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Executive Order 11477

AUTHORIZING THE ATOMIC ENERGY COMMISSION TO MAKE CERTAIN AWARDS WITHOUT THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

The Atomic Energy Commission is hereby designated and empowered, without approval, ratification, or other action by the President, to grant by the unanimous affirmative vote of all of its members not more than five awards in any calendar year, not exceeding the sum of $5,000 each, pursuant to the last sentence of section 157b(3) of the Atomic Energy Act of 1954 (42 U.S.C. 2187(b)(3)) which authorizes the Commission to grant awards for especially meritorious contributions to the development, use, or control of atomic energy.

Richard Nixon

THE WHITE HOUSE,
August 7, 1969.

[F.R. Doc. 69-9508; Filed, Aug. 8, 1969; 11:58 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 371—CONDUCT ON NATIONAL ARBORETUM PROPERTY

Chapter III of Title 7 of the Code of Federal Regulations is amended by adding a new Part 371, reading as follows:

Sec.

AUTHORITY: The provisions of this Part 371 issued under secs. 2, 4, 62 Stat. 281; 40 U.S.C. 318 (a), (c); sec. 103, 63 Stat. 380; 40 U.S.C. 753; sec. 205(d), 63 Stat. 389; 40 U.S.C. 486(d); 34 F.R. 6406; 34 F.R. 7389.

§ 371.1 General.

The rules and regulations in this part apply to the buildings and grounds of the National Arboretum, Washington, D.C., and to all persons entering in or on such property. The Administrator, General Services Administration, has delegated to the Secretary of Agriculture, with authority to redelegate, the authority to make all the needful rules and regulations for the protection of the buildings and grounds of the National Arboretum (34 F.R. 6406). The Secretary of Agriculture has in turn delegated such authority to the Administrator, Agricultural Research Service (34 F.R. 7389). The rules and regulations in this part are issued pursuant to such delegations.

§ 371.2 Recording presence.

Admission to the National Arboretum during periods when it is closed to the public will be limited to authorized individuals who may be required to sign the register and/or display identification documents when requested by the guard, watchman, or other authorized individuals.

§ 371.3 Preservation of property.

It is unlawful to willfully destroy, damage, or remove property or any part thereof.

§ 371.4 Conformity with signs and emergency directions.

Persons in and on property of the National Arboretum shall comply with official signs of a prohibitory or directory nature, and, with the directions of authorized individuals.

§ 371.5 Nuisances.

The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping, or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemly or disorderly conduct, throwing articles of any kind from a building, and climbing upon any part of a building, is prohibited.

§ 371.6 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on National Arboretum property, is prohibited.

§ 371.7 Intoxicating beverages and narcotics.

Entering National Arboretum property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, or the consumption of such beverages or the use of such drug in or on National Arboretum property, is prohibited.

§ 371.8 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on National Arboretum property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Agricultural Research Service, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval of the Director, National Arboretum.

§ 371.9 Photographs for news, advertising, or commercial purposes.

Photographs for news purposes may be taken at the National Arboretum without prior permission. Photographs for advertising and commercial purposes may be taken at the National Arboretum only with the prior written approval of the Director, National Arboretum.

§ 371.10 Pets.

Pets brought upon National Arboretum property must be kept on leash.

§ 371.11 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles in or on National Arboretum property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on National Arboretum property is prohibited;

(c) Except in emergencies, parking in or on National Arboretum property in other than designated areas is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time, by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

§ 371.12 Weapons and explosives.

No person while in or on National Arboretum property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

§ 371.13 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, religion, color, or national origin, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on National Arboretum property.

§ 371.14 Exceptions.

The Administrator, Agricultural Research Service, may in individual cases make prior, written exceptions to the rules and regulations in this part if he determines it to be not adverse to the public interest.

§ 371.15 Penalties and other law.

Whoever shall be found guilty of violating the rules and regulations in this part is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules and regulations in this part shall be construed as abrogating or authorizing the abrogation of any other regulations or any Federal law or any laws and regulations of the District of Columbia which may be applicable.

Effective date: This part shall become effective on the date of its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of August 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

Approved: T. M. BALDAUF,
Acting Director, Office of
Plant and Operations.

Approved: EDWARD M. SHULMAN,
General Counsel.

[F.R. Doc. 69-9424; Filed, Aug. 8, 1969; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 717—HOLDING OF REFERENDA

Definition of Referendum Community and Reporting of Referenda Results

On page 9562 of the FEDERAL REGISTER of June 18, 1969 (34 F.R. 9562) was published a notice of proposed rule making to amend the regulations governing the holding of referenda.

Interested persons were given 30 days after publication of the notice in which to submit written data, views, or recommendations with respect to the proposed amendment.

