) Lincoln-Hastings-Kearney, Nebr.
(90) Fresno, Calif. (including Visalia, Calif.).
(91) Chattanooga, Tenn.
(92) Evansville, Ind.
(93) Sioux Falls, S.C.
(94) South Bend-Elkhart, Ind.
(95) West Palm Beach, Fla. (including Palm Beach, Fla.).
(96) Fort Wayne, Ind.
(97) Rockford, Ill. (including Freeport, Ill.).
(98) Peoria, Ill.
(99) Augusta, Ga.
(100) Terre Haute, Ind.

(b) Carriage of distant signals in major television markets: No CATV system operating in a community located in whole or in part, within the specified zone of a television broadcast station assigned to a designated community in a major television market shall extend the signal of a commercial television broadcast station beyond the predicted Grade B contour of the station, unless such station has expressly authorized the system to retransmit the program or programs on the signal to be extended: *Provided, however,* That the system may carry the signal of any noncommercial educational station, in the absence of timely objection filed pursuant to § 74.1109 by any local educational station or by any local or state educational television agencies: *Provided, further,* That priority of carriage is afforded to the signals of educational stations located in the same State or closest to the system.

(c) Carriage of signals from a major television market in another major market: No CATV system operating in a community located wholly within the specified zone of a television broadcast station assigned to a designated community in a major television market shall carry the signal of a commercial television broadcast station assigned to a designated community in another major television market, unless the community of the CATV system is also located wholly within the specified zone of the station in the other major market or unless the system has the express authorization of the originating station to retransmit the program or programs on the signal to be extended: *Provided, however,* That the system may carry the signal of any noncommercial educational station assigned to such other major market, in the absence of timely objection filed pursuant to § 74.1109 by any local market educational station or by any local or State educational television agencies.

(d) Carriage of distant signals in smaller television markets:

(1) No CATV system operating in a community located, in whole or in part, within the specified zone of a commercial television broadcast station assigned to a smaller television market shall extend the signal of a television broadcast station beyond the predicted Grade B contour of such station, except as authorized in subparagraphs (2), (3), and (4) of this paragraph: *Provided, however,* That such a system may carry additional distant signals if the system has the express authorization of the originating station to retransmit the program or programs on any additional signals to be extended.

(2) The system may carry such distant signals as may be necessary to furnish to its subscribers the signals of a full network station of each of the national television networks counting any full network stations carried on the system pursuant to § 73.1103(a) of this chapter, provided that the distant signals are obtained from the closest full network station in the region or in the State of the system and do not include more than one full network station of the same network.

(3) The system may carry the distant signal of one independent station obtained from the nearest community in the State or region with an operating independent station or stations. In the event that such community has more than one operating independent station, the system shall select the signal of whichever independent station it chooses to carry. The system may also carry the distant signal of any independent station that may subsequently commence

operation at a location closer to the community of the system.

(4) The system may carry the signal of any noncommercial educational television station, in the absence of timely objection filed pursuant to § 74.1109 by any local educational station or by any local or State educational television agencies, provided that priority of carriage is afforded to the signals of educational stations located in the same State or closest to the system.

(5) A CATV system operating in a community located outside of the specified zones of all commercial television broadcast stations but within the specified zone of a noncommercial educational television station, in whole or in part, may carry the signals of commercial television broadcast stations in accordance with the provisions of paragraph (e) of this section, and may carry the signal of any noncommercial educational television station, in the absence of timely objection filed pursuant to § 74.1109 by the local educational station or by any local or State educational television agencies, provided that priority of carriage is afforded to signals of educational stations located in the same State or closest to the system.

(6) The Commission may waive the requirement that distant signals carried pursuant to subparagraphs (2), (3), (4), and (5) of this paragraph shall be obtained from the closest relevant station in the State or in the region of the system for good cause shown in a petition filed pursuant to § 74.1109, such as a showing that the system's subscribers have a greater community of interest with the community of the more distant station.

(e) Carriage of distant signals in areas outside any specified zone:

(1) No CATV system operating outside the specified zones of all television broadcast stations shall extend the signal of any television broadcast station beyond the station's predicted Grade B contour unless the system is carrying the signals of all television broadcast stations in the same class that are operating in communities located closer to the system. The classes of television broadcast stations to which this subparagraph is applicable are the following:

(i) Stations that are full network stations of the same network.

(ii) Stations that are partial network stations of the same network or networks.

(iii) Independent stations.

(iv) Noncommercial educational stations.

(2) The Commission may waive the provisions of subparagraph (1) of this paragraph for good cause shown in a petition filed pursuant to § 74.1109, such as a showing that (i) the community of the more distant station is located in the same State or (ii) the system's subscribers have a greater community of interest with the region served by the more distant station.

(f) Applicability of this section: The provisions of this section do not apply to any signals which a CATV was supplying to subscribers in its community on December 20, 1968 (or pursuant to prior Commission authorization, whenever given), or to carriage of the same signals by any other CATV system that subsequently commences operation in the same community, unless it is proposed to extend lines into another community. Where a CATV system is limited by order of the Commission to carrying signals governed by this section only in particular geographic areas of a community, the provisions of this section shall apply to carriage of such signals by any CATV system in all other areas of that community.

[F.R. Doc. 69-6061; Filed, May 20, 1969; 8:51 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 34]

DEPUTY ADMINISTRATOR

Delegation of Authority

Pursuant to the authority vested in me by Delegation of Authority No. 104, dated November 3, 1961, from the Secretary of State, the Deputy Administrator of the Agency for International Development is hereby designated to serve as full Deputy and alter ego to the Administrator and is responsible under my general direction for all aspects of the Agency's activities. In accordance with the foregoing, and to the extent consistent with law, the Deputy Administrator is authorized to represent, and to exercise the authority of the Administrator with respect to all functions now or hereafter conferred upon or held by the Administrator of the Agency for International Development by Delegation of Authority No. 104, as amended from time to time, or by or under any Agency Regulation, Manual Order, Directive, Notice, or other issuance, and all functions or authorities delegated or assigned to, or otherwise conferred upon or held by me, as Administrator, or as a head of an agency by law or regulation of any competent authority.

Delegation of Authority No. 34 from the Administrator, dated February 29, 1964 (29 F.R. 3240) is hereby rescinded.

This delegation of authority shall be effective immediately.

Dated: May 13, 1969.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 69-6015; Filed, May 20, 1969; 8:47 a.m.]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Addendum for Argentina

A. The Agency for International Development has issued a public Announcement, entitled "Reopening of the Latin American Housing Guaranty Program." This Announcement provides that competitive applications will be taken for new housing investment guaranty projects in Argentina from October 1 to October 15, 1969, and provides a tentative allocation of U.S. $6,000,000 of guaranty authority for this purpose.

B. *General requirements for all housing guaranty projects approved for Argentina*—1. *Government of Argentina guaranty.* The Government of Argentina shall provide a full faith and credit guaranty of repayment of the loan. The guaranty of the Government of Argentina shall be payable in U.S. dollars.

2. A.I.D. will require adjustable mortgage payments by homeowners based on a formula, acceptable to A.I.D., which will adjust the outstanding mortgage of each homeowner, periodically in accordance with an approved index which will reflect the trend of internal costs and prices in Argentina. The mortgages now being utilized by BHN in existing housing guaranty projects satisfy these conditions.

3. *Fees, reserves and charges*—a. *A.I.D. guaranty fee.* Pursuant to the Government of Argentina guaranty, the A.I.D. fee will be one-half of 1 percent per annum.

b. *Reserves.* In view of the Government of Argentina guaranty and adjustable mortgage payments by homeowners, no additional reserves will be required by A.I.D.

c. *Other charges.* Applicants should consult with the BHN as to their fees for performing the functions shown in paragraph C1 below, which will affect the total interest rate paid by the individual home purchasers when estimating the homeowner's monthly payments. In housing projects for lower income families, corresponding fees of the appropriate participating entity should be obtained.

C. *Guidelines for applicants under the five categories of applications which may be filed*—1. *Pilot Demonstration Projects.* All applicants shall obtain the approval of the Banco Hipotecario Nacional (National Mortgage Bank) of the proposed project prior to filing an application under this category. Such approval shall be in the form of a letter from the Banco Hipotecario indicating its approval, in principle, of the proposed housing guaranty project. Such letter shall be included with the application as Exhibit #12. All proposed projects approved by A.I.D. will be implemented with the participation of Banco Hipotecario (BHN). The BHN will participate in the following functions in connection with each Housing Guaranty Project approved by A.I.D.: (a) Approve plans and specifications; (b) provide the Government of Argentina guaranty; (c) act as borrower; (d) act as Administrator. The Maximum selling price of houses in the pilot or demonstration category which A.I.D. will approve at the time construction of the project commences is U.S. $7,500.

2. *Credit institution projects.* Applications under this category will not be accepted in Argentina at the present time.

3. *Housing projects for Lower income families.* Applicants under this category may obtain approval of proposed projects from participating entities such as the Housing Institute of the Province of Buenos Aires or from the appropriate office of the City of Buenos Aires or from other appropriate municipal entities in Argentina concerned with providing housing for lower income families.

Applicants may propose a basic home price ceiling under this category at the time construction of the project commences in amount of up to U.S. $4,000.

4. *Housing Projects that will promote the development of institutions important to the success of the Alliance for Progress.* All applicants shall obtain the approval of the Banco Hipotecario and the provisions in paragraph C1 above relative to the Banco Hipotecario shall apply to applications filed under this category.

Applicants may propose a basic home price ceiling under this category at the time construction of the project commences in an amount of up to U.S. $6,000.

5. *Local Participation Projects.* All applicants shall obtain the approval of the Banco Hipotecario and the provisions in paragraph C1 above relative to the Banco Hipotecario shall apply to applications filed under this category. The maximum selling price of houses in the local participation category which A.I.D. will approve at the time construction of the project commences is U.S. $6500.

D. *In closing.* For additional information on any of the above requirements or for information on any aspect of the housing guaranty program for Argentina, please communicate with:

The United States A.I.D. Mission to Argentina, c/o American Embassy, Buenos Aires, Argentina.
Stanley Grand, A.I.D. Representative.
Ronald Russel, Urban Development Officer.

Additional information concerning this program may be obtained from:

Housing and Urban Development Division, Latin America Bureau, Agency for International Development, Department of State, Room 2242, Washington, D.C. 20523.
Stanley Baruch, Director.
Peter M. Kimm, Deputy Director for Guaranties and Engineering.

STANLEY BARUCH,
Director, Housing and Urban Development.

[F.R. Doc. 69-6016; Filed, May 20, 1969; 8:47 a.m.]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICA COUNTRIES

Special Addendum for Barbados

The Agency for International Development has issued a public announcement entitled "Reopening of the Latin American Housing Guaranty Program." That Announcement provides that competitive

applications, for new Housing Investment Guaranty Projects in Barbados, will be received at the USAID Mission in Bridgetown from September 1 to September 15, 1969. In addition to the general requirements for competitive applications set forth in that Announcement the following requirements have been established specifically for Housing Investment Guaranty Projects proposed for Barbados.

1. Applications will be accepted only under subsection 224(b)(1) of the Foreign Assistance Act of 1961 as amended: pilot or demonstration private housing projects. This category is more fully described in paragraph C(1) of the Information for Applicants.

2. The Government of Barbados has set aside adequate undeveloped land for the development of a residential project or projects in the southern sector of the Cave Hill area of Barbados. The Cave Hill area is approximately three (3) miles north of Bridgetown, Barbados.

The land selected is wholly owned by the Urban Development Corporation, a semiautonomous agency of the Government of Barbados.

No applications will be accepted which do not propose development and construction of residences in the selected area.

Information regarding the site, undeveloped land cost, payment for the land, and other factors affecting site development must be obtained from Mr. Louis Redman, Manager, Urban Development Corporation, Bridgetown, Barbados.

3. Letters issued by the Urban Development Corporation and the Town and Country Planning Office, Ministry of Home Affairs, Government of Barbados expressing approval in principle of the proposed project must accompany each application.

4. In the competitive evaluation of applications special consideration will be given to projects which would provide (a) the highest dollar value in housing for the lower to middle income buyers, within the sales price ceiling set forth in the Information for Applicants; (b) creative innovations in design, building construction methods and/or use of native materials (this does not include unproven, experimental methods of construction); (c) clear evidence of ability to commence and complete the project in the shortest possible time.

5. Maximum sales prices shall be as described in paragraph C(1)(c) of the Information for Applicants.

6. The A.I.D. Guaranty fee shall be as described in paragraph F(1)(a), F(1)(b)(ii), and F(1)(c), of the Information for Applicants.

7. A.I.D. shall require the establishment of a reserve fund to cover defaults and delinquencies by individual homeowners through the assessment of an initial payment of 1½ percent of the mortgage amount at the time of closing. No monthly charge for this purpose will be assessed.

STANLEY BARUCH,
Director, Housing and Urban Development.

[F.R. Doc. 69-6017; Filed, May 20, 1969; 8:47 a.m.]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Addendum for Colombia

The Agency for International Development has issued a public announcement, dated April 16, 1969, entitled "Reopening of the Latin American Housing Guaranty Program." That announcement provides that competitive applications, for new housing investment guaranty projects in Colombia, will be received at the USAID Mission in Bogota from November 1 to November 15, 1969. In addition to the general requirements for competitive applications set forth in that announcement the following requirements have been established specifically for housing investment guaranty projects proposed for Colombia.

Special addendum for Colombia.—1. *Government of Colombia guaranty.* The Government of Colombia shall provide a full faith and credit guaranty to A.I.D. assuring against any and all losses resulting to A.I.D. by virtue of its guaranty to the U.S. investor or investors. This guaranty by the Government of Colombia may be obtained through the Instituto de Credito Territorial (ICT).

2. *Fees, reserves and charges.*—A. A.I.D. guaranty fee: Pursuant to the Government of Colombia Guaranty, the A.I.D. Guaranty Fee will be one-half of 1 percent per annum. A.I.D. will not require additional reserves.

B. Applicants should consult with the ICT to determine additional fees and reserves that may be required by virtue of the participation of that institution directly or through any other institutions acting in a fiduciary or other participating role.

3. *Size of projects proposed.* It is desirable to have no less than 400 dwelling units in any one project.

4. *Unit prices.* Maximum prices shall be in accordance with the requirements of the individual categories of applications.

5. *Location of projects.* Applications will only be accepted for competitive projects proposed to be located in either Bogota, Medellin, Cali, or Barranquilla.

6. *Approvals.* All applications will require the approval, prior to submission to USAID/Bogota, of the Colombian National Department of Planning and of ICT which will act as agencies of the Government of Colombia in their respective fields to assure that each project will be:

A. Integrated into the overall national development plans; and

B. In accordance with local and regional housing policies and form part of an official, approved Urban Renewal program;

C. Guided by the prompt application of existing legislation and regulatory procedures relevant to it;

D. Supported by the municipal jurisdiction in which it is to be located with such financial and other resources which are necessary to provide utility, education, and community services required;

E. Composed of multifamily dwelling units in apartment groupings. Further information concerning the policies, plans, and program mentioned above may be obtained from ICT.

7. *Guidelines for applications under the five categories of applications which may be filed.* A. Pilot or Demonstration Projects: The maximum selling prices of houses in the pilot or demonstration category which A.I.D. will approve at the time construction of the project commences is U.S. $7,500.

B. Credit Institution Projects: Applications under this category must contain an explanation of the way in which the credit institution would preserve value of its investments and would attract savings to the institution.