No data, views, or recommendations were received and the proposed amendment is adopted with certain additions as set forth below:

1. A basis and purpose paragraph is added at the beginning of the amendment.

2. References to certain divisions are changed to reflect the current division designations.

3. An authority clause is added.

4. An effective date provision is added immediately following the authority clause.

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to (1) amend the definition of referendum community in § 717.1(c) to include the rule expressed in § 717.4 that the entire county shall be the referendum community for purposes of referenda held by mail ballot. In addition, for purposes of referenda held at polling places, the entire county would be established as the referendum community in cases where there are less than 100 farms on which there are eligible producers unless the county committee determined that more than one referendum community was needed. Presently the county committee is required to take action to reach this result and (2) revise § 717.22 to add the procedure for State reporting of referenda results to the Deputy Administrator in case of mail ballot referenda in a manner similar to that prescribed in § 717.17 for referenda held at polling places.

Part 717—Holding of Referenda (33 F.R. 18345) is amended as follows:

1. The Table of Contents would be amended by changing the heading of § 717.22 to read as follows:

Sec.
717.22 Reporting and record of result of the referendum.

2. Paragraph (c) of § 717.1 would be revised to read as follows:

§ 717.1 Definitions.

* * * * *

(c) *Referendum community.* For referenda conducted by mail ballot, the entire county shall be the referendum community. For referenda conducted at polling places, the referendum community shall conform with the community established by the State committee for purposes of elective areas under the regulations in the subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees in Part 7, Subtitle A, of this Title (§ 7.7, 33 F.R. 12955), as amended from time to time: *Provided,* That a referendum community may be composed of an area differing from the community so established in the following cases:

(1) A referendum community may be established by the county committee, with the approval of a representative of the State committee, to conform to a political township, a local voting precinct for purposes of general elections, or a combination of such townships or precincts;

(2) A referendum community may be established by the county committee, if it determines eligible producers will be given a convenient place to vote, which consists of a combination of a community with less than 25 farms on which there are producers eligible to vote, with one or more communities; and

(3) The entire county shall be the referendum community in counties with less than 100 farms on which there are producers eligible to vote unless the county committee, with the approval of the State committee, determines that more than one referendum community is needed in the county.

The county committee shall maintain in the county office, and make available for public inspection, a descriptive list of the referendum communities established for the county for referenda conducted at polling places.

3. The word "Farmer" where it appears in the first sentence of § 717.9(c) and in the second sentence of § 717.18 is changed to the word "Commodity".

4. Section 717.17 is amended by changing the fourth sentence to read as follows:

§ 717.17 State committee's reporting and record of result of the referendum.

* * * * *

The original and one copy of the State summary shall be forwarded to the Director of the ASCS Division having the responsibility for the commodity for which the referendum was held.

5. Section 717.22 is revised to read as follows:

§ 717.22 Reporting and record of result of the referendum.

(a) *County committee.* The county committee shall notify the State committee by telephone, telegraph, or messenger (who may be a member of the county committee), as to the preliminary count of the votes on each question and the number of challenged ballots as soon as possible. The county committee shall, as soon as may be reasonably possible, but in no event later than 4 calendar days after canvassing of the ballots, have prepared and certified the county summary of ballots. Such summary shall be prepared and certified in triplicate, one copy of which shall be sent to the State committee, one copy posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee, and one copy filed in the office of the county committee and kept available for public inspection.

(b) *State committee.* The State committee for each State shall notify the Deputy Administrator by telephone or telegraph as to the preliminary count of the votes in the State as soon as the preliminary results of the referendum are made known to the State committee. The county summaries of ballots shall be summarized on the State summary of ballots as soon as possible, but in no event later than 7 calendar days after canvassing of the ballots, unless there is a dispute or challenge regarding the correctness of the summary for any county, in which case the State committee shall complete its investigation thereof, decide the dispute or challenge, and prepare the State summary accordingly within 14 calendar days after canvassing of the ballots. The State summary shall be prepared in triplicate and certified to by the State executive director. The original and one copy of the State summary shall be forwarded to the Director of the ASCS Division having the responsibility for the commodity for which the referendum was held. One copy of the State summary shall be filed for a period of 5 years in the office of State committee available for public inspection.

(Secs. 312(c), 317 (c) and (d), 336, 343, 344a (b)(ii), 354(b), 358(b), 375(b), 52 Stat. 46, as amended, 79 Stat. 66, 52 Stat. 55, as amended, 56, as amended, 79 Stat. 1197, 52 Stat. 61, as amended, 55 Stat. 38, as amended, 52 Stat. 66, as amended; 7 U.S.C 1312(c), 1314c (c) and (d), 1336, 1343, 1344b(b)(ii), 1354(b), 1358(b), 1375(b))

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 5, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-9434; Filed, Aug. 8, 1969; 8:48 a.m.]