C. Housing Project for Lower Income Families: Because of the current costs of financing and of the standards noted above, it is not anticipated that projects under this category would be viable at this time.

D. Housing projects that will promote the development of institutions important to the success of the Alliance for Progress: The maximum selling price of dwelling units in this category which A.I.D. will approve at the time construction of the project commences is U.S. $6,500.

E. Local Participation Projects: The maximum selling price of dwelling units in the local participation category which A.I.D. will approve at the time construction of the projects commences is U.S. $6,500.

8. *Administrator.* As of present time the only institution approved by A.I.D. to act as an Administrator for A.I.D. guarantied Housing Projects in Colombia is ICT.

9. *Additional information.* For additional information on any of the above requirements or for information on any aspect of the Housing Guaranty Program for Colombia, please communicate with:

The U.S. A.I.D. Mission to Colombia, c/o American Embassy, Bogota, Colombia. Attention: Housing and Urban Development Office.

STANLEY BARUCH,
Director, Housing and Urban Development.

[F.R. Doc. 69-6018; Filed, May 20, 1969; 8:47 a.m.]

LIST OF INELIGIBLE SUPPLIERS

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 is currently in effect. All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. *Purpose of the List.* The List of Ineligible Suppliers implements the provisions of A.I.D. Regulation 8, "Suppliers of Commodities and Commodity-Related Services Ineligible for A.I.D. Financing" (22 CFR Part 208). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 3 of a printed or published list has been placed thereon for the causes specified in § 208.5 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an A.I.D. Letter of Commitment, special attention is called to the fact that the list as periodically modified by A.I.D. constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on the list, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the list and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR 201.73(f)) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents of the List.* The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the list are communicated directly to every U.S. bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

SEC. 3. *Suppliers debarred from A.I.D. financing.*

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT

Aadal, Mr. Manoutchehr, 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

A-Dong Industrial Co., Ltd., Box 1613, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

All American Fabrics Co., 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

American Asia Lines, 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Amerimpex Trading Co., 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Ando, Mr. Hitachi [aka Chang, Chung Kyun], President, Osaka Koeki Co., Ltd., Dojima Bldg., 50 Kinugasa-Cho, Kita-Ku, Osaka, Japan, Mar. 31, 1967, 4/26/68–4/26/71.

Aqua International Corp., 29 Broadway, New York, N.Y. 10006, Mar. 26, 1965, 3/22/67–3/22/70.

Chao, Mr. L. Yuan, President-Manager, Yuan Ta Sheung Hong Co., Ltd., 324 Cheng An, West, Taipei, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

Cheng Feng Trading Co., Ltd., Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 23, 1966, 10/17/67–10/17/70.

Cheng, Mrs. Jean, Secretary-Treasurer, Osborne Engineering Co., 1899 South Seventh Street, Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Cheng, Mr. K. K., President, Osborne Engineering Co., 1899 South Seventh St., Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Chi, Mr. Chu-Hu, Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 23, 1966, 4/14/67–4/14/70.

Chie, Mr. C. F., Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 23, 1966, 4/14/67–4/14/70.

Chie Ho Industrial Co., Ltd., Cheng Teh Road 9–1, Lane 57, Taipei, Taiwan, June 23, 1966, 4/14/67–4/14/70.

China Electrode Manufacturing Co., Ltd., 79–4 Chung Hwa Rd., Taipei, Taiwan, Jan. 29, 1968, 2/26/68–2/26/71.

Chung Kum Products, Ltd., Tai-Yang Bldg., 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Chunusa Co., Ltd., Room 1305, Yau Yue Bank Bldg., 127 Des Voeux Road C., Hong Kong, B.C.C., Aug. 29, 1967, 10/17/67–10/17/70.

DAI Industrial Co., Ltd., Room No. 303–306, Tai-Yang Bldg, 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Darab, Mr. Nasrollah, 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Eagan, Mr. Edward, 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968, 2/13/69–2/13/72.

Eastern Tinplate Distributors, 431 60th St., West New York, N.J. 07093, Feb. 14, 1968, 2/13/69–2/13/72.

En Am Machinery Works, 43–3 Chung Hsiao St., Feng Yuan, Taichung Hsien, Taiwan, June 23, 1966, 10/17/67–10/17/70.

Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, Dec. 8, 1967, 1/20/69–1/20/72.

Fox, Mr. Arnold M., 431 60th St., West New York, N.J. 07093, Feb. 14, 1968, 2/13/69–2/13/72.

Greene, Mr. Roy K., 415 East 52d St., New York, N.Y. 10022, Oct. 27, 1965, 4/14/67–4/14/70.

Han Gook Organ Needle Co., Ltd. [aka Korean Organ Needle Co., Ltd.], Onch'on-dong Tongnae-go, Pusan City, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Harfa Commercial Co., 170 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Hourcade, Mr. Jean, President, Marocaine D'Appareils de Mesure, 90 Rue Pierre Parent, Casablanca, Morocco, Mar. 8, 1968, 4/5/68–4/5/71.

International Manufacturers Agency, 129–131 Bui Huu Nghia St., Cholon, Saigon, South Vietnam, Aug. 29, 1967, 10/17/67–10/17/70.

International Tinplate Sales Co., 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968, 2/13/69–2/13/72.

Kao Hsing Iron and Steel Co., Ltd., 31 Lih Hsing Rd., Koahsiung, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

K.B.S. Trading Co., Ltd., 1334 Young St., Honolulu, Hawaii, Mar. 31, 1967, 4/26/68–4/26/71.

Khotpanya, Mr. Thao, No. 513 Sam Sene Tkai Rd., Vientiane, Laos, Dec. 30, 1968, 2/1/69–2/1/72.

Kim, Mr. B. H. [aka Kim, Byong Hwan], DAI Industrial Co., Ltd., Room 303–306, Tai-Yang Bldg., 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967, 4/26/68–4/26/71.

Kwak, Mr. William [aka Kwak, Byong Soo], K.B.S. Trading Co., Ltd., 1334 Young St., Honolulu, Hawaii, Mar. 31, 1967, 4/26/68–4/26/71.

Ly, Mr. Kouang Sae, No. 513 Sam Sene Tkai Rd., Vientiane, Laos, Dec. 30, 1968, 2/1/69–2/1/72.

Marine Leasing, Ltd., 1624 Central Bldg., Pedder St., Hong Kong, B.C.C., Sept. 1, 1967, 11/1/68–11/1/71.

Marocaine D'Appareils de Mesure, 90 Rue Pierre Parent, Casablanca, Morocco, June 30, 1967, 4/5/68–4/5/71.

Monarch Processing Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Monarch Trading Co., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Monarch Trading Co., Inc., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.

Namdar, Mr. Faizollah, 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

National Oxygen & Equipment Co., 1899 South Seventh St., Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Navarra, Mr. Guy, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967, 9/23/68–9/23/71.

Navarra, Mr. Sauveur, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967; 9/23/68–9/23/71.

Nederlandse Radiateuren Fabriek au Maroc, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967, 9/23/68–9/23/71.

North American Inspection Agency, 431 60th St., West New York, N.J. 07093, Feb. 14, 1968, 2/13/69–2/13/72.

Osaka Koeki Co., Ltd., Dojima Bldg., 50 Kinugasa-Cho, Kita-Ku, Osaka, Japan, Mar. 31, 1967, 4/26/68–4/26/71.

Osborne Engineering Co., 1899 South Seventh St., Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Osborne Export-Import Co., 1899 South Seventh St., Louisville, Ky. 40208, Nov. 16, 1967, 12/14/67–12/14/70.

Priyathanaphong, Mr. Boonsak, Proprietor, Roong Riang Registered Ordinary Partnership, 535–537 Suntipaph Rd., Bangkok, Thailand, Dec. 30, 1968, 2/1/69–2/1/72.

Rafati, Mr. Hassan, 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.

Richoux Co., Inc., 1133 Broadway, New York, N.Y. 10010, Dec. 8, 1967, 1/20/69–1/20/72.

Rodman, Mr. Norman, 1624 Central Bldg., Pedder St., Hong Kong, B.C.C., Sept. 1, 1967, 11/1/68–11/1/71.

Roong Riang Registered Ordinary Partnership, 535–537 Suntipaph Rd., Bangkok, Thailand, Dec. 30, 1968, 2/1/69–2/1/72.

Saharojn Weaving Factory Limited Partnership [aka Hah Heng Weaving Factory], No. 65 Buntuttong Rd., Trogput Lane, Bangkok, Thailand, Dec. 30, 1968, 2/1/69–2/1/72.
Steel Factories Co., 431 60th St., West New York, N.J. 07093, Feb. 14, 1968, 2/13/69–2/13/72.
Tinmill Products Co., 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968, 2/13/69–2/13/72.
Tinplate Association, Inc., 101 Maiden Lane, New York, N.Y. 10038, Feb. 14, 1968, 2/13/69–2/13/72.
Transasia Carrier Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 11/12/67–11/12/70.
Transasia Marine Corp., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.
Transasia Steamship Co., Inc., 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.
Transasia Transportation Corp. 150 Broadway, New York, N.Y. 10038, May 23, 1964, 3/22/67–3/22/70.
Unico, J. E., Ltd., 3, Jalad Muang Rd., Bangkok, Thailand, July 31, 1967, 8/22/68–8/22/71.
United Steel and Wire Corp., 375 Park Ave., New York, N.Y. 10022, Oct. 27, 1965, 4/14/67–4/14/70.
Western National Fabrics Co., 277 Broadway, New York, N.Y. 10007, May 23, 1964, 3/22/67–3/22/70.
Wewerka, Mr. Victor, President, Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, Dec. 8, 1967, 1/20/69–1/20/72.
Worldwide Export Co., 79 Wall St., New York, N.Y. 10005, May 23, 1964, 3/22/67–3/22/70.
Yuan Feng Trading Co., 324 Cheng An, West, Taipei, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.
Yuan Ta Sheung Hong Co., Ltd., 324 Cheng An, West, Taipei, Taiwan, Mar. 4, 1968, 3/29/68–3/29/71.

SEC. 4. *Suppliers suspended from A.I.D. financing.* The following persons have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such persons:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Alabama Flour Mills, 2050 Market St. NE., Decatur, Ala., Mar. 5, 1969.
Apollo International Corp., 55 Northern Blvd., Greenvale, N.Y., Mar. 20, 1969.
Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Associated Chemo-Pharm Industries, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Bershad, Mrs. Carolyn, 8211 Streamwood Dr., Baltimore, Md. 21208, Sept. 26, 1967.
Bershad, Mr. Irving, 8211 Streamwood Dr., Baltimore, Md. 21208, Sept. 26, 1967.
Bogota Laboratories, Inc., Post Office Box 127, Somerset, N.J., Feb. 12, 1969.
Bottone, Dr. Caesar, 1209 Anderson Ave., Fort Lee, N.J., Nov. 9, 1966.
Cathay Steel Export Corp., 160 Broadway, New York, N.Y. 10038, Sept. 26, 1967.
Cerco, Inc., 1124 Ashford Ave., Santurce, P.R. 00907, Aug. 5, 1968.
Chusid, Mr. Gerald, 55 Northern Blvd., Greenvale, N.Y., Mar. 20, 1969.
Colony Steel Co., 122 East 42d St., New York, N.Y., Mar. 26, 1968.
Concepcion, Mr. Segismundo, 160 Broadway, New York, N.Y. 10038, Apr. 22, 1969.
Dixie Chick Co., 510 Davis St. SW., Gainesville, Ga. 30501, Mar. 5, 1969.
Eisler Engineering Co., Inc., 750 South 13th St., Newark, N.J. 07103, Mar. 26, 1968.
Empire Steel Trading Co., 80 Wall St., New York, N.Y., Feb. 12, 1969.
Flat Steel Products, Inc., 430 East 86th St., New York, N.Y., Apr. 8, 1969.
Franklin Stainless Corp., 605 Third Ave., New York, N.Y. 10016, Mar. 10, 1969.
Gubbay, Mr. Clement, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Higgins, Thomas Edison, Enterprises, Inc., 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.
Higgins, Mrs. Mabel, 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.
Higgins, Mr. Thomas Edison, 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.
Inox Corp., 85 Harbor Rd., Port Washington, N.Y., Mar. 10, 1969.
International Enterprises, 160 Broadway, New York, N.Y. 10038, Apr. 22, 1969.
Kahn, Mr. Walter J., 80 Wall St., New York, N.Y., Feb. 12, 1969.
Lowens, Mr. Ernest, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Mane Fils, Inc., 250 Park Ave. South, New York, N.Y., Jan. 7, 1969.
Marciem, S.A., c/o Buffete Tapia, Calle 31 3–80, Panama City, Republic of Panama, Oct. 25, 1967.
Meoni, Mr. A., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Monarch Industrial Corp., 430 East 86th St., New York, N.Y. 10023, Aug. 16, 1968.
Mutual International, Inc., 420–444 Market St., San Francisco, Calif. 94111, Sept. 23, 1968.
Nadler, Mr. Ira, Proprietor, Flat Steel Products, Inc., 430 East 86th St., New York, N.Y., Apr. 8, 1969.
Navarro, Mr. Ben, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
North Georgia Feed and Poultry, Inc., 514 Davis St. SW., Gainesville, Ga. 30501, Mar. 5, 1969.
Palmetto Industry Co., 32 Broadway, Suite 808, New York, N.Y. 10004, Mar. 15, 1968.
Panmed Pharmaceuticals, Inc., 1209 Anderson Ave., Fort Lee, N.J. 07025, Nov. 9, 1966.
Pharma Scienta, 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, Dec. 19, 1966.
Richter, Gedeon, Pharmaceutical Products, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Sanyo Seiki Trading Co., Ltd., 35 Po Ai Rd., Taipei, Taiwan, Nov. 20, 1968.
Schuco Industries, Inc., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.
Schuco International Corp., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.
Schuco Laboratories, Inc., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.
Schuco Sales, Inc., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.
Schueler and Co., 110 Fifth Ave., New York, N.Y. 10011, Mar. 15, 1968.
Schueler, Mr. Hassan E., 110 Fifth Ave., New York, N.Y. 10011, June 26, 1968.
Shalom, Mr. Raleigh, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Societe des Laboratories Reunis (SOLAR), 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, Dec. 19, 1966.
Societe Tunisienne Compto, Rue Es Sadikia, Tunis, Tunisia, June 24, 1968.
Spe-D-Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.
Stuhr-Kennedy Shipping Co., 1320 Peralta St., Berkeley, Calif., Mar. 21, 1968.
Stuhr, Mr. Raymond H., 1320 Peralta St., Berkeley, Calif., Mar. 21, 1968.
Surplus Steel Exchange, Inc., 227 Fulton St., New York, N.Y. 10007, Jan. 16, 1968.
Szybalski, Mr. S., 1209 Anderson Ave., Fort Lee, N.J. 07025, Nov. 9, 1966.
Talve, I. D., Trading Co., Inc., 605 Third Ave., New York, N.Y. 10016, Mar. 10, 1969.
Talve, Mr. Isidore, 605 Third Ave., New York, N.Y. 10016, Mar. 10, 1969.
Tricon International, Inc., 160 Broadway, New York, N.Y. 10038, Apr. 22, 1969.
Tumay, Mr. Francis, President, Palmetto Industry Co., 32 Broadway, Suite 808, New York, N.Y. 10004, Mar. 15, 1968.
United Pharmacal Laboratories, Post Office Box 1718, Lot 28, Foreign Trade Zone, Mayagues, P.R., Dec. 19, 1966.
White Magic Co., 660 Capri Blvd., Treasure Island, Fla. 33706, Apr. 5, 1967.
Wong, P. C., & Co., 156 Funston St., San Francisco, Calif., Sept. 23, 1968.
Wong, Mr. Peter C., 156 Funston St., San Francisco, Calif., Sept. 23, 1968.

JAMES M. KEARNS,
Acting Assistant Administrator for Administration.

MAY 12, 1969.

[F.R. Doc. 69-6019; Filed, May 20, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 215]

ADVISORY COMMITTEE ON ETHICAL STANDARDS

Establishment

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and under the authority vested in me by Treasury Order No. 190, Revision 6, I hereby establish in the Office of the Secretary an Advisory Committee on Ethical Standards.

The Committee shall be composed of the General Counsel, who shall serve as Chairman, the Fiscal Assistant Secretary and the Director of the Office of Personnel. The deputy of any member may serve in the absence of his principal.

The Committee shall consider and advise upon the questions of conflict of interest and the matters of ethical judgment which may be stated for its consideration in the Standards of Conduct of the Treasury Department, 31 CFR Part 0, Treasury Personnel Manual, Chapter 735. Until those standards are revised, the Committee shall perform those functions now specified therein for the Ad Hoc Committee on Ethical Standards.

Treasury Department Order No. 188 (Revised) establishing the Ad Hoc Advisory Committee on Ethical Standards is hereby revoked.

Dated: May 13, 1969.

[SEAL] CHARLS E. WALKER,
Under Secretary of the Treasury.

[F.R. Doc. 69-6045; Filed, May 20, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 1429]

CALIFORNIA

Opening of National Forest Land From Waterpower Withdrawals

MAY 13, 1969.

1. In an order issued January 22, 1969, the Federal Power Commission vacated

the power withdrawals created pursuant to the filing of an application for license for Project No. 185 for the following described land as well as other land in Project No. 185 and Project No. 1123 withdrawn for transmission line purposes:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 1 E.,
Sec. 8, W½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, and NE¼SE¼;
Sec. 14, SW¼NE¼ and SE¼NW¼;
Sec. 16, W½NE¼ and E½NW¼;
Sec. 18, lot 6, S½NE¼NW¼ (S½N½NW¼), and S½N½NE¼NW¼.

The areas described aggregate approximately 570 acres in San Bernardino County within the San Bernardino National Forest.

2. By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the finding and order of the Federal Power Commission and pursuant to the authority delegated to me by the Manager, June 25, 1968 (33 F.R. 9308), it is ordered as follows:

The land in transmission lines referred to in the January 22, 1969, order have been subject to the General Determination of the Federal Power Commission issued April 17, 1922.

At 10 a.m. on June 9, 1969, the land described in paragraph 1 herein will be open to such forms of disposition as may by law be made of national forest land, subject to valid existing rights and the provisions of existing withdrawals.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 69-6007; Filed, May 20, 1969; 8:47 a.m.]

[Serial No. I-2930]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 14, 1969.

The Geological Survey has filed an application, Serial Number I-2930 for the withdrawal for powersite classification purposes of the lands described below, from all forms of appropriation under the public land laws, subject to existing valid rights, excepting locations of mining claims as provided for in the Act of August 11, 1955 (69 Stat. 681), mineral leasing under the mineral leasing laws, and disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604), as amended.

The classification is to protect the potential value of reservoir sites which may be developed along this stretch of the Snake River for conservation of water and for development of hydroelectric power.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources. He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Geological Survey.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

POWERSITE CLASSIFICATION NO. 460

BOISE MERIDIAN, IDAHO

T. 6 S., R. 12 E.,
Sec. 12, lot 11.

The area described is an island in the Snake River containing 4.96 acres between Gooding and Twin Falls Counties.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-6042; Filed, May 20, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CASE WESTERN RESERVE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00343-33-46500. Applicant: Case Western Reserve University, Medical School, 2109 Adelbert Road, Cleveland, Ohio 44106. Article: Ultramicrotome, Model LKB 8800A, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used by graduate students and established investigators on our staff to prepare ultrathin sections of developing skeletal and cardiac muscle, normal and regenerating nerves, normal and regenerating neural retina of eyes, and mitochondrial and chloroplast fractions prior to their examination in the electron microscope. Many of these projects involve high resolution microscopy and the tracing of the morphological pathways of isotopic molecules by autoradiography. Consequently, a wide range of section thicknesses are required from 50Å to 2u. Frequently, serial sections of uniform thickness are required. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of specimens in the ultrathin range, which must be consistently uniform and accurate. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorval Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5986; Filed, May 20, 1969; 8:45 a.m.]

CLARKSON COLLEGE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00277-25-34095. Applicant: Clarkson College of Technology, Potsdam, N.Y. 13676. Article: Generalised electrical machine set. Manufacturer: Mawdsley's Ltd., United Kingdom. Intended use of article: The article will be used for teaching and research pertaining to the theory of electrical rotating machines. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a motor-generator unit that is specifically designed to demonstrate the theory of electrical motors and generators on electrical rotating machines. The only comparable instrument known to be manufactured in the United States is the generalized machine manufactured by Westinghouse Electric Corp. This domestic apparatus is limited to a two-phase operation, whereas the foreign article is capable of three-phase operation. This difference is considered to be significant because it extends the range of electrical phenomena which can be demonstrated to students and, therefore, is a pertinent characteristic of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5987; Filed, May 20, 1969; 8:45 a.m.]

COLORADO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00320-33-46500. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Ultramicrotome, Model LKB 8800A. Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the factors contributing to and influenced by regeneration and aging in vertebrate and invertebrates. A variety of tissues from several species are sectioned ultrathin for observation in the electron microscope. The object of the project is the explanation of those mechanisms promoting and controlling regeneration and aging. A range in section thickness of 50 angstrom units to 2,000 angstrom units is required to permit survey studies at the lower magnifications on thicker tissues, and high resolution at the higher magnifications on the ultrathin sections. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5988; Filed, May 20, 1969; 8:45 a.m.]

GEORGE WASHINGTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00350-33-46500. Applicant: The George Washington University, 21st and G Streets NW., Washington, D.C. 20006. Article: Ultramicrotome, Model LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning ultrathin epon-embedded ocular tissue on the following projects:

a. The relationship of morphology to transparency of the cornea;

b. Alterations in various layers of pathologic cornea obtained from the human eye;

c. Structural changes in ocular tisses resulting from photic and other types of injuries;

d. The movements of ions and water through the layers of the cornea of various aquatic species.

These projects require sections in the range of 50-600 angstroms thick. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of

specimens in the ultrathin range, which must be consistently uniform and accurate. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 16, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5989; Filed, May 20, 1969; 8:45 a.m.]

LOYOLA UNIVERSITY (CHICAGO)

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00321-33-46500. Applicant: Loyola University (Chicago), Stritch School of Medicine, 1400 South First Avenue, Hines, Ill. 60141. Article: Ultramicrotome, Model LKB 4800 Ultratome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning the development of the internal membrane structure in bacteria through an electron microscopic approach. Because of the nature of the studies the ultrathin section needed must be prepared in long series and must be cut in equal thickness throughout. It is imperative that the operator be able to quickly change the cutting thickness anywhere from 50 angstrom units of 2 microns. It is also intended to be used as a teaching instrument in graduate courses in microbial cytology, molecular genetics, and electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 2, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5990; Filed, May 20, 1969; 8:45 a.m.]

SINAI HOSPITAL OF BALTIMORE, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00314-33-46500. Applicant: Sinai Hospital of Baltimore, Inc., Belvedere Avenue at Greenspring, Baltimore, Md. 21215. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections for electron microscopic observations. Research consists of evaluation of fine structure of tumor cells and cytochemical localization of enzymes. In order to accomplish the experiments it is necessary to have an ultramicrotome with the greatest possible flexibility of operation which can cut long serial sections of equal thickness from 50 angstroms to 2 microns. It should be possible for the operator to easily and rapidly change serial section thickness as needed. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5991; Filed, May 20, 1969; 8:45 a.m.]

STATE UNIVERSITY COLLEGE AT ONEONTA, N.Y.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00280–01–44795. Applicant: State University College at Oneonta, Oneonta, N.Y. 13820. Article: Dipolemeter, fixed frequency 2,000 kc. Manufacturer: Kahl Scientific Instrument Corp., West Germany. Intended use of article: The article will be used by students in physical chemistry to determine such parameters as dipole moments and molecular polarization. It can be used to determine the degree of hydrogen bonding. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a dipolemeter capable of determination of the dipole moments of gases and liquids for use in structural investigations by students in physical chemistry courses. We are advised by the National Bureau of Standards (NBS), in a memorandum dated March 31, 1968, that there is no known domestic instrument or apparatus which is capable of fulfilling the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5992; Filed, May 20, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00295–33–46500. Applicant: University of California, San Francisco Medical Center, Parnassus Avenue at Arguello, San Francisco, Calif. 94122. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for thin sectioning of biologic materials for electron microscopy. These studies in cellular immunology include the study of the distribution and biological properties of isoantigens present on the cell surface of erythrocytes, leukocytes and platelets. Short and long term cultures of human lymphocytes will be studied. The response of normal individuals, agammaglobulinemics and patients with dysproteinemias will be investigated. Electron microscopy will be correlated with biochemical and immunochemical parameters. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of specimens in the ultrathin range, which must be consistently uniform and accurate. We are advised by the Department of Health, Education, and Welfare (memorandum dated Mar. 28, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT–2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–5993; Filed, May 20, 1969; 8:45 a.m.]

UNIVERSITY OF CONNECTICUT ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00567–33–46500. Applicant: University of Connecticut, Health Center, Building No. 4, Farmington Avenue, Route 4, Farmington, Conn. 06032. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in a project concerned with membranes and cell wall of bacterial cells. Thin sections of virus infected bacteria may be desired as well as general sections of whole bacterial cells. The accomplishment of these studies requires sections between 50 angstroms to 2 microns. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69–00568–33–46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare a variety of specimens for electron microscopic studies. Some of the specialized techniques which will be used in these studies include the following:

(1) Tracing foreign proteins (ferritin and horseradish peroxidase) in animal tissue.

(2) Arriving at a three-dimensional picture of individual blood cells, individual mitochondria, and the barrier between blood and lymphoid tissue.

A variety of tissues will be sectioned on this instrument, including lymphoid tissue, blood preparations, prostate, heart tissue, liver and kidney. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69–00569–33–46500. Applicant: University of Iowa, Dental

Research Laboratory, Oakdale Campus, Oakdale, Iowa 52319. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for serial and ultrathin sectioning of nerve, muscle and periodontal tissues for electron microscopy. Nerve tissue will be used for an analysis of the three dimensional relationship between nerve endings and muscle cells. Periodontal tissues will be studied with both light microscopy and high resolution electron microscopy. An extensive program is planned for development of tissue preparation for electron microscopy. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00570-33-74299. Applicant: University of Utah, Purchasing Department, Salt Lake City, Utah 84112. Article: Bed Scales, Number 719. Manufacturer: Alfred Hubscher, West Germany. Intended use of article: The article will be used in the treatment, training, development and testing of artificial kidneys of patients using artificial kidneys. The two purposes for which the article will be used are as follow:

1. The treatment and training of patients for home dialysis. Patients are connected to an artificial kidney for 6- to 8-hour dialysis treatment.

2. During the treatment of these patients in connection with artificial kidney use no changes or movement can be made by the patient. Since weight changes are important during these tests, the patient must remain in bed.

Application received by Commissioner of Customs: May 2, 1969.

Docket No. 69-00571-33-46040. Applicant: University of Pittsburgh, Fifth and Bigelow Avenues, Pittsburgh, Pa. 15213. Article: Electron microscope, Model EM 300 and accessory. Manufacturer: Philips electronic instrument, The Netherlands. Intended use of article: The article will be used for biological research and graduate student teaching concerning the following projects:

a. The characterization of the cell death process during insect and anuran metamorphosis.

b. Intracellular localization of lysosomal enzymes by electron microscope cytochemistry.

c. The ultrastructural characterization of pigment formation in the testes of genetic mutants of Ephestia.

d. Several projects will be performed as both teaching aids and dissertation research by graduate students.

Application received by Commissioner of Customs: May 2, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5994; Filed, May 20, 1969; 8:45 a.m.]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00315-33-46500. Applicant: University of Nebraska, College of Agriculture and Home Economics, Lincoln, Nebr. 68503. Article: Ultramicrotome, LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with microscopic visualization of viral particles in a variety of mammalian tissues having different densities such as intestine and lung. Observations are to be made with both light and electron microscopes, and will of necessity involve the cutting of large areas which are essentially free of sectioning artefacts. The ultrathin sections needed must be prepared in a long series and must be cut in equal thickness throughout. It is imperative that the operator be able to quickly and easily change the cutting thickness with a range of 50 angstroms to 2.0 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advanced ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5995; Filed, May 20, 1969; 8:45 a.m.]

WAYNE STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00287-33-46500. Applicant: Wayne State University, 1400 Chrysler Freeway, Detroit, Mich. 48207. Article: Ultramicrotome, LKE 8300A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in various research projects and in the instruction of graduate students in the intricacies of fine structure techniques. The research projects will involve studies on the development of the fine structure of virus particles in their intracellular milieu. Such studies require serial sections of uniform thickness to vary from 50 angstrom units to 2 microns depending on the requirements of the experiment. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is

the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Mar. 13, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT–2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-5996; Filed, May 20, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NALORPHINE HYDROCHLORIDE

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 marketed by Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486:

1. Injection Nalline HCl Adult Concentration, contains 5 milligrams of nalorphine hydrochloride per milliliter (NDA 8-279).

2. Injection Nalline HCl for Neonatal Use, contains 0.2 milligram nalorphine hydrochloride per milliliter (NDA 8-279).

The Food and Drug Administration concludes that nalorphine hydrochloride (1) is effective for the treatment of significant respiratory depression due to narcotics, for the diagnosis of possible narcotic addiction, and for the treatment of asphyxia neonatorum resulting from narcotization induced by morphine and its derivatives; and (2) is possibly effective in the prophylaxis of respiratory depression induced by morphine and its derivatives and in the prevention of asphyxia neonatorum.

The drug continues to be regarded as a new drug. Supplemental new-drug applications are required to revise the labeling and to update "deemed approved" applications providing for this drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

I. NALORPHINE HYDROCHLORIDE FOR ADULT USE

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and regards nalorphine hydrochloride as effective for the treatment of significant respiratory depression due to narcotics and for the diagnosis of possible narcotic addiction.

2. The drug is regarded as "possibly effective" in the prophylaxis of respiratory depression induced by morphine and its derivatives and in the prevention of asphyxia neonatorum.

B. *Form of drug.* Nalorphine hydrochloride preparations are in solution form suitable for intravenous, intramuscular, and subcutaneous injection and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "CAUTION: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

Nalorphine (*N*-allylnormorphine) is a synthetic congener of morphine. In structure, it differs from morphine only in that the methyl group on the nitrogen atom is replaced by an allyl group. The adult concentration contains 5 milligrams per milliliter. (Additional information should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

In the presence of a strong narcotic effect, nalorphine hydrochloride behaves as a narcotic antagonist; in the absence of narcotic effect, it behaves as a narcotic in many respects; in the presence of narcotic addiction, it produces withdrawal symptoms. It has not been shown to cause addiction. Its effect is only against narcotic-induced respiratory depression.

INDICATIONS

For the treatment of significant respiratory depression induced by morphine and its derivatives including heroin, anileridine, meperidine, methadone, levorphan, and alphaprodine.