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

[Valencia Orange Reg. 287, Amdt. 1]

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

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provision in paragraph (b)(1) (i), (ii), and (iii) of § 908.587 (Valencia Orange Reg. 287, 34 F.R. 12494) are hereby amended to read as follows:

§ 908.587 Valencia Orange Regulation 287.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 288,000 cartons;

(ii) District 2: 392,000 cartons;

(iii) District 3: 120,000 cartons.

* * * * *

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

Dated: August 6, 1969.

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

[F.R. Doc. 69-9435; Filed, Aug. 8, 1969; 8:48 a.m.]

[Lemon Reg. 386]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.686 Lemon Regulation 386.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 5, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 10, 1969, through August 16, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 265,050 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: August 6, 1969.

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

[F.R. Doc. 69-9470; Filed, Aug. 8, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69-WE-8-AD; Amdt. 39-813]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Models 707/720 and 727; Takeoff Aural Warning System

Amendment 39-776, 34 F.R. 9027, AD 69-12-2, required modifications to the takeoff aural warning system and incorporation of new material or revision of existing language, as appropriate, in the FAA Airplane Flight Manuals. The AD was effective July 6, 1969. The FEDERAL REGISTER publication invited interested persons to submit their views or comments for consideration.

Comments have been received from the manufacturer and the airlines and these have been considered. The manufacturer recommended that the AD be withdrawn on the basis that the flight crew checklists provided by the air carriers are adequate to assure proper setting of the flaps, stabilizer, and spoilers before takeoff, and that the takeoff warning system was not intended as a substitute for compliance with checklist procedures. The Administrator does not agree that this comment justifies withdrawal of the AD. As discussed in the preamble to the AD as published in the FEDERAL

REGISTER, the takeoff warning system was installed in most transport airplane models as a supplement to checklist procedures to warn the crew of their failure through oversight to accomplish any of the checklist items connected with the warning system.

With respect to the AD as published, the manufacturer recommended certain editorial changes involving the Airplane Flight Manuals with which the Administrator is in substantial agreement. These changes have been adopted. For clarity in incorporating these changes, the AD, as amended, is republished in its full text. In addition, the effectivity date of the AD is amended to give operators more time to accomplish these changes.

Comments received from the Air Transport Association indicated that one airline may be unable to meet the established compliance time for all of the airplanes in their fleet without interruption of operating schedules. In such case, the Director is empowered to grant a reasonable extension for compliance when such request appears justified.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and this amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-776, 34 F.R. 9027, AD 69-12-2, is amended as follows:

BOEING 707/720 and 727 series airplanes. Applies to all Boeing 707/720 and 727 series airplanes, as appropriate.

Compliance required within 1,000 hours time in service after the effective date of this AD, unless previously accomplished.

To provide for (1) arming of the takeoff warning system at about 25° of thrust lever advancement from the idle position, and (2) to advise flight crews of the characteristics of the system, accomplish the following:

A. For 707/720 series airplanes listed in Boeing S.B. No. 2384, dated January 31, 1967, or later FAA-approved revisions, modify the takeoff warning actuating switch installation in accordance with Boeing Service Bulletin No. 2384, dated January 31, 1967, or later FAA-approved revision, or by an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

B. For 727 series airplanes listed in Boeing S.B. 27-102, Revision 1, dated July 7, 1967, or later FAA-approved revisions, modify the takeoff warning actuating switch installation in accordance with Boeing Service Bulletin No. 27-102, Revision 1, dated July 7, 1967, or later FAA-approved revision, or by an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

NOTE: Some operators have modified the throttle control system to incorporate automatic throttle controls using equipment not designed by Boeing. In such installations, the modification kits available from Boeing for compliance with Service Bulletin No. 27-102 may not be applicable, and operators should submit their modification for FAA approval.

C. For all 707/720 and 727 airplanes listed in this paragraph, incorporate revisions in the FAA Approved Airplane Flight Manual as follows:

1. For Models 707-100/ -200/ -400/ -100B (except -123B and -138B)/ -300B/ -300B (ADV)/ -300C, Revise Section III, existing paragraph headed "Warning Horn," to read:

WARNING HORN

LANDING

The warning horn will sound when any thrust lever is retarded or the flap control lever is in the 40° or 50° detent with the landing gear in the "unsafe to land position."

NOTE: (Applicable only for airplanes incorporating Boeing Service Bulletin 1891) when the landing gear warning horn circuit modification is installed, landing gear warning horn will not function with outboard flaps in the fully retracted position. However, landing gear warning lights will function when thrust levers are retarded to idle power.

TAKEOFF

Sounding of the warning horn, when the No. 3 thrust lever is advanced to takeoff thrust indicates one or more of the following:

(a) Speed brakes handle is not in the zero degree detent.

(b) Stabilizer trim is not within the green band range used for takeoffs.

(c) Wing flaps are not in the takeoff position.

CAUTION: The warning horn will not:

1. Be armed for sounding at the lower ambient temperatures due to No. 3 thrust lever takeoff positioning not actuating the thrust lever quadrant switch, or

2. Indicate stabilizer trim is in the improper takeoff position specified for actual center of gravity location.

CABIN PRESSURIZATION

The warning horn will sound intermittently whenever the cabin altitude exceeds 10,000 feet.

2. For Models 707-300/720/720B/707-123B and -138B, Revise Section III, existing paragraph headed "Warning Horn," to read:

WARNING HORN

LANDING

The warning horn will sound when any thrust lever is retarded or the flap control lever is in the 40° or 50° detent with the landing gear in the "unsafe to land position."

NOTE: (Applicable only for airplanes incorporating Service Bulletin No. 1891.) When the landing gear warning horn circuit modification is installed, landing gear warning horn will not function with outboard flaps in the fully retracted position. However, landing gear warning lights will function when thrust levers are retarded to idle power.

TAKEOFF

Sounding of the warning horn when the No. 3 thrust lever is advanced to takeoff thrust indicates one or more of the following:

(a) Speed brakes handle is not in the zero degree detent.

(b) Stabilizer trim is not within the green band range used for takeoffs.

(c) Wing flaps are not in one of the approved takeoff flap setting positions.

(d) An essential A-C power failure has occurred during takeoff. (Applicable only for Models 707-123B/-138B/720-023B airplanes.)

CAUTION: The warning horn will not:

1. Be armed for sounding at the lower ambient temperatures due to No. 3 thrust lever takeoff positioning not actuating the thrust lever quadrant switch, or

2. Indicate stabilizer trim is in the improper takeoff position specified for actual center of gravity location.

3. Indicate wing flaps are in the improper takeoff position specified for actual takeoff speeds and performance limits.

CABIN PRESSURIZATION

The warning horn will sound intermittently whenever the cabin altitude exceeds 10,000 feet.

3. For Models 727/727C/727-200 add new paragraph heading "Warning Horn" in section 3, to read:

WARNING HORN

LANDING

The warning horn will sound when any thrust lever is retarded or the flap control lever is retarded or the flap control lever is in the 30° or 40° detent with the landing gear in an "unsafe to land position."

TAKEOFF

Sounding of the warning horn, when No. 3 thrust lever is advanced to takeoff thrust, indicates one or more of the following:

(a) Speed brakes handle is not in the zero degree detent.

(b) Stabilizer trim is not within the green band range used for takeoffs.

(c) Wing flaps are not in one of the approved takeoff flap setting positions.

(d) Auxiliary power unit door is not latched. (If APU installed.)

CAUTION: The warning horn will not:

1. Be armed for sounding at the lower ambient temperatures due to No. 3 thrust lever takeoff positioning not actuating the thrust lever quadrant switch, or

2. Indicate stabilizer trim is in the improper takeoff position specified for actual center of gravity location.

3. Indicate wing flaps are in the improper takeoff position specified for actual takeoff speeds and performance limits.

CABIN PRESSURIZATION

The warning horn will sound intermittently whenever the cabin altitude exceeds 10,000 feet.

NOTE: Due to modifications accomplished by Supplemental Type Certificate or by other FAA approvals, the AFM material may not, in all cases, apply. Notify the Chief, Aircraft Engineering Division, FAA Western Region, when changes in equipment indicate possible nonapplicability.

This amendment becomes effective September 9, 1969.

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

Issued in Los Angeles, Calif., on July 30, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-9410; Filed, Aug. 8, 1969; 8:46 a.m.]

[Docket No. 69-EA-42; Amdt. 39-814]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

On Page 9124 of the FEDERAL REGISTER for June 10, 1969, the Federal Aviation Administration published a proposed regulation which would require a modification of the main landing gear door and trolley lever on the Fairchild Hiller F-27 and FH-227 type airplanes.

Interested parties were given 30 days after publication in which to submit written data or views.

Eastex Inc. of Silshee, Tex., by R. Goodwin of the aviation division objected to the AD on the ground that his personal experience did not support the need for the AD. It was opined that proper maintenance would eliminate the deficiency. Agency experience, however, has indicated that maintenance was not a factor in the deficiency. The critical factor appeared to be the vulnerability of the gear door to wind buffet with resultant deformation of affected parts. Thus, the initial basis for the airworthiness directive still requires the promulgation of the proposed airworthiness directive.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, section 39.13 of Part 39 of the Federal Aviation Regulations is hereby amended by adopting the rule as proposed.