For the diagnosis of possible narcotic addiction.

CONTRAINDICATIONS

Mild respiratory depression.

Narcotic addicts, except as a diagnostic test.

WARNINGS

The 5-milligram-per-milliliter concentration is for adult use only.

PRECAUTIONS

Nalorphine hydrochloride does not counteract mild respiratory depression and may increase it.

The effect of nalorphine hydrochloride is gradually lost with successive doses and eventually gives way to respiratory depression equal to or greater than that produced by opiates.

Nalorphine hydrochloride is not effective against respiratory depression due to nonnarcotic agents and may increase it.

The following statement should be included if applicable to the formulation: Nalorphine hydrochloride is incompatible with solutions of meperidine as precipitation caused by the buffer in the nalorphine hydrochloride will result.

ADVERSE REACTIONS

Dysphoria, miosis, pseudoptosis, lethargy, drowsiness, and sweating. Pallor, nausea, and a sense of heaviness in the limbs may occur.

In high dosage nalorphine hydrochloride may produce psychotomimetic manifestations, such as weird dreams, visual hallucinations, disorientation, and feelings of unreality.

DOSAGE AND ADMINISTRATION

To reverse respiratory depression—5 to 10 milligrams are given intravenously initially. Repeat at 10- or 15-minute intervals if necessary; not to exceed 3 doses.

The initial dose should not exceed 5 milligrams if there is doubt as to whether the respiratory depression is due to a narcotic.

To diagnose narcotic addiction—nalorphine hydrochloride may be used as a diagnostic test agent to determine narcotic addiction when it is essential that the question of narcotic addiction be resolved and other diagnostic methods are unavailable or inadequate.

In the narcotic addict, nalorphine hydrochloride can precipitate severe and exaggerated abstinence symptoms. For this reason, smaller doses must be used than in therapy. In strongly addicted individuals, symptoms may be severe enough to threaten life; thus, the test involves great risk and should be undertaken only by physicians experienced in dealing with narcotic addicts.

When nalorphine hydrochloride is given to a narcotic addict, abstinence symptoms usually appear within 20 minutes. Any manifestations of abstinence may occur, such as profuse perspiration, yawning, lacrimation mydriasis, hyperpnea, gooseflesh, nausea, vomiting, and defecation. Symptoms begin to wane in about 1 hour and disappear in about 3 hours.

Before the test is started, the following precautions should be taken with the individual to be tested:

1. Inform him of the risk involved and tell him he will become violently ill if he has been using narcotics.

2. Give him a complete physical examination and obtain a complete narcotic and medical history. In the presence of any serious organic disease, nalorphine hydrochloride is contraindicated since it may aggravate symptoms or cause severe or even fatal complications. Nalophine hydrochloride is also contraindicated in the presence of any abstinence symptoms.

The test should be performed only by a physician and it is suggested that for the protection of the physician, it be performed only in the presence of a dependable witness, preferably another physician. Bear in mind the following facts concerning the action of nalorphine hydrochloride as a diagnostic agent:

a. Withdrawal symptoms following nalorphine hydrochloride are particularly severe in methadone addicts. This is in contrast to the relatively mild symptoms produced by simply withdrawing the drug.

b. Nalorphine hydrochloride will not precipitate abstinence symptoms in meperidine addicts unless they are taking 1,600 milligrams or more daily.

c. Nalorphine hydrochloride may precipitate abstinence symptoms in persons who have received several doses of a narcotic for therapeutic analgesia.

d. The ability of nalorphine hydrochloride to detect addiction to codeine is unknown.

Test Procedure:

1. Administer nalorphine hydrochloride only by the subcutaneous route and only in the recommended doses. Use of the intravenous route or of larger doses in narcotic addicts is too hazardous for safe testing.

2. Inject 3 milligrams of nalorphine hydrochloride. If severe addiction is suspected, the initial dose should be only 1 milligram.

3. If withdrawal symptoms do not appear within 20 to 30 minutes after administration of nalorphine hydrochloride, discontinue the test unless the patient is in a hospital under medical observation.

4. If the patient is in a hospital and withdrawal symptoms do not appear within 20 to 30 minutes after administration of the initial dose of nalorphine hydrochloride, inject 5 milligrams and wait another 20 to 30 minutes.

5. If withdrawal symptoms do not appear, inject a dose of 8 milligrams and observe the patient for another 20 or 30 minutes.

If withdrawal symptoms are not apparent within 30 minutes after the third dose, it can be assumed that the individual has not recently been taking enough of any narcotic (with the exception of meperidine) to have become physically dependent. In this case, keep him under observation until the effects of the nalorphine hydrochloride have worn off, usually about 3 or 4 hours, or longer if the physician considers further observation necessary.

If necessary, the test may be terminated by administering 15 to 30 milligrams of morphine or equivalent amounts of other narcotics. Narcotics are rarely effective, however, if given before 2 hours after the last dose of nalorphine hydrochloride and by this time the abstinence symptoms have usually begun to disappear spontaneously.

If severe excitement and panic occur after the administration of nalorphine hydrochloride, they may be relieved by giving 100 or 200 milligrams of sodium pentobarbital intravenously.

Interpretation of test:

Positive: At any stage of the test, the appearance of abstinence symptoms indicates physical dependence on a narcotic.

Negative: When direct effects of nalorphine hydrochloride (such as ptosis, miosis, slurred speech, respiratory depression, etc.) are observed without any of the characteristic signs of abstinence, it can be assumed that the individual is not a narcotic addict or that he is not taking a large enough dose to have created a state of physical dependence.

OVERDOSAGE

Respiratory supportive measures, including a patent airway, oxygen administration, artificial respiration, and other supportive measures, should be used.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A2 above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for 6 months following publication hereof in the FEDERAL REGISTER to allow additional time for holders of previously approved applications or persons marketing the drug without approval to obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein.

F. *Marketing status.* The drug may continue to be marketed under the conditions described in III and IV below except that the labeling may include those claims for which the drug is considered to be possibly effective as described in paragraph D above.

II. NALORPHINE HYDROCHLORIDE FOR NEONATAL USE

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and regards nalorphine hydrochloride as effective for the treatment of asphyxia neonatorum resulting from narcotization induced by morphine and its derivatives.

2. The drug is regarded as possibly effective in the prophylaxis of respiratory depression induced by morphine and its derivatives.

B. *Form of drug.* Nalorphine hydrochloride preparations are in solution form suitable for intravenous, intramuscular, and subcutaneous injection and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "CAUTION: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

Nalorphine (*N*-allylnormorphine) is a synthetic congener of morphine. In structure, it differs from morphine only in that the methyl group on the nitrogen atom is replaced by an allyl group. The concentration for pediatric use contains 0.2 milligram per milliliter. (Additional information should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTION

In the presence of a strong narcotic effect, nalorphine hydrochloride behaves as a narcotic antagonist; in the absence of narcotic effect, it behaves in many respects as a narcotic. It has not been shown to cause addiction. Its effect is only against narcotic-induced respiratory depression.

INDICATIONS

Asphyxia neonatorum resulting from maternal narcotization induced by morphine and its derivatives, including heroin, anileridine, meperidine, methadone, levorphan, and alphaprodine.

CONTRAINDICATIONS

Mild respiratory depression.

WARNINGS

In the presence of asphyxia due to agents other than morphine and its derivatives, nalorphine hydrochloride should not be used.

PRECAUTIONS

Nalorphine hydrochloride does not counteract mild respiratory depression and may increase it.

It is not effective against respiratory depression due to nonnarcotic depression and may increase it.

The effect of nalorphine hydrochloride is gradually lost with successive doses and eventually gives way to respiratory depression equal to, or greater than, that produced by opiates.

The following statement should be included if applicable to the formulation: Nalorphine hydrochloride is incompatible with solutions of meperidine as precipitation caused by the buffer in nalorphine hydrochloride will result.

ADVERSE REACTIONS

Some irritability and a tendency to increased crying sometimes follow its use.

DOSAGE AND ADMINISTRATION

Preferably, inject directly into the umbilical vein as soon as narcosis is recognized; however, if the umbilical vein route cannot be used, injections may be made by an intramuscular or subcutaneous route.

Initial dose: 0.2 milligram in 1 cubic centimeter of solution, repeated at close intervals for a maximum of 0.5 milligram. If depression is severe, up to 0.5 milligram may be used initially.

NOTE: The 5 milligram-per-milliliter concentration is for adult use only and must be diluted with normal saline for use in newborn infants to 0.2 milligram per milliliter.

OVERDOSAGE

Respiratory supportive measures, including a patent airway, oxygen administration, artificial respiration, and other supportive measures, should be used.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A2 above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for 6

months following the publication hereof in the FEDERAL REGISTER to allow additional time for holders of previously approved applications or persons marketing the drug without approval to obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein.

F. *Marketing status.* The drug may continue to be marketed under the conditions described in III and IV below, except that the labeling may include those claims for which the drug is considered to be possibly effective as described in paragraph D above.

III. PREVIOUSLY APPROVED APPLICATIONS

A. Each holder of a "deemed approved" new-drug application (that is, an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting a supplement containing:

1. Revised labeling as needed to conform to the labeling conditions described herein for the drug.

2. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

3. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new-drug application form FD-356H to the extent described in the proposal for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER of February 27, 1969 (34 F.R. 2673).

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

1. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d), (e)) which permit certain changes to be put into effect at the earliest possible time.

2. 180 days for biologic availability data.

3. 60 days for updating information.

c. Marketing of the drug may continue until the supplemental applications submitted in accord with the paragraphs A and B above are acted upon, provided that within 60 days after publication hereof in the FEDERAL REGISTER, the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described in this announcement.

IV. NEW APPLICATIONS

A. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in the proposed regulation, § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of February 27, 1969. Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

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

1. Within 60 days after the date of publication hereof in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the act is in accord with the labeling conditions described herein.

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

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

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

V. UNAPPROVED USE OF FORM OF DRUG

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

B. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this notice. A request for such meeting should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication hereof in the FEDERAL REGISTER.

A copy of the NAS–NRC report has been furnished to the firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject drugs or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC reports: Press Relations Office (CE-300).
Supplements: Office of Marketed Drugs (MD-300), Bureau of Medicine.
Original (abbreviated) new-drug applications: Office of Marketed Drugs (MD-300), Bureau of Medicine.
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

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

Dated: May 13, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-6003; Filed, May 20, 1969; 8:46 a.m.]

STREPTOMYCIN SULFATE FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following streptomycin sulfate preparations for parenteral use:

1. Streptomycin Sulfate Powder, equivalent to 1.0 gram of streptomycin base per vial, marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

2a. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per ampoule; and

b. Streptomycin Sulfate Injection, equivalent to 0.5 gram of streptomycin base per cubic centimeter; both marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206.

3a. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per vial; and

b. Streptomycin Sulfate Injection, equivalent to 0.5 gram of streptomycin base per cubic centimeter; both marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

4a. Streptomycin Sulfate Solution, Isoject, equivalent to 1.0 gram of streptomycin base per 2-cubic centimeter syringe;

b. Streptomycin Sulfate Solution, equivalent to 1.0 gram of streptocycin base per 2.5 cubic centimeters; and

c. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per vial; all three marketed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

5a. Streptomycin Sulfate Solution, equivalent to 0.4 or 0.5 gram of streptomycin base per cubic centimeter; and

b. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per vial; both marketed by Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114.

6. Streptomycin Sulfate Powder, equivalent to 1.0 gram of streptomycin base per vial; marketed as Merstrep by Merck and Co., Inc., Rahway, N.J. 07065.

7a. Streptomycin Sulfate Injection, equivalent to 0.5 gram of streptomycin base per cubic centimeter; and

b. Streptomycin Sulfate Injection, equivalent to 1.0 gram of streptomycin base per 2.0 cubic centimeters; both marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

8a. Streptomycin Sulfate Powder, equivalent to 1.0 or 5.0 grams of streptomycin base per vial;

b. Streptomycin Sulfate Solution Injection, equivalent to 0.4 gram of streptomycin base per cubic centimeter; and

c. Streptomycin Sulfate Solution Injection, equivalent to 0.5 gram of streptomycin base per cubic centimeter; all three marketed by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

9a. Streptomycin Sulfate Injection, equivalent to 0.5 gram of streptomycin base per milliliter; and

b. Streptomycin Sulfate Injection, equivalent to 1.0 gram of streptomycin base per 2.0 milliliters; both marketed by Roehr Products Co., Inc., 2010 New Daytona Road, DeLand, Fla. 32720.

The Food and Drug Administration concludes that streptomycin sulfate is effective for all forms of tuberculosis when the infecting organisms are susceptible and when the drug is used with other antituberculous drugs. It is also considered effective as an alternative drug when used alone or if indicated concomitantly with another antibacterial agent in the treatment of bacterial endocarditis; tularemia; plague; gram-negative bacillary bacteremia, meningitis, and pneumonias; granuloma inguinale; chancroid; acute gonorrhea; urinary tract infections due to *E. coli, Proteus, A. aerogenes,* or *Streptococcus faecales;* brucellosis; and *Hemophilus influenzae* infections.

Preparations containing streptomycin sulfate are subject to antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. Batches of the drug intended for parenteral use for which certification is requested should provide for labeling information in accord with labeling guidelines developed on the basis of this reevaluation of the drug and published in this announcement. The above-named firms and any other holders of antibiotic drug applications approved for a drug of the kind described above are requested to submit, within 60 days after publication of this announcement in the FEDERAL REGISTER, supplements to their antibiotic drug applications to provide for revised labeling. Those parts of the labeling indicated below should be substantially as follows (optional additional information applicable to the drug may be included under other appropriate paragraph headings and should follow the information given below):

STREPTOMYCIN

WARNING

The risk of severe neurotoxic reactions is sharply increased in patients with impaired kidney function or prerenal azotemia. These include disturbances of the auditory nerve, optic nerve, peripheral neuritis, arachnoiditis, and encephalopathy. Renal function should be carefully determined and patients with renal damage and nitrogen retention should have reduced dosage. The peak serum concentration in individuals with kidney damage should not exceed 20 to 25 micrograms per milliliter.

The concurrent systemic use of other neurotoxic and/or nephrotoxic drugs, particularly kanamycin, polymyxin B, polymyxin E (colistin), neomycin, and viomycin, should be avoided.

The neurotoxicity of streptomycin can result in respiratory paralysis from neuromuscular blockade, especially when the drug is given soon after anesthesia and the use of muscle relaxants.

The administration of streptomycin in parenteral form should be reserved for patients where adequate laboratory facilities are available and constant supervision of the patient is possible.

DESCRIPTION

Streptomycin is a water-soluble aminoglycoside derived from *Streptomyces griseus.* It is marketed as the sulfate salt of streptomycin. (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

Streptomycin sulfate is a bactericidal antibiotic in therapeutic dosage. The mode of action is the interference with normal protein synthesis and production of "faulty proteins."

Following intramuscular injection of 1 gram of the drug, a peak serum level of 25 to 50 milligrams per milliliter is reached within 1 hour, diminishing slowly to about 50 percent after 5 to 6 hours. Appreciable concentrations are found in all organ tissues except the brain. Significant amounts have been found in pleural fluid and tuberculous cavities. Streptomycin passes through the placenta with serum levels in the cord blood similar to maternal levels. Small amounts are excreted in milk, saliva, and sweat.

Streptomycin is excreted rapidly in the urine by glomerular filtration. In patients with normal kidney function, between 29 and 89 percent of a single 0.6-gram dose is excreted within 24 hours. Any reduction of glomerular activity results in decreased excretion of the drug and concurrent rise in serum and tissue levels.

Sensitivity plate testing: If the Kirby-Bauer method of disc sensitivity is used, a 10-microgram streptomycin disc should give a zone of over 15 millimeters when tested against a streptomycin-sensitive bacterial strain.

INDICATIONS

1. Myobacterium tuberculosis: Streptomycin may be indicated for all forms of this infection when the infecting organisms are susceptible. It should be used only in combination with other antituberculosis drugs. The common combined drug therapy is streptomycin, PAS, and isoniazid; this combination is effective only where the organisms are susceptible to the drugs being used in combination.

2. Nontuberculosis infections: Streptomycin should be used only in those serious nontuberculosis infections caused by organisms shown by in vitro sensitivity studies to be susceptible to it and when less potentially hazardous therapeutic agents are ineffective or contraindicated.

a. *Pasteurella pestis* (plague).

b. *Pasteurella tularensis* (tularemia).

c. *Brucella.*

d. *Donovanosis* (granuloma inguinale).

e. *H. ducreyi* (chancroid).

f. *N. gonorrhoeae* (acute).

g. *H. influenzae* (in respiratory, endocardial, and meningeal infections—concomitantly with another antibacterial agent).

h. *K. pneumoniae* pneumonia (concomitantly with another antibacterial agent).

i. *E. coli, Proteus, A. aerogenes, K. pneumoniae,* and *Streptococcus faecalis* in urinary tract infections.

j. *Strep. viridans, Strep. fecalis* (in endocardial infections—concomitantly with penicillin).

k. Gram-negative bacillary bacteremia (concomitantly with another antibacterial agent).

CONTRAINDICATIONS

Streptomycin is contraindicated in those individuals who have shown previous toxic or hypersensitivity reactions to it.

WARNINGS

Ototoxicity—streptomycin may frequently affect the vestibular branch of the auditory nerve causing severe nausea, vomiting, and vertigo. The incidence is directly proportional to duration and amount of the drug administered. Advanced age and renal impairment predispose to ototoxicity. Symptoms subside and recovery is usually complete following discontinuance of the drug.

Loss of hearing has been reported following long term therapy; however, ototoxic effect on the auditory branch of the eighth nerve is infrequent and usually is preceded by vestibular symptoms. Hearing loss, when extensive, is usually permanent.

USAGE IN PREGNANCY: Since streptomycin readily crosses the placental barrier, caution in use of the drug is important to prevent ototoxicity in the fetus.

PRECAUTIONS

Baseline and periodic caloric stimulation tests and audiometric tests are advisable with extended streptomycin therapy. Tinnitus, roaring noises, or a sense of fullness in the ears indicates need for audiometric examination or termination of streptomycin therapy or both.

Care should be taken by individuals handling or preparing streptomycin for injection to avoid skin sensitivity reactions.

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

ADVERSE REACTIONS

The following reactions are common: Ototoxicity—nausea, vomiting, and vertigo; paresthesia of face; rash; fever; urticaria; angioneurotic edema; and eosinophilia.

The following reactions are less frequent: Deafness, exfoliative dermatitis, anaphylaxis, azotemia, leucopenia, thrombocytopenia, pancytopenia, hemolytic anemia, muscular weakness, and amblyopia.

DOSAGE AND ADMINISTRATION

Intramuscular route only—

1. Tuberculosis—all forms when organisms are known or believed to be drug susceptible.

Adult, combined therapy: Streptomycin 1 gram daily with PAS 5 grams t.i.d. and isoniazid 200 to 300 milligrams daily. Elderly patients should have a smaller daily dose of streptomycin, based on age, renal function, and eighth nerve function. Ultimately the streptomycin should be discontinued or reduced in dosage to 1 gram 2 to 3 times weekly. Therapy with streptomycin may be terminated when toxic symptoms have appeared, when impending toxicity is feared, when organisms become resistant, or full treatment effect has been obtained. The total period of drug treatment of tuberculosis is a minimum of 1 year; however, indications for terminating therapy with streptomycin may occur at any time as noted above.

2. Tularemia: One to 2 grams daily in divided doses for 7 to 10 days until the patient is afebrile for 5 to 7 days.

3. Plague: Two to 4 grams daily in divided doses until the patient is afebrile at least 3 days.

4a. Bacterial endocarditis: In penicillin sensitive alpha and nonhemolytic streptococcal endocarditis (penicillin sensitive to 0.1 microgram per milliliter or less), streptomycin may be used for 2-week treatment concomitantly with penicillin. Streptomycin dosage is 1 gram b.i.d. for 1 week and 0.5 gram b.i.d. for the 2d week. If the patient is over 60 years of age, the dosage should be 0.5 gram b.i.d. for the entire 2-week period.

b. Enterococcal endocarditis: Streptomycin in doses of 1 gram b.i.d. for 2 weeks and 0.5 gram b.i.d. for 4 weeks is given in combination with penicillin. Ototoxicity may require termination of the streptomycin prior to completion of the 6-week course of treatment.

5. For use concomitantly with other agents to which the infecting organism is also sensitive; streptomycin in these conditions is considered as a drug of secondary choice: Gramnegative bacillary bacteremia, meningitis, and pneumonia; brucellosis; granuloma inguinale; chancroid; acute gonorrhea; and urinary tract infection.

For adults:

a. Severe fulminating infection: 2 to 4 grams daily, administered intramuscularly in divided doses every 6 to 12 hours.

b. With less severe infections and with highly susceptible organisms: 1 to 2 grams daily.

For children: 20 to 40 milligrams per kilogram of body weight daily (8 to 20 milligrams per pound) in divided doses every 6 to 12 hours. (Particular care should be taken to avoid excessive dosage in children.)

The Food and Drug Administration concludes that for the following labeling claims streptomycin sulfate is possibly effective: Effective against most gramnegative and against many grampositive pathogens, including some strains that are resistant to penicillin; treatment of acute infections, such as peritonitis and urinary tract infections (other than those previously listed) caused by gram-negative or penicillin-resistant gram-positive organisms that are susceptible to streptomycin; as an adjunct to surgical management of peritonitis; liver abscesses; and cholangitis. To allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in those conditions for which it has been evaluated as possibly effective, batches of preparations containing streptomycin sulfate which bear labeling with these claims but are otherwise in accord with the labeling conditions herein will be accepted for release or certification by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

The Food and Drug Administration regards that substantial evidence is lacking to show that streptomycin sulfate is effective for the following claimed indications: As an adjunct to the surgical management of abscesses, osteomyelitis, hematomas, and wound infections caused by sensitive organisms; chronic pulmonary infections; empyema; surgical prophylaxis; enteritis due to susceptible strains of *Salmonella* and *Shigella;* and preoperative use for reduction of intestinal flora. Preparations containing streptomycin sulfate with labeling bearing these claims will no longer be acceptable for certification or release after publication of this announcement in the FEDERAL REGISTER.

Any person who would be adversely affected by deletion of the claims for which the drug lacks substantial evidence of effectiveness, as described above, may request a hearing within 30 days after publication of this announcement in the FEDERAL REGISTER. Notice of hearing will be published in the FEDERAL REGISTER.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. A request for such meeting should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication of this announcement in the FEDERAL REGISTER.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject drugs or any other interested person may also obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS–NRC report: Press Relations Office (CE–300).

Supplements: Division of Anti-Infective Drugs (MD–140), Office of New Drugs, Bureau of Medicine.

Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD–16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–52, 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: May 13, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–6004; Filed, May 20, 1969; 8:46 a.m.]

CARBOFURAN

Notice of Establishment of Temporary Tolerances

At the request of the FMC Corp., Middleport, N.Y. 14105, temporary tolerances are established for residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate) and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl methylcarbamate in or on alfalfa (hay) at 20 parts per million, alfalfa (fresh) at 5 parts per million, and in milk negligible residues of its metabolite) at 0.02 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the FMC Corp. name.

These temporary tolerances expire May 14, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6005; Filed, May 20, 1969; 8:46 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Filing of Petition for Food Additives Carbarsone, Zoalene

Pursuant to the 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 (38–879V) has been filed by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of carbarsone (not U.S.P.) in combination with zoalene in turkey feed as an aid in the prevention of blackhead and for the prevention and control of coccidiosis.

Dated: May 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–6006; Filed, May 20, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-48]

INTERNATIONAL PAPER CO.

Notice of Qualification as Citizen of the United States

1. This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21, Customs Regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1) the International Paper Co. of 220 East 42d Street, New York, N.Y. 10017, incorporated under the laws of the State of New York, did on April 19, 1969, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

2. The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

3. The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on May 9, 1969, issued to the International Paper Co. a certificate of compliance on Form 1262, as provided in 19 CFR 3.21(i) (§ 3.21(i), Customs Regulations). The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (§ 3.21(h), Customs Regulations).

Dated: May 9, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-6059; Filed, May 20, 1969; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

REGENTS OF UNIVERSITY OF MICHIGAN

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 19, set forth below, to License No. R-28. The license authorizes The Regents of The University of Michigan to possess, use, and operate its Ford Nuclear Reactor located on the University's campus at Ann Arbor, Mich.

This amendment, effective as of the date of issuance, authorizes an increase from 15.0 kilograms to 16.1 kilograms in the total quantity of uranium-235 which the licensee may receive, possess, and use under this license.

By letter dated April 15, 1969, The Regents of The University of Michigan requested authorization to receive, possess, and use additional special nuclear material in the form of new fuel elements in connection with the operation of its reactor. The additional fuel elements will be stored in safe geometry racks until needed for partial refueling of the core in accordance with procedures which have previously been reviewed and approved by the Commission. Therefore, there is reasonable assurance that the health and safety of the public will not be endangered.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see the application dated April 15, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 12th day of May 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[LICENSE NO. R-28, AMDT. 19]

The Atomic Energy Commission has found that:

1. The application for license amendment dated April 15, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

3. Prior to public notice of proposed issuance is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. R-28, as amended, which authorizes The Regents of The University of Michigan to operate the Ford Nuclear Reactor on the University's campus at Ann Arbor, Mich., is hereby further amended in the following manner:

Subparagraph 2.b.(1) of License No. R-28 is amended to read as follows:

"(1) 16.1 kilograms of contained uranium-235 for use in connection with operation of the reactor."

This amendment is effective as of the date of issuance.

Date of issuance: May 12, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-5985; Filed, May 20, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20635]

AEROLINEAS PERUANAS, S.A.

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held May 26 is postponed to June 12, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., May 15, 1969.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 69-6046; Filed, May 20, 1969; 8:50 a.m.]

[Docket No. 20919; Order 69-5-64]

HENSON AVIATION, INC.

Order to Show Cause Regarding Establishment of Final and Temporary Service Mail Rates

Issued under delegated authority May 15, 1969.

Henson Aviation, Inc. (Henson), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-5-27, May 8, 1969, the Board approved Agreement CAB 19753 A-4 between Allegheny Airlines, Inc., and Henson. This agreement

contemplates that Henson will discharge Allegheny's certificate obligation to serve Salisbury, Md., and supply scheduled air service between Salisbury and Baltimore, Md.; Salisbury, Md., and Washington, D.C.; and Hagerstown, Md.,[1] and Washington, D.C. Henson expects to initiate service with Beech 99 turboprop aircraft.

No service mail rate is currently in effect for this service by Henson. By petition filed April 17, 1969, Henson requested that the multi-element rates applicable to Allegheny for the transportation of priority and nonpriority mail between Salisbury and Baltimore, Md.; Salisbury, Md., and Washington, D.C.; and Hagerstown, Md., and Washington, D.C. be established. On May 1 the Board accepted the reply of the Postmaster General supporting the petition.

The rate for the air transportation of priority mail applicable to service by Allegheny and requested by Henson was established by the Board in the Domestic Service Mail Rate Investigation, Order E–25610, August 28, 1967. Therefore, we propose to establish a service rate for the air transportation of priority mail by Henson at the same level as that established in Order E–25610, and the terms and provisions of that order also shall be applicable to Henson in the same manner as they were applicable to Allegheny in providing mail services on the segments specified above.[2]

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office Petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail are those established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Henson that Henson will receive the same compensation as Allegheny would for the same services, we propose to establish a temporary service rate for nonpriority mail for Henson at the level established in Order E–17255, as amended. By Order E–26189 issued December 28, 1967, in Docket 19235, Henson has already been made a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Henson Aviation, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[3] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Henson Aviation, Inc., pursuant to section 406 of the Act, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Salisbury, Md., and Baltimore, Md.; Salisbury, Md., and Washington, D.C. and Hagerstown, Md., and Washington, D.C., shall be the rate established by the Board in Order E–25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid to Henson Aviation, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Salisbury, Md., and Baltimore, Md.; Salisbury, Md., and Washington, D.C.; and Hagerstown, Md., and Washington, D.C., shall be the rate established by the Board in Order E–17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Henson Aviation, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Henson Aviation, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and suporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and an answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Henson Aviation, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–6047; Filed, May 20, 1969; 8:50 a.m.]

[1] Order E–25834, Oct. 13, 1967, approving CAB Agreement 19753 authorized Henson to discharge Allegheny's certificate obligation at Hagerstown and Order E–26189, Dec. 28, 1967, fixed final and temporary mail rates for the Hagerstown-Baltimore service.

[2] The present rates are as follows:

Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Salisbury and Hagerstown, and 2.34 cents per pound at Baltimore and Washington.

Nonpriority Mail by Air: 15.115 cents per ton-mile plus 3.32 cents per pound at Salisbury, 4.98 cents per pound at Hagerstown, and 1.660 cents per pound at Baltimore and Washington.

[3] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

FEDERAL MARITIME COMMISSION

STATE OF HAWAII AND SEATRAIN LINES, INC.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, 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. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Fujio Matsuda, Director, Department of Transportation, State of Hawaii, 869 Punchbowl Street, Honolulu, Hawaii 96813.

Agreement No. T-2298 between the State of Hawaii (Hawaii) and Seatrain Lines, Inc. (Seatrain), provides for the lease of marine terminal space to Seatrain for use, primarily, as a container facility. Rental will be a fixed sum per year plus regular tariff charges, with a guaranteed minimum payment for the first 15 years of the lease. If Hawaii determines that containers of other carriers can be handled over the piers leased to Seatrain and loaded or unloaded by Seatrain's cranes, Seatrain shall, if requested, furnish this crane service at the rates and under the terms and conditions established by Seatrain and approved by Hawaii.

Dated: May 16, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-6048; Filed, May 20, 1969; 8:50 a.m.]

[Docket No. 69-28]

PORT OF NEW YORK

Truck Detention

On February 25, 1969, the Federal Maritime Commission served its Report and Order in Docket No. 1153; Truck and Lighter Loading and Unloading Practices at New York Harbor. In that proceeding the Commission promulgated rules which provided that motor vehicles loading or unloading waterborne freight at piers or marine terminals of members of the New York Terminal Conference shall be entitled to receive compensation (detention charges) under certain circumstances for delays at piers. This time does not begin to run until shipping documents required by the terminal operator for release or acceptance of cargo are found to be complete (documentation). Since the date of the decision in Docket No. 1153, it has been said that the receiving and delivering of cargo at piers has not been accomplished in an orderly manner. Uncertainty has been said to have developed with respect to the time within which documentation shall be completed, the procedures for issuing gate passes (and whether detention should begin to run a stated time after issuance thereof), and the right and obligation of the terminal operator to turn motor vehicles away from the pier without detention running. The Commission wishes to give the terminal operators and the motor vehicle operators an opportunity to present evidence and argument upon these matters.