This amendment is effective September 1, 1969.

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

Issued in Jamaica, N.Y. on August 1, 1969.

GEORGE M. GARY,
Director, Eastern Region.

FAIRCHILD. Applies to F-27 airplanes Serial Nos. 1 through 128 and FH-227 airplanes Serial Nos. 501 through 518 and 520 through 578, certificated in all categories.

To prevent hazards associated with the spring loading of the main landing gear door trolley mechanism, and to prevent overtravel of the main landing gear doors during retraction, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the door trolley locking lever as described in Fairchild Hiller F-27 Service Bulletin 32-73 dated February 25, 1969, for F-27 aircraft, and Fairchild Hiller FH-227 Service Bulletin 32-15 dated February 25, 1969, for FH-227 aircraft or equivalent modifications approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, modify the main landing gear doors as described in Fairchild Hiller F-27 Service Bulletin 32-74 dated April 10, 1969, for F-27 aircraft and Fairchild Hiller FH-227 Service Bulletin 32-17 dated April 10, 1969, for FH-227 aircraft or equivalent modifications approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, upon receipt of substantiating data submitted through an FAA maintenance inspector.

[F.R. Doc. 69-9411; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-40]

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

Alteration of Federal Airway

On June 6, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9036) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 1,200-foot AGL south alternate to VOR Federal airway No. 56 from Augusta, Ga., to Columbia, S.C.

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., October 16, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-56 is amended by deleting "Columbia, S.C.;" and substituting "Columbia, S.C., including a south alternate via INT of Augusta 097° and Columbia 236° radials;" therefor.

This amendment is 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 August 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9412; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-66]

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

Alteration of Federal Airway Segments

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make minor alterations to lower the airway floors on segments of VOR Federal airways Nos. 132, 234, and 244.

The segments of V-132 between Goodland, Kans., and Hutchinson, Kans.; V-234 between Liberal, Kans., and Hutchinson; and V-244 between Lamar, Colo., and Hays, Kans., have their floors designated at high altitudes due to the minimum en route altitudes designated along these airway segments. Radar coverage along these airway segments from the Kansas City Air Route Traffic Control Center will now permit the airway floors to be lowered and will provide better service to air traffic operating along these segments of V-132, V-234, and V-244. Accordingly, action is taken herein to lower the airway floors along these airway segments.

Since this action is minor in nature, notice and public procedure hereon is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 is amended effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 1721, 4509) is amended as follows:

a. In V-132 "97 miles 92 MSL" is deleted and "97 miles 65 MSL" is substituted therefor.

b. In V-234 "74 miles 75 MSL" is deleted and "74 miles 65 MSL" is substituted therefor.

c. In V-244 "56 miles 65 MSL, 60 miles 85 MSL" is deleted and "116 miles 65 MSL" is substituted therefor.

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

Issued in Washington, D.C., on August 4, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-9413; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-37]

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 700-foot transition area at Midland, Tex.

On June 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9719) stating the Federal Aviation Administration proposed to alter controlled airspace in the Midland, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) stated opposition to establishment of the instrument approach procedure proposed to serve the Ector County Airport at Odessa, Tex., "because of its conflicts with established IFR procedures serving Midland-Odessa Regional Air Terminal." ATA commented that their reply to the previous nonrulemaking circular opposed establishment of the proposed procedure and they again recommended that a change from VFR to IFR use at Ector County Airport be only on the basis of independent IFR procedures.

The agency is aware that aircraft executing the proposed approach procedure to Ector County Airport could cause delays or restrictions to operations to/from Midland-Odessa Regional Air Terminal; however, at the present time, IFR aircraft destined for Ector County Airport execute an approach to Midland-Odessa Regional Air Terminal and then proceed VFR or in accordance with special VFR flight clearance procedures to Ector County Airport. This, too, delays traffic and is otherwise undesirable. An approach procedure to serve Ector County Airport would improve this situation by eliminating possible conflicts between IFR and marginal VFR aircraft thereby

increasing the level of safety in the terminal area.

It is not possible at this time to develop an approach procedure for Ector County Airport which would be entirely compatible with all IFR operations to/from Midland-Odessa Regional Air Terminal. The proposed procedure, however, is the most practical and the one which would have the least impact on the air traffic flow in the Midland terminal area. Further, aircraft conducting IFR operations to/from Ector County Airport will be under the control jurisdiction of the same approach control facility as aircraft conducting IFR operations to/from Midland-Odessa Regional Air Terminal.

In view of the foregoing, the agency cannot foresee any added adverse effect on IFR operations at Midland-Odessa Regional Air Terminal by the addition of the proposed instrument approach procedure to serve Ector County Airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 16, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4726) the Midland, Tex., transition area 700-foot portion is amended to read:

MIDLAND, TEX.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland-Odessa Regional Air Terminal (lat. 31°56'25" N., long. 102°12'10" W.) excluding the portion within a 1.5-mile radius of Midland Airpark (lat. 32°02'00" N., long. 102°05'55" W.), within a 5-mile radius of Ector County Airport (lat. 31°55'00" N., long. 102°23'00" W.), within 3.5 miles each side of the Midland VORTAC 011° radial extending from the 8-mile radius area to 11.5 miles north of the VORTAC excluding the portion within a 1.5-mile radius of Midland Airpark, and within 2 miles each side of the Midland ILS localizer southeast course extending from the 8-mile radius area to the INT of the Midland VORTAC 128° and the Big Spring VORTAC 212° radials.

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

Issued in Fort Worth, Tex., on July 31, 1969.

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

[F.R. Doc. 69-9414; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-56]

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

Designation, Revocation of Transition Area

On page 9719 of the FEDERAL REGISTER for June 21, 1969, the Federal Aviation Administration published proposed regulations which would designate a 1,200-foot Connecticut transition area for the State of Connecticut.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., October 16, 1969.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348; and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 25, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by:

(a) Deleting in the Hartford, Conn., transition area description the second paragraph describing the 1,200-foot transition area.

(b) Designating a Connecticut transition area described as follows:

CONNECTICUT

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

[F.R. Doc. 69-9415; Filed, Aug. 8, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-39]

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 Burnet, Tex., transition area.

On June 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9720) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Burnet, 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., October 16, 1969, as herein set forth.

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

BURNET, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal-Kate Craddock Field (lat. 30°44'34" N., long. 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (lat. 30°44'35" N, long. 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

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

Issued in Forth Worth, Tex., on July 31, 1969.

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

[F.R. Doc. 69-9416; Filed, Aug. 8, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENT OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Effective Date

The Federal Trade Commission published in the FEDERAL REGISTER of July 1, 1969 (34 F.R. 11089) a notice that the July 1, 1969 effective date, which was specified in section 500.25(c)(2) of regulations pertaining to the Fair Packaging and Labeling Act, was postponed until further order of the Commission. The further order was to provide at least thirty (30) days advance notice of the new effective date.

The July 1, 1969 notice was issued to provide a short period of time to afford possible resolution of the problems involved respecting the implementation of the Fair Packaging and Labeling Act by the Federal Trade Commission. The Commission has resolved the problems involved and has determined that its regulations, which were previously published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4718), pertaining to the Fair Packaging and Labeling Act should become effective as soon as possible.

Therefore, notice is hereby given that the new effective date is September 10, 1969.

Issued: August 5, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9385; Filed, Aug. 8, 1969; 8:45 a.m.]

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Miscellaneous Amendments

The Federal Trade Commission has previously published several policy statements in the FEDERAL REGISTER with respect to coverage and the status of specific items under the Fair Packaging and Labeling Act. These policy statements were identified as § 503.1—*Matters pertaining to coverage under the Fair Packaging and Labeling Act*, 33 F.R. 4723 (Mar. 19, 1968) and as § 503.2—*Status of Specific items under the Fair Packaging and Labeling Act*, 33 F.R. 8773 (June 15, 1968). Additionally, related policy statements were issued that confirmed § 503.2 as originally published, 34 F.R. 8941 (June 4, 1969) and amended and alphabetically rearranged § 503.2, 34 F.R. 9210-9211 (June 11, 1969).

The Commission has determined in view of the express language and the

legislative history of section 10(a) of the Act, which defines "consumer commodity," and the entire Act that the opinions expressed in the above-mentioned policy statements set forth an interpretation of "consumer commodity" that is unduly comprehensive. Moreover, the above-mentioned policy statements are incomplete because they did not define adequately the boundaries of product coverage under the definition. The Commission has also determined in view of the Act and its history that all actions taken under Part 501 of the regulations are invalid as they were based upon an interpretation of "consumer commodity" that is unduly comprehensive. The foregoing determinations of the Commission were based upon a memorandum from the Commission's General Counsel with attachments, which included a digest of the Act's legislative history. Copies of these documents are available to members of the public upon request to the Commission's Division of Legal and Public Records.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1459), Part 503 is amended as follows:

Sections 503.1 and 503.2 are repealed and a new § 503.5 is added, as follows:

§ 503.5 Interpretation of the definition of "consumer commodity" as contained in section 10(a) of the Fair Packaging and Labeling Act.

(a) Section 10(a) of the Fair Packaging and Labeling Act defines the term "consumer commodity" in four classifications. These are:

(1) Any food, drug, device, or cosmetic;

(2) And any other article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities.