Now, therefore, it is ordered, That the Commission institute an investigation pursuant to section 17 and section 22 of the Shipping Act, 1916 (46 U.S.C. 816, 820), to determine whether just and reasonable regulations and practices should be determined, prescribed, and ordered enforced with respect to the aforementioned items.

It is further ordered, That the New York Terminal Conference and its members named in Appendix A, be made respondents in this proceeding and this proceeding be assigned by the Chief Examiner for an expedited hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the presiding Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and served upon respondents. Further notices, including notice of time and place of hearing or prehearing conference, shall be mailed to parties of record. Persons, other than respondents, who desire to become parties to this proceeding shall file promptly petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72), with a copy to parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

New York Terminal Conference, 17 Battery Place, New York, N.Y. 10004.
American Export-Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Bay Ridge Operating Co., Inc., 34 Whitehall Street, New York, N.Y. 10004.
Compania Sud-Americana De Vapores (Chilean Line), 24 Broadway, New York, N.Y. 10006.
Grace Line, Inc., 3 Hanover Square, New York, N.Y. 10004.
Hellenic Lines, Ltd., 39 Broadway, New York, N.Y. 10006.
International Terminal Operating Co., Inc., 2 Broadway, New York, N.Y. 10004.
States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.
Maher Terminals, Inc., 80 Broad Street, New York, N.Y. 10004.
Marra Bros., Inc., 611 Smith Street, Brooklyn, New York, N.Y.
John W. McGrath Corp., 39 Broadway, New York, N.Y. 10006.
Nacirema Operating Co., Inc., 21 West Street, New York, N.Y. 10006.
Northeast Marine Terminal Co., Inc., 17 Battery Place, New York, N.Y. 10004.
Pioneer Terminal Corp., 17 Battery Place, New York, N.Y. 10004.
Pittston Stevedoring Corp., 17 Battery Place, New York, N.Y. 10004.
Universal Terminal & Stevedoring Corp., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-6049; Filed, May 20, 1969; 8:50 a.m.]

[Docket No. 1153]

TRUCK AND LIGHTER LOADING AND UNLOADING PRACTICES AT NEW YORK HARBOR

Order Regarding Detention Claims

This order, effective this 16th day of May 1969, is made pursuant to the order of the U.S. Court of Appeals for the District of Columbia Circuit in American Export Isbrandtsen Lines, Inc., et al. v. Federal Maritime Commission and United States of America, No. 22,820, April 4, 1969.

The Federal Maritime Commission issued its report and order in this proceeding on February 25, 1969, in which it ordered that, pursuant to section 17 of the Shipping Act, 1916, the New York Terminal Conference include in its Truck Loading and Unloading Tariff No. 7, FMC-T No. 8, Vehicle Detention Rules for the port.

The New York Terminal Conference sought review in the above-mentioned court case of the Federal Maritime Commission's order in Docket 1153 and sought to enjoin the Commission's order pendente lite. The Court refused to grant injunctive relief and ordered:

> Ordered by the Court that the motion for stay be, and it is hereby denied. The Commission's order served February 25, 1969, will become effective Monday, April 7, 1969, except to the extent modified by this order, and it is
>
> Further ordered by the Court that the petitioners pay all claimed detention charges which petitioners challenge into an escrow fund established by, and under the supervision of, the Federal Maritime Commission, pending the outcome of the litigation, at which time the proceeds of the fund shall be disbursed in accordance with the holding of the Court. The Commission shall establish all necessary accounting and reporting procedures in conjunction with the fund to insure against double liability on the part of petitioners, and it is
>
> Further ordered by the Court that these detention payments be made to the escrow fund established by the Commission within 2 weeks after the submission of a claim for detention; said payments to be submitted each Monday following the end of the 2 week period.

Pursuant to this order, the Commission hereby promulgates the following sections 6-12 as rules governing detention claims during the pendency of the matter before the Court and until such time as the Court shall order. We are also repeating, for the convenience of persons referring to these rules, sections 1-5 of the Vehicle Detention Rules previously served by the Commission on February 25, 1969.

VEHICLE DETENTION RULES

SECTION 1. *General provisions.* Motor vehicles loading or unloading waterborne freight at piers or marine terminals of members of the New York Terminal Conference shall be entitled to receive detention charges[1] for delays occasioned at piers beyond the time set forth in section 4. Detention charges shall accrue in instances where the delays result through no disability, fault, or negligence on the part of the motor vehicle.

No detention will be allowed for delays or shutouts resulting from strikes or work stoppages. In such cases, it is expected that the terminal operator will attempt to inform all potential users of the pier by telephone or advertisement. Formal notification shall be made to the Federal Maritime Commission of all strikes or work stoppages resulting in delays or shutouts.

No detention will be allowed for delays resulting from severe or unusual weather

[1] Detention charge as used in this rule means compensation to be paid by marine terminal operators to motor vehicle operators for delays of motor vehicles at marine terminal facilities.

conditions. A board of arbitration will resolve disputes concerning whether conditions on a particular day will or will not excuse detention. The board of arbitration shall consist of a representative of the terminal conference, a representative of the truckers, and either a representative of the New York Waterfront Commission or a third party to be selected by the above-mentioned parties.

Work slowdowns due to insufficient labor shall not excuse the responsibility of the terminal operator under this rule.

SEC. 2. *Documentation.* Detention time does not begin to run until shipping documents [2] required by the terminal operator for release or delivery of cargo are found to be complete. The terminal operator will time stamp an appropriate document (once documentation is completed) which will begin the running of time for detention purposes. Each terminal operator shall specify the documentation necessary to receive or discharge cargo. The terminal operator shall determine whether documentation is adequate and may refuse to handle motor vehicles without full and proper documentation. The terminal operator may in its discretion waive the full documentation requirements, in which case, time shall commence upon granting such waiver.

SEC. 3. *Computation of time.* Time for detention purposes shall commence when the vehicle has completed documentation as provided in section 2.

Terminal operators shall establish an appropriate procedure for recording the time the vehicle has completed loading or unloading.

Detention will accrue during the regular business hours of the terminal, or additional hours if established by the terminal operator or steamship operator, provided the vehicle obtains a pass and has completed documentation as required by section 2 prior to 3 p.m.

The lunch period as set forth in the labor contract, but not exceeding 1 hour, shall not be included in calculating time or detention.

SEC. 4. *Time.* (a) When vehicles are loaded or unloaded within the time periods set forth below, there will be no detention charges paid. Vehicles designated will be entitled to detention charges if not completely serviced within the designated time periods on the following basis.

(1) *Non-appointment trucks.*

2,000 pounds or less	Not applicable.[1]
2,001 to 5,000 pounds	165 minutes.
5,001 to 10,000 pounds	195 minutes.
10,001 to 15,000 pounds	225 minutes.
15,001 to 20,000 pounds	255 minutes.
20,001 to 25,000 pounds	285 minutes.
25,001 to 30,000 pounds	300 minutes.
30,001 to 35,000 pounds	330 minutes.
35,001 to 40,000 pounds	360 minutes.
Over 40,000 pounds	390 minutes.

(2) *Appointment trucks.*

2,000 pounds or less	120 minutes.
2,001 to 5,000 pounds	135 minutes.
5,001 to 10,000 pounds	165 minutes.
10,001 to 15,000 pounds	195 minutes.
15,001 to 20,000 pounds	225 minutes.
20,001 to 25,000 pounds	255 minutes.
25,001 to 30,000 pounds	270 minutes.
30,001 to 35,000 pounds	300 minutes.
35,001 to 40,000 pounds	330 minutes.
Over 40,000 pounds	360 minutes.

[1] Nonappointment vehicles with shipments of 2,000 pounds or less shall not be entitled to detention charges.

(b) Containers handled as a single unit will be allowed 120 minutes, regardless of weight, before detention charges accrue.

(c) Motor vehicles unloaded by the operator of such vehicles will be entitled to detention charges if not spotted at a place convenient for unloading within 120 minutes after proper documentation. No detention will be allowed once such vehicles are spotted convenient for unloading.

(d) No detention will be paid when sorting or selection is requested or required by the motor carrier. The terminal operator is not absolved from liability under this rule when sorting or selection is done for his convenience.

SEC. 5. *Charges.* When the loading or unloading of freight is delayed beyond the time allowed in section 4, the vehicle shall apply to the terminal operator for detention charges and shall be entitled to $3 for each 15-minute period beyond the time designated in section 4.

SEC. 6. *Claims for detention.* Any motor vehicle operator, or any importer or exporter on whose behalf the motor vehicle operator is acting, who wishes to claim fees for detention, as provided in sections 1–5 set forth above, shall file a written claim with the terminal operator against whom such claim is made. The claim shall set forth the name of the terminal operator, location of the pier, truck identification or unit number, weight of shipment, date and time of arrival at the pier, free time, time of completion of documentation, time of completion of loading or unloading, and the amount of the detention charge claimed. Such claim shall be accompanied by a copy of the document time stamped by the terminal operator upon the completion of documentation as provided in section 2 and the time of completion of loading or unloading as provided in section 3. If the terminal operator has refused to tender a document showing the time of completion of documentation and/or the time of completion of loading and unloading, the motor vehicle operator shall submit a sworn statement that the terminal operator refused to tender an appropriate time stamped document and, in fact, documentation and/or loading or unloading was completed at a certain specified time. Claims for detention occurring between April 7, 1969, and May 14, 1969, shall be made on or before June 13, 1969. Claims occurring after May 14, 1969, shall be filed within 30 calendar days of the date of the detention. A copy of such claim or a summary of claims for a weekly period arranged so as to show claims submitted to each terminal operator separately shall be mailed to the Chief, Division of Terminals and Freight Forwarders, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573. Such claims shall be deemed to be made on the date of receipt of a copy of the claim by the Commission.

SEC. 7. *Acknowledgment of claims.* Upon receipt of a claim as set forth in section 6, a terminal operator, within seven (7) calendar days, shall acknowledge the receipt of the claim by letter to the motor vehicle operator submitting such claim. The acknowledgment shall include an account number serially assigned by the terminal operator to such claim and shall indicate whether such claim shall be contested by the terminal operator as not a proper claim under sections 1–5. A copy of such acknowledgment shall be mailed to the Chief, Division of Terminals and Freight Forwarders, Federal Maritime Commission.

SEC. 8. *Special accounts.* Each terminal operator shall establish an account (special account) in a national bank in the city of New York, which special account shall be maintained as a special account, until the U.S. Court of Appeals for the District of Columbia Circuit shall have directed that such funds shall be disbursed and upon the further order of this Commission. The funds in such special account shall not be withdrawn except upon the signature of an official of the terminal operator and the Atlantic Coast Director, Federal Maritime Commission, Room 603, 45 Broadway, New York, N.Y. 10006, or the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573.

SEC. 9. *Deposits.* Each terminal operator shall deposit into the special account established pursuant to section 8 an amount of money equal to all claims made pursuant to and in accordance with sections 1–6. The first deposit shall include an amount equal to claims received between April 7, 1969, and May 14, 1969, and shall be deposited to the special account on or before June 2, 1969. Subsequent deposits shall be made within 2 weeks after the submission of a claim in an amount equal to the sum of the claims received by the terminal operator during the 2-week period and shall be deposited each Monday following the end of the 2-week period.

SEC. 10. *Submission of data to the Commission.* After each deposit required under section 9, the terminal operator shall submit to the Commission a verified deposit slip with a list attached showing the name of the claimant, the account number, and the amount of each claim included in the deposit.

SEC. 11. *Records.* Each terminal shall maintain appropriate records of all claims, acknowledgments, escrow agreements, accounts, deposits, and all related correspondence and transactions. Such

[2] Shipping documents as used in this rule generally include, but are not necessarily limited to, the carriers release, dock delivery order, dock receipt, weighing receipt, carrier certificate, container survey form, and other documents and/or notations required by Government authority, port customs, or trade association.

records shall be made available upon request to representatives of the Federal Maritime Commission.

SEC. 12. *Reports.* At the end of each month each terminal operator shall submit a reconciliation of the balance of the special account, with a list of the claims deposited during the month broken down by name of claimant and claim number.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 69-6050; Filed, May 20, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-480]

ESTATE OF KAY KIMBELL ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

MAY 14, 1969.

On December 30, 1968, the Estate of Kay Kimbell (Operator) et al. (Kimbell), previously filed for rate increases which did not include the 1-cent minimum guarantee for liquids provided by the contracts. The previously proposed rate increases were suspended in Docket No. RI69-480 until June 30, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On April 21, 1969, Kimbell submitted seven revised notices of change in rates, designated as Supplement No. 1 to Supplements Nos. 4, 2, 3, 2, 2, 2, and 3 to Kimbell's FPC Gas Rate Schedule Nos. 1, 5, 6, 8, 10, 11, and 12, respectively, amending the supplements to the aforementioned rate schedules to provide for rate increases to 15 cents per Mcf instead of the 14 cents per Mcf rate previously filed. Kimbell did not include as part of its previously filed rates the 1 cent per Mcf minimum guarantee for liquids contained in the contracts. Kimbell was advised that if it wanted to collect under the minimum guarantee provision it could do so provided it filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket Nos. RI64-491 et al., Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al. The proposed substitute rate filings are set forth in Appendix A hereof.

Kimbell's proposed 15 cents per Mcf rate exceeds the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rate in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Kimbell's revised notices of change in rates subject to the suspension proceeding in Docket No. RI69-480, with the suspension periods of such substitute rate filings to terminate concurrently with the suspension periods (June 30, 1969) of the original rate filings in said docket.

Kimbell requests an effective date of June 1, 1969, for its proposed 15 cents per Mcf rate. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit a June 1, 1969, effective date for Kimbell's revised rate filings and such request is denied.

The Commission orders:

(A) The suspension order issued January 22, 1969, in Docket No. RI69-480, is amended only so far as to permit the 15 cents per Mcf rate provided in Supplement No. 1 to Supplement Nos. 4, 2, 3, 2, 2, 2 and 3 to Kimbell's FPC Gas Rate Schedules Nos. 1, 5, 6, 8, 10, 11, and 12, respectively, to supersede Supplements Nos. 4, 2, 3, 2, 2, 2, and 3 to Kimbell's aforementioned rate schedules, subject to the suspension proceedings in Docket No. RI69-480. The suspension periods for such substitute rate filings shall terminate concurrently with the suspension periods (June 30, 1969), presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on January 22, 1969, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-480	Estate of Kay Kimbell (Operator) et al., Post Office Box 1540, Fort Worth, Tex. 76101.	1	1 to 4	El Paso Natural Gas Co. (Dakota Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$8,872	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	5	1 to 2	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.).	2,097	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	6	1 to 6	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.). (San Juan Basin Area).	438	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	8	1 to 2	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.) (San Juan Basin Area).	2,462	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	10	1 to 2	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.). (San Juan Basin Area).	104	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	11	1 to 2	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.).	229	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	
	do	12	1 to 3	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.). (San Juan Basin Area).	1,039	4-21-69	[1] 5-22-69	[2] 6-30-69	[3] 14.0	[4] [5] 15.0	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] The end of the suspension period for the previously filed rate in Docket No. RI69-480.
[3] Respondent filing for 1 cent per Mcf minimum guarantee for liquids omitted from previous rate increase filing.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1 cent per Mcf minimum guarantee for liquids.
[6] Rate suspended in Docket No. RI69-480 until June 30, 1969.