(i) For consumption by individuals and which usually is consumed or expended in the course of such consumption.

(ii) For use by individuals for purposes of personal care and which usually is consumed or expended in the course of such use.

(iii) For use by individuals in the performance of services ordinarily rendered within the household and which usually is consumed or expended in the course of such use.

(b) Section 10(a) then expressly excludes (1) meats, poultry, and tobacco, (2) economic poisons and biologics for animals, (3) prescription drugs, (4) alcoholic beverages, and (5) agricultural and vegetable seeds.

(c) Pursuant to sections 5 and 7 of the Fair Packaging and Labeling Act, the authority to promulgate regulations and to enforce the Act as to any food, drug, device, or cosmetic has been delegated to the Secretary of Health, Education, and Welfare and as to any other "consumer commodity" to the Federal Trade Commission.

(d) As to these articles, products, or commodities subject to regulation by the Federal Trade Commission, the legislative history of the Act demonstrates the intent of Congress, for the reasons stated therein, to place the following categories outside the scope of the definition of "consumer commodity":

(1) Durable articles or commodities;

(2) Textiles or items of apparel;

(3) Any household appliance, equipment, or furnishing, including feather and down-filled products, synthetic-filled bed pillows, mattress pads and patchwork quilts, comforters and decorative curtains;

(4) Bottled gas for heating or cooking purposes;

(5) Paints and kindred products;

(6) Flowers, fertilizer, and fertilizer materials, plants or shrubs, garden and lawn supplies;

(7) Pet care supplies;

(8) Stationery and writing supplies, gift wraps, fountain pens, mechanical pencils, and kindred products.

(e) The articles, products, or commodities that are within the terms of section 10(a) of the Act and subject to regulation by the Federal Trade Commission are either expendable commodities for consumption by individuals, expendable commodities used for personal care, or expendable commodities used for household services. The primary terms in section 10(a) for defining these categories are:

(1) Consumption by individuals;

(2) Use by individuals;

(3) Personal care by individuals;

(4) Performances of services ordinarily rendered within the household by individuals;

(5) Consumed or expended.

(f) These terms are defined as follows:

(1) *Consumption by individuals.* This term as it is used in section 10(a) means the using up of an article, product, or commodity by an individual.

(2) *Use by individuals.* This term as it is used in section 10(a) means the employment or application of an article, product, or commodity by an individual.

(3) *Personal care by individuals.* This term as it is used in section 10(a) means that activity of an individual which is concerned with protecting, enhancing, and providing for the general cleanliness, health, or appearance of the individual.

(4) *Performance of services ordinarily rendered within the household by individuals.* These terms as they are used in section 10(a) mean: The term "household" refers to the interior and exterior of dwellings or residences occupied by individuals, including the surrounding premises. The term "performance of services ordinarily rendered within the household" means the doing of any activity by an individual within the above-described area which is normally done in connection with the maintenance and occupation of the above-described area as a habitation for individuals.

(5) *Consumed or expended.* These terms as they are used in section 10(a) mean (1) the immediate destruction or extinction of an article, product, or commodity, or of the part used; or (2) the substantial diminution in the quantity, quality or utility of an article, product, or commodity which results from usage upon one or several occasions over a comparatively short period of time.

(g) The foregoing definition serves to amplify the definition of "consumer commodity" supplied by Congress in section 10(a) of the Act. As questions arise as to whether specific articles, products, or commodities are included in the above definition, the Commission will consider, among other things, the Congressional policy declared in section 2 of the Act, namely, that packages and labels should enable consumers to obtain accurate information as to the quantity of contents and should facilitate value comparisons. That is, in making its determinations of inclusions and exclusions under this definition, the Commission will consider the requirements of both the Act and the pertinent regulations and in that connection will regard as one criterion the extent to which the disclosures required on "consumer commodities" are material to a consumer's selection of a particular article, product, or commodity. Interpretative rulings in such instances will be made public, and can be expected to further contribute to the development of clearer delineation of the scope of the term "consumer commodity".

(h) With respect to articles, products, or commodities included within the definition of "consumer comoddities", the Commission will consider requests for exemptions in accordance with section 5 (b) of the Act and § 500.3(e) of this chapter, and will make public its rulings on all such requests.

Issued: August 5, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-9384; Filed, Aug. 8, 1969; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-185]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Liberia allows vessels of the United States in ports of Liberia privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of Liberia are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and stevedoring

equipment and material under the conditions specified in the applicable proviso to 46 U.S.C. 883.