[F.R. Doc. 69-5901; Filed, May 20, 1969; 8:45 a.m.]

[Docket No. CP69-303]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MAY 16, 1969.

Take notice that on May 14, 1969, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-303 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a field compressor unit on existing gas supply facilities to enable it to continue to receive natural gas from Petroleum Management, Inc. (Petroleum), all as more fully set forth in the application which is on file with the Commission and is open to public inspection.

Specifically, Applicant seeks authorization to install and operate a skid mounted field compressor unit in East Aransas Pass Field, Aransas County, Tex., to enable it to continue to receive natural gas from said field when Petroleum exercises its contractual rights to

reduce delivery pressure of gas delivered to Applicant not in excess of 500 p.s.i.g. Applicant states that Petroleum has advised it that the contractual right will be invoked in the near future.

The total estimated cost of the proposed facilities is $35,000, which will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-6041; Filed, May 20, 1969; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

FINANCIAL GENERAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by Financial General Corp., which is a bank holding company located in Washington, D.C., for the prior approval of the Board of the acquisition by Applicant of 50 percent plus one share or more of the voting shares of The Bank of Tidewater, Norfolk, Va., which, prior to the acquisition of stock is to be converted from Norfolk Savings and Loan Corp., Norfolk, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 14th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5999; Filed, May 20, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4754]

CENTRAL INDIANA GAS CO., INC.

Notice of Proposed Issue and Sale of Bank Notes

MAY 15, 1969.

Notice is hereby given that Central Indiana Gas Co., Inc. ("Central"), 300 East Main Street, Muncie, Ind. 47305, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to issue and sell to the American Fletcher National Bank and Trust Co. ("Bank"), commencing in June 1969, and from time to time prior to June 26, 1970, its unsecured promissory notes in an aggregate principal amount not to exceed $10 million outstanding at any one time. The notes will be dated as of the date of issuance, will be issued in varying amounts, and will mature on June 26, 1970. There is no commitment fee and the notes may be prepaid at any time without penalty. If any notes are prepaid, new notes may be issued and sold to the Bank. The notes will bear interest at the prime rate of the Bank in effect on the date of each borrowing and the interest rate will be adjusted to the prime rate in effect at the Bank at the beginning of each 90-day period subsequent to the date of the first borrowing. Central proposes to use the amounts borrowed on the notes to retire $7,500,000 of notes payable to banks maturing June 30, 1969, and to finance, in part, its 1969 construction program currently estimated at $4,479,000. Central plans to repay the notes at maturity through the proceeds from the sale of bonds.

Central's fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,000, including legal fees of $500. The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 10, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6010; Filed, May 20, 1969; 8:47 a.m.]

[File No. 24W-2823]

PROFESSIONAL ACCEPTANCE CORP.

Order Permanently Suspending Exemption

MAY 15, 1969.

I. Professional Acceptance Corp. (issuer), Law & Finance Building, 429 Fourth Avenue, Pittsburgh, Pa., incorporated in the State of Delaware on April 4, 1967, filed with the Commission on June 30, 1967, a notification on Form 1-A and an offering circular relating to an offering of 2,890 shares of its $100 par value preferred stock at $100 per share and 1,039,000 shares of its $0.01 par value common stock for an aggregate offering price of $299,390, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was to be sold in units of 10 preferred shares and 1,000 common shares for a unit price of $1,010 per unit.

II. The Commission, on April 1, 1969, temporarily suspended the Regulation A exemption of Professional Acceptance Corp., stating that it had reasonable cause to believe, from information reported to it by the staff, that:

A. The notification and offering circular of Professional Acceptance Corp. contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The jurisdiction in which said securities would be offered and sold;

(2) The extent to which securities would be issued on other than a cash basis;

(3) The true financial condition of the issuer at the time of the commencement of the offering;

(4) The amount of the "faithful performance deposits" which would be obtained from franchisees;

(5) Sales of the issuer's securities during the course of the offering in a different common stock to preferred stock ratio than that in which it was offered to the public; and

(6) The sale of a large amount of the public offering to a wholly owned subsidiary of the issuer.

B. The offering was made in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, and no answer to the allegations contained in the temporary suspension order having been filed as ordered pursuant to Rule 7 of the rules of practice, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6011; Filed, May 20, 1969; 8:47 a.m.]

[811-785]

REAL SILK HOSIERY MILLS, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

MAY 15, 1969.

Notice is hereby given that Real Silk Hosiery Mills, Inc. ("Applicant"), 636 East North Street, Indianapolis, Ind. 46206, an Illinois corporation and a nondiversified closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), 15 U.S.C. section 80a-1 et seq., has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On July 23, 1968, Applicant, desirous of changing its place of incorporation from Illinois to Indiana, caused a new corporation with the same name as Applicant to be organized under the laws of the State of Indiana with Applicant as the sole incorporator and sole shareholder, and on December 28, 1968, Applicant was merged with and into the new Indiana corporation, the surviving corporation in the merger.

Applicant represents that its separate existence as an investment company terminated upon said merger becoming effective, and that the Indiana corporation as the surviving corporation in the merger became vested with all the property, assets, and business of Applicant on December 28, 1968.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 6, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6012; Filed, May 20, 1969; 8:47 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

MAY 15, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 16, 1969, through May 25, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-6013; Filed, May 20, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 710]

INDIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Marion County, Ind.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a

catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County, and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on May 10, 1969.

OFFICE

Small Business Administration Regional Office, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 12, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 69-6014; Filed May 20, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order No. 23]

SOUTHERN RAILWAY CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Southern Railway Co. is unable to transport traffic over its lines in the vicinity of Demopolis, Ala., because of bridge damage.

It is ordered, That:

(a) Rerouting traffic: The Southern Railway Co., being unable to transport traffic over its lines in the vicinity of Demopolis, Ala., because of bridge damage, that line is hereby authorized to reroute or divert such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Southern Railway Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) Effective date: This order shall become effective at 10:30 a.m., May 15, 1969.

(e) Expiration date: This order shall expire at 11:59 p.m., May 20, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 15, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.D. Doc. 69-6051; Filed, May 20, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 48, Amdt. 1]

SOUTHERN PACIFIC CO. AND MISSOURI-KANSAS-TEXAS RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 48, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 48 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 22, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 18, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 16, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-6052; Filed, May 20, 1969; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction 49, Amdt. 1]

SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 49, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 49 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 22, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 18, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 16, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-6053; Filed, May 20, 1969; 8:50 a.m.]

[Notice 551]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 16, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Deviation No. 17), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407 Dallas, Tex. 75247, filed May 5, 1969. Carrier's representative: E. Larry Wells, same address as applicant. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 30 to Little Rock, Ark. (traversing U.S. Highway 67 pending completion of portions of Interstate Highway 30), thence over Interstate Highway 40 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1)

From Dallas, Tex., over U.S. Highway 80 to Gladewater, Tex.; (2) from Gladewater, Tex., over U.S. Highway 80 to Longview, Tex.; (3) from Longview, Tex., over U.S. Highway 80 to Greenwood, La.; (4) from Greenwood, La., over U.S. Highway 79 to Shreveport, La.; (5) from Shreveport, La., over U.S. Highway 80 to Minden, La., thence over U.S. Highway 79 via Homer, La., to Haynesville, La.; (6) from Homer, La., over Louisiana Highway 115 to Junction City, La., thence over U.S. Highway 167 to El Dorado, Ark.; (7) from El Dorado, Ark., over U.S. Highway 82 to Strong, Ark; (8) from Crossett, Ark., over U.S. Highway 82 to Strong, Ark.; (9) from Hamburg, Ark. over unnumbered highway to junction U.S. Highway 82, thence over U.S. Highway 82 to Crossett, Ark.; and (10) from Hamburg, Ark., over U.S. Highway 82 to Leland, Miss., thence over U.S. Highway 61 to Memphis, Tenn., and return over the same routes.

No. MC 4941 (Sub-No. 4) (Deviation No. 2), QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. 02403, filed May 7, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 8 to junction Pennsylvania Highway 68, thence over Pennsylvania Highway 68 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. Highway 22, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 31389 (Deviation No. 8), McLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27102, filed May 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Pittsburgh, Pa., over Interstate Highway 79 to junction U.S. Highway 19 near Westover, W. Va., thence over U.S. Highway 19 (an access route) to junction U.S. Highway 119 at Morgantown, W. Va.; and (2) from Wheeling, W. Va., over Interstate Highway 70 to junction Pennsylvania Highway 51, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Winchester, Va., over U.S. Highway 50 to Romney, W. Va., thence over West Virginia Highway 28 to Ridgeley, W. Va., thence across the Potomac River to Cumberland, Md., thence over U.S. Highway 40 to Uniontown, Pa., thence over Pennsylvania Highway 51 to Pittsburgh, Pa.; (2) from Pittsburgh, Pa., over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to Wheeling, W. Va.; (3) from Washington, Pa., over U.S. Highway 40 to Uniontown, Pa.; (4) from Pittsburgh, Pa., over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to Wheeling, W. Va., thence over West Virginia Highway 2 to Parkersburg, W. Va., thence across the Ohio River to Belpre, Ohio, thence over Ohio Highway 7 to Chesapeake, Ohio, thence over U.S. Highway 52 to Ironton, Ohio; (5) from Uniontown, Pa., over U.S. Highway 40 to Washington, Pa.; (5) from Uniontown, Pa., over U.S. Highway 119 to Morgantown, W. Va., thence over West Virginia Highway 7 to Reedville, W. Va., thence over West Virginia Highway 92 to Belington, W. Va., thence over U.S. Highway 250 to Elkins, W. Va., thence over U.S. Highway 219 to Marlinton, W. Va., thence over West Virginia Highway 39 to junction West Virginia Highway 687 at or near Rimel, W. Va., thence southwesterly over West Virginia Highway 687 to White Sulphur Springs, W. Va., and return over the same routes.

No. MC 52709 (Deviation No. 23), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216, filed May 5, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Reno, Nev., over U.S. Highway 395 to Carson City, Nev., thence over U.S. Highway 50 to Silver Springs, Nev.; and (2) from Reno, Nev., over U.S. Highway 395 to Carson City, Nev., thence over U.S. Highway 50 to junction Alternate U.S. Highway 95, 9 miles west of Fallon, Nev., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Yerington, Nev., over Nevada Highway 3 to junction U.S. Highway 395, thence over U.S. Highway 395 to Reno, Nev.; (2) from Yerington, Nev., over Alternate U.S. Highway 95 to Fernley, Nev., thence over U.S. Highway 40 to Reno, Nev.; and (3) from Reno, Nev., over U.S. Highway 40 to junction Alternate U.S. Highway 95 (formerly U.S. Highway 95), thence over Alternate U.S. Highway 95 to junction U.S. Highway 95 near Fallon, Nev., thence over U.S. Highway 95 to Tonopah, Nev., and return over the same routes.

No. MC 108449 (Deviation No. 6), INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113, filed April 4, 1969, amended May 2, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. Highway 131 near White Pigeon, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to the Indiana-Michigan State line, thence over Michigan Highway 66 to junction U.S. Highway 131 near White Pigeon, Mich., and return over the same route.

No. MC 111594 (Deviation No. 15), C W TRANSPORT, INC., High Street, Wisconsin Rapids, Wis. 54494, filed May 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 51 and Interstate Highway 55 over U.S. Highway 51 to junction U.S. Highway 12, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over Interstate Highway 55 to St. Louis, Mo.; (2) from Elgin, Ill., over Illinois Highway 31 to junction U.S. Highway 12, thence over U.S. Highway 12 to Lake Geneva, Wis.; and (3) from Chicago, Ill., over U.S. Highway 14 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 12, thence over U.S. Highway 12 to Madison, Wis., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-6055; Filed, May 20, 1969; 8:51 a.m.]

[Notice 1295]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 16, 1969.

The following publications are governed by the new Special Rule 1.247 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.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 187), filed May 2, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when moving in mixed shipments with meats, meat products and/or meat byproducts and/or articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Austin, Minn.; Fort Dodge, Iowa; and Fremont, Nebr.; to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. Applicant holds a pending application under MC 25798 (Sub-No. 162) which duplicates in part, the authority sought herein. All such duplicating authority shall be eliminated.

HEARING: June 23, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 109994 (Sub-No. 30), filed May 5, 1969. Applicant: SIZER TRUCKING, INC., Box 97, East Highway 94, Rochester, Minn. 55901. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in section A and C of appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs* when moving in mixed truckloads with meats, meat products, meat byproducts and articles distributed by meat packinghouses, originating at the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Pennsylvania, and the District of Columbia, and (2) *meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, originating at the plantsite and/or warehouse facilities of the Rod Barnes Packing Co. at or near Huron, S. Dak., to points in Virginia, West Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Pennsylvania, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

HEARING: June 23, 1969, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 3647 (Sub-No. 406) (Republication), filed November 25, 1968, published FEDERAL REGISTER issue of December 19, 1968, published FEDERAL REGISTER issue of December 19, 1968, and republished this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). By application filed November 25, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, (1) between Clinton Township and Franklin Township, N.J., from junction U.S. Highway 22 and Interstate Highway 78 (Clinton Township), over Interstate Highway 78 to junction Interstate Highway 287, (Bedminister Township, N.J.), thence over Interstate Highway 287 to junction Weston Canal Road (Franklin Township), and return over the same route, serving all intermediate points, and (2) between points in Bridgewater Township, N.J., as follows: From junction Interstate Highway 287 and combined U.S. Highways 202–206, over combined U.S. Highways 202–206 to junction New Jersey Highway 28 at the Bridgewater Township-Raritan Borough boundary line, and return over the same route, serving all intermediate points, restricted (a) against the transportation of passengers to or from New York City, N.Y., except on trips which neither originate or terminate at any point in New Jersey, east of Clinton, N.J.; and

(b) Service via Highways 202–206 on the route described in (2) above may be performed only in connection with traffic moving over Highway 22, east of Somerville, N.J. An order of the Commission, Operating Rights Board, dated April 18, 1969, and served May 7, 1969, finds that operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicle, over regular routes of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) between the junction of Interstate Highway 287 and U.S. Highways 202 and 206, and the junction of U.S. Highways 202 and 206, and New Jersey Highway 28, at Somerville, N.J., over U.S. Highways 202 and 206, serving all intermediate points, restricted to the transportation of passengers originating at or destined to points east of Somerville, N.J.; and (2) between the junction of U.S. Highway 22 and Interstate Highway 78 near Annandale, N.J., and the junction of Interstate Highway 287 and unnumbered highway near South Bound Brook, N.J., from junction U.S. Highway 22 and Interstate Highway 78 over Interstate Highway 78 to junction Interstate Highway 287, and thence over Interstate Highway 287 to junction unnumbered highway near South Bound Brook, N.J., and return over the same route, serving all intermediate points; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that 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 described in the findings in 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 127337 (Sub-No. 4) (Republication), filed November 14, 1968, published FEDERAL REGISTER issue of December 5, 1968, and republished this issue. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. By application filed November 14, 1968, Chet's Transport, Inc., of Charlotte, Maine, seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) fish packaging material, processed fish, and fresh or frozen fish, when moving in the same vehicle with processed fish, between Portsmouth, N.H., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, and Bar Harbor, Maine; and (2) repair parts for fishing boats and fish plants, from Portsmouth, N.H., to ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, and Bar Harbor, Maine; A Report of the Commission, Operating Rights Board, dated April 30, 1969, and served May 9, 1969, 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 (1) (a) *fish packaging material*, (b) *processed fish*, and (c) *fresh or frozen fish*, when moving in the same vehicle and at the same time with processed fish, between Portsmouth, N.H., on the one hand, and, on the other, those ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, and Bar Harbor, Maine; and (2) *repair parts* for fishing boats and fish processing plants, between Portsmouth, N.H., and those ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, and Bar Harbor, Maine; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that 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 described in the findings in 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 128375 (Sub-No. 9) (Republication), filed May 5, 1967, published FEDERAL REGISTER issue of May 25, 1967, and republished this issue. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. Applicant's representative: Charles J. Kimball, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. In the above-entitled proceeding, the examiner recommended the issuance to applicant of a permit, authorizing the operations, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes of, the commodities, to and from points substantially as indicated below. A decision and order of the Commission, Review Board No. 4, dated December 24, 1968, and served January 6, 1969, as modified, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, under a continuing contract with Tote Systems, Division of Hoover Ball and Bearing Co., of, (1) (a) *metal and fiberglass containers, industrial blenders and dump station machines, frankfurter processing machines, sand blasters, truck hoists, tractor stilts, stock tank heaters, farm fertilizer applicators and nurse tank wagons;* and (b) *parts of the commodities* named in (a) above, from Lenox, Iowa, and Beatrice, Nebr., to points in the United States (except points in Alaska, Arizona, Hawaii, Kentucky, Montana, New Mexico, North Carolina, Tennessee, and Wyoming); and (2) *tools, parts, supplies, and partially fabricated products,* utilized in connection with the manufacturing of the commodities named in (1) (a) above, between Lenox, Iowa; Beatrice, Nebr.; and the port of entry on the United States and Canada boundary line at or near Detroit, Mich.; subject to the condition that a notice of the authority actually granted herein will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding 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 perjudiced.

No. MC 133390 (Republication), filed December 23, 1968, published in the FEDERAL REGISTER issue of January 30, 1969, and republished this issue. Applicant: H. IMME & SONS, INC., S-67 West, 14584 Janesville Road, Muskego, Wis. 53150. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. By application filed December 23, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of potato chips, shoestring potatoes, popcorn, nut meats, corn twists, corn chips, carmel corn, cheese corn, pretzels and tomato juice from the site or warehouse facilities of Geiser's Potato Chip Co. at Milwaukee, Wis., to Waukegan, Ill., under a continuing contract with Geiser's Potato Chip Co. of Milwaukee, Wis.; An order of the Commission, Operating Rights Board, dated April 30, 1969, and served May 9, 1969, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *foods* from the plantsite and storage facilities of Geiser's Potato Chip Co., at Milwaukee, Wis., to Waukegan, Ill., under a continuing contract with Geiser's Potato Chip Co., of Milwaukee, Wis., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that 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 described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit 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.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 120075 (Sub-No. 4), filed March 27, 1969. Applicant: THE TACOMA SUBURBAN LINES, INC., Post Office Box 117, Building 2197, Fort Lewis, Wash. Applicant's representatives: George H. Hart and Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers; (1) between Tacoma and Du Pont, Wash., in a circuitous manner from Tacoma over Pacific Avenue to South Tacoma Way, thence over South Tacoma Way to U.S. Highway 99, thence over Union Avenue extension to McChord Air Force Base, return over Union Avenue extension to U.S. Highway 99, thence over U.S. Highway 99 to Gravelly Lake Drive, thence over Gravelly Lake Drive to Interstate Highway 5, thence over Interstate Highway 5 to Thorn Lane, thence over Thorn Lane to Union Avenue, thence over Union Avenue to Tillicum, Wash., thence over Berkley Street to Fort Lewis, Wash., thence over military reservation roads to Du Pont, and return over the same route, serving the intermediate points of McChord Air Force Base, Tillicum, and Fort Lewis, Wash.; (2) between Tacoma and McChord Air Force Base, Wash., from Tacoma over Pacific Avenue to Sales Road, thence over Sales Road to McChord Air Force Base, Wash.; (3) between Fort Lewis and Lakewood Center, Wash., in a circuitous manner from Fort Lewis over U.S. Highway 99 to Bridgeport Way, thence over Bridgeport Way, to Steilacoom Boulevard, thence over Steilacoom Boulevard, to Meadow Road, thence over Meadow Road to Alfaretta Avenue, thence over Alfaretta Avenue to Gravelly Lake Drive, thence over Gravelly Lake Drive to Veterans Drive, thence over Veterans Drive to Lakewood, Wash., thence over Vernon Avenue to Lawndale, thence via Lawndale to North Fort Lewis, thence return to Fort Lewis over Military Road; and (4) between Du Pont and Tacoma, Wash., over Interstate Highway 5 and Military Reservation Roads, serving the intermediate point of Fort Lewis, Wash. Restriction: No local service is authorized between the city limits of Tacoma, Wash., and the intersection of Pacific Avenue and Sales Road or between the intersection of U.S. Highway 99 and Bridgeport Way and the intersection of Lawndale and Nottingham Avenue. NOTE: The instant application is a matter directly related to MC-F-10433, published in the FEDERAL REGISTER issue of April 2, 1969, wherein applicant who controls Pacific National Lines, Inc., seeks to convert their certificates of registration under MC 84690 Subs 13 and 15 into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10212 (Amendment) (HIGHWAY EXPRESS LINES, INC.—Control—NORTHERN HAULERS CORP.), published in the August 14, 1968, issue of the FEDERAL REGISTER, on page 11575. By amendment filed May 7, 1969, HIGHWAY EXPRESS LINES, INC., seeks to *control and merge* the operating rights and property of NORTHERN HAULERS CORPORATION, in lieu of control only. NOTE: In No. MC-F-10371 (Northern Haulers Corp.—Purchase (Portion)—George A. Taylor,

Inc.), published in the January 29, 1969, issue of the FEDERAL REGISTER, on page 1421, NORTHERN HAULERS CORPORATION proposes to purchase certain operating rights of GEORGE A. TAYLOR, INC. If both applications are granted, HIGHWAY EXPRESS LINES, INC., would succeed to any authority acquired by NORTHERN HAULERS CORPORATION.

No. MC-F-10477. Authority sought for purchase by RISS INTERNATIONAL CORPORATION (formerly Riss & Company, Inc.), 903 Grand Avenue, Kansas City, Mo. 64106, of the operating rights of SHORT LINE DELIVERY CORP., Route 202, Garnerville, N.Y. 10923, and for acquisition by REPUBLIC INDUSTRIES, INC., also of Kansas City, Mo., and in turn by ROBERT B. RISS, 1012 Baltimore Avenue, Kansas City, Mo. 64105, and RICHARD R. RISS, Cripple Creek, Colo., of control of such rights through the purchase. Applicants' attorneys and representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102, Ivan E. Moody, 903 Grand Avenue, Kansas City, Mo. 64106, and Mitchell Jelline, 350 Fifth Avenue, New York, N.Y. 10001. Operating rights sought to tbe transferred: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier*, over irregular routes, between points in Rockland County, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, and Fairfield County, Conn.; *general commodities*, excepting, among others, household goods and commodities in bulk, between points in Rockland County, N.Y., on the one hand, and, on the other, certain specified points in Connecticut, between points in Rockland County, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; between points in Rockland County, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, and Philadelphia, Pa., with restriction; and *general commodities*, except those of unusual value, classes A and B explosives, livestock, liquor, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., and points in New Jersey and New York within 15 miles of New York, N.Y., on the one hand, and, on the other, certain specified points in New Jersey, and New York. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Texas, Colorado, Iowa, Illinois, Nebraska, Oklahoma, Michigan, Iowa, West Virginia, Massachusetts, New Jersey, Connecticut, Pennsylvania, Maryland, Virginia, New York, Ohio, Indiana, Rhode Island, Delaware, Kentucky, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10478. Authority sought for purchase by CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo. 64502, of a portion of the operating rights of MOMSEN TRUCKING CO., Highways 71 and 18 North, Spencer, Iowa, and for acquisition by ARTHUR F. CROUCH, CLEO CROUCH, AND ROGER CROUCH, all of Elwood, Doniphan County, Kans., of control of such rights through the purchase. Applicants' attorneys: William P. Jackson, Jr., 1819 H Street NW., Washington, D.C. 20006, and Donald L. Stern, Suite 630, City National Bank Building, Omaha, Nebr. 68102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes from St. Paul, Minneapolis, Stillwater, Fairmont, Owatonna, Hopkins, and Mankato, Minn., to Swea City, Iowa, and points in Iowa within 25 miles of Swea City, between Estherville and Spencer, Iowa, on the one hand, and, on the other, St. Paul and Minneapolis, Minn., and between Anita, Iowa, and points within 15 miles thereof, on the one hand, and, on the other, Omaha, Nebr. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Iowa, Kansas, Nebraska, Oklahoma, Arkansas, Indiana, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10479. Authority sought to purchase by ANDREW McDERMOTT, INC., 220 Murray Street, Newark, N.J. 07114, of the operating rights of TRINITY TERMINAL & TRANSPORTATION, INC., Box 1002, Brookdale Station, 20 Bay Street, Montclair, N.J., Bloomfield, N.J. 07003, and for acquisition by H. W. TAYNTON COMPANY, INC., and in turn, ROBERT E. TAYNTON, SR., ELIZABETH MARBLE, PAUL TAYNTON, FLORENCE TAYNTON, and the COMMONWEALTH BANK & TRUST CO. (TRUSTEES), all of 40 Main Street, Wellsboro, Pa., of control of such rights through the purchase. Applicants' attorneys: Robert De Kroyft, 24 Branford Place, Newark, N.J. 07102, and Bowes & Millner, 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between New York, N.Y., and points in Essex and Hudson Counties, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-6056; Filed, May 20, 1969; 8:51 a.m.]

[Notice 347]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 16, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71044. By order of May 1, 1969, the Motor Carrier Board approved the transfer to Camall Trucking, Inc., South Gate, Calif., of certificate Nos. MC-36657 and MC-36657 (Sub-No. 1) and certificate of registration No. MC-36657 (Sub-No. 4), issued November 18, 1949, November 18, 1949, and April 2, 1964, respectively, to Clair E. Campbell, doing business as Camall Service, South Gate, Calif., authorizing transportation under the certificates of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Los Angeles and Los Angeles Harbor, Calif., commercial zone; hair curlers, toilet preparations, and scrap phonograph records, from Los Angeles, Calif., to Los Angeles Harbor and Long Beach Harbor, Calif., to Los Angeles Harbor and Long Beach Harbor, Calif.; hair brushes and hardware, from Los Angeles Harbor, Calif., to Los Angeles, Calif.; and under the certificate of registration, of transportation corresponding to the certificate of public convenience and necessity granted in Decision No. 55901, dated December 3, 1957, by the Public Utilities Commission of the State of California. Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027, applicant's representative.

No. MC-FC-71270. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Laurel Transport Ltd., Montreal, Quebec, Canada, of certificate No. MC-36467 issued March 19, 1965, to Laurel Transport U.S., Inc., Montreal, Quebec, Canada, authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, material, and supplies used in the conduct of such business, between Plattsburgh, N.Y., and Malone, N.Y., serving all intermediate points, and the off-route points of St. Regis Falls and Bombay, N.Y.; between Plattsburgh, N.Y., and Tupper Lake, N.Y., serving all intermediate points, and the off-route point of Faust, N.Y.; and between Plattsburgh, N.Y., and Ticonderoga, N.Y., serving all intermediate points; and general commodities, with the usual exceptions, between Plattsburgh, N.Y., on the one hand, and, on the other, points in Warren, Franklin, St. Lawrence, Clinton, and Essex Counties, N.Y. Richard B. Stewart, 701 Union Trust Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-71285. By order of May 1, 1969, the Motor Carrier Board approved

the transfer to Jarvis Leasing & Transportation Co., a corporation, East Providence, R.I., of certificate No. MC-2149 issued May 17, 1968, to Curran Express, Inc., New Bedford, Mass., authorizing the transportation of: General commodities, with the usual exceptions, between points in Massachusetts and Rhode Island. John A. Tierny, 16 Seventh Street, New Bedford, Mass. 02743, Russell B. Curnett, 36 Circuit Drive, Providence, R.I. 02905, practitioners for applicants.

No. MC-FC-71353. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Gerald E. Branjord, doing business as M & M Transfer, New Richmond, Wis., of certificate No. MC-123234 issued January 27, 1964, to Vincent A. Moore, doing business as M & M Transfer, New Richmond, Wis., authorizing the transportation of: Various commodities of a general commodity nature, between points in Wisconsin and Minnesota. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, practitioner for applicants.

No. MC-FC-71356. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Spear Trucking, Inc., Rockford, Ill., of certificate No. MC-129040 issued January 15, 1968, to Sewell R. Spear, doing business as S. R. Spear Trucking, Rockford, Ill., authorizing the transportation of: General commodities, with the usual exceptions, between Rockford, Ill., and points in specified counties in Illinois, in a radial movement. Hylan Cooper, 450 Seventh Avenue, New York, N.Y. 10001, attorney for applicants.

No. MC-FC-71080. Republication, by order of April 30, 1969, the Motor Carrier Board approved the transfer to Caravan Lines & Storage Co., Inc., 3535 East Burnside Street, Portland, Oreg. 97214, certificates Nos. MC-108340, MC-108340 (Sub-No. 13), and MC-108340 (Sub-No. 17), issued October 13, 1954, June 5, 1961, and May 23, 1963, respectively, to Haney Truck Line, Forest Grove, Oreg. 97116, authorizing the transportation of: General commodities, and specifically named commodities of a general commodity nature, between points in Oregon and Washington.

The purpose of this republication is to advise that a corrected order bearing the above date of April 30, 1969, is entered herein to correctly show that the operating rights acquired by transferee herein, pursuant to approval of this transaction is only a "portion" of the rights in certificate No. MC-108340 covering the transportation of household goods, as defined by the Commission, and transferor retains the remainder of the authority in that lead certificate and the entire certificates in Nos. MC-108340 (Sub-No. 13), and MC-108340 (Sub-No. 17). The portion of the rights transferred involves operations in a specified area of Washington and Oregon.

No. MC-FC-71258. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Jacob J. Vargo, Jr., Perkasie, Pa., of the operating rights in certificate No. MC-100387 issued May 20, 1941, to Jacob J. Vargo, Perkasie, Pa., authorizing the transportation of fertilizer from Carteret, N.J., to points in Pennsylvania within 25 miles of Perkasie, Pa., lumber from Newark, N.J., to the above destination points, and agricultural commodities from the above-specified destination points to Camden, N.J. Harry J. Liederbach, 539 Street Road, Southampton, Pa. 18966, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-6057; Filed, May 20, 1969; 8:51 a.m.]

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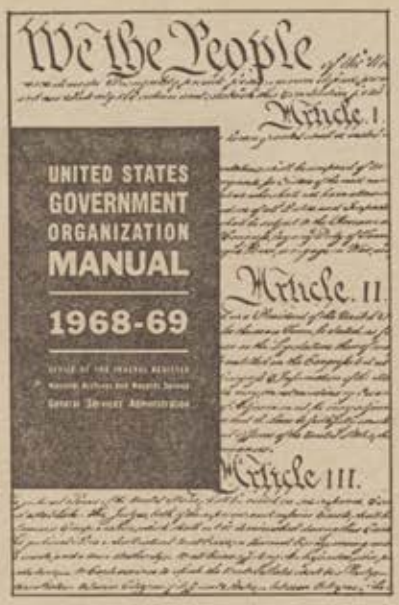

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