Accordingly, subparagraph (1) and (2) of § 4.93(b), Customs Regulations, are amended by the insertion of "Liberia" in appropriate alphabetical order in the list of nations under each of the above subparagraphs.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

Effective date: This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 1, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-9429; Filed, Aug. 8, 1969; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 602—LEATHER, LEATHER GOODS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Rates

On July 25, 1969, I published in the FEDERAL REGISTER (34 F.R. 12281) a wage order amending § 602.2 of Title 29, Code of Federal Regulations, to reflect the recommendations of Industry Committee No. 83-C for the leather, leather goods and related products industry in Puerto Rico. The amendment of § 602.2 as set forth in said document inadvertently omitted the current provisions in the regulation covering the hide curing classification, which was not under review by the Committee since the minimum wage rate established for this classification had already reached the minimum rate of $1.60 per hour in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, and was intended to continue in effect.

Accordingly, the amendment of § 602.2 set forth in the order published in the FEDERAL REGISTER on July 25, 1969, is hereby corrected to read as follows:

§ 602.2 Wage rates.

* * * * *

(a) *Pre-1961 Coverage Classifications.* The classifications in this paragraph (a) apply to all activities of employees in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Belt classifications.* (i) The minimum wage for this classification is $1.55 an hour.

(ii) This classification is defined as the manufacture of apparel belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials (except fabric).

(2) *Baseball and Softball classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of baseballs and softballs covered with leather, artificial leather, fabric, plastics, or similar materials.

(3) *Sporting and Athletic goods classification.* (i) The minimum wage for this classification is $1.30 an hour.

(ii) This classification is defined as the manufacture of sporting and athletic goods other than baseballs and softballs.

(4) *Hide curing classification.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the salting and other curing of hides and skins and operations incidental thereto, except when such operations are performed as an integral and continuous part of leather tanning.

(5) *General classification.* (i) The minimum wage for this classification is $1.225.

(ii) This classification is defined as the manufacture of all products and activities not included in any other pre-1961 coverage classification in the industry.

(b) *1961 Coverage classification.* (1) The minimum wage for this classification is $1.225 an hour.

(2) This classification is defined as all activities in the industry which were brought within the purview of section 6 of the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1961.

* * * * *

Signed at Washington, D.C., this 6th day of August 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 69-9431; Filed, Aug. 8, 1969; 8:48 a.m.]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart E—Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being

SCHOOL BUS DRIVERS

On May 6, 1969, a proposal was published in the FEDERAL REGISTER (34 F.R. 7333) inviting written data, views, or arguments on a proposed amendment identifying the factors which will be considered by the Secretary of Labor in evaluating the application of a State for an exemption for school bus drivers under section 1500.52(b)(2) of Title 29, Code of Federal Regulations. After consideration of all matter presented by interested persons, 29 CFR 1500.52(b) is amended by adding a new subparagraph (3) as set out below. As the amendment relieves present restrictions, delay in its effective date is excused by 5 U.S.C. 553(d)(1). As it further appears that no good purpose would be served by such delay, this amendment is effective immediately.

The new subparagraph (3) is as follows:

§ 1500.52 Motor-vehicle driver and outside helper (Order No. 2).

* * * * *

(b) * * *

(3) *Evaluation of application for exemption for school bus driving.* In evaluating the application of a State for an exemption for school bus driving under subparagraph (2) above the Secretary will consider the following:

(i) Whether the accident experience of school bus drivers under 18 years of age in the State, if any are employed, compares favorably with that of adult school bus drivers.

(ii) Whether school bus drivers are selected by the school principal and approved by the county superintendent or an official of equivalent responsibility.

(iii) Whether school bus drivers are required to have completed a State approved driver education course, or a special school bus driver training course prior to being allowed to transport passengers.

(iv) Whether training and testing of school bus drivers includes classroom and behind-the-wheel training and is this done by qualified officials.

(v) Whether school bus drivers are required to pass a physical examination.

(vi) Whether the operation of school buses is supervised by the school principal, the transportation or other equivalent officer, and State, county, or city police.

(vii) Whether school buses are thoroughly inspected a minimum of four times a year at a State, district, or county inspection station and receive maintenance and repairs at regular intervals to ascertain and insure their safe operating conditions on a continuous basis, and that all inspections, maintenance, and repairs are performed by qualified inspectors and mechanics.

(viii) Whether school bus drivers are provided with and required to use seat belts.

(ix) Whether adequate measures are taken by State and local officials to control the speed of school buses in order to insure that the buses are not driven at a speed greater than is reasonable and prudent.

(x) Whether adult chaperones, approved by local school authorities, accompany school bus drivers on special activity trips sponsored by the school.

(xi) Whether the school buses conform substantially to the Minimum Standards for School Buses, 1964 Revised Edition, recommended by the National Conference on School Transportation and published by the National Education Association.

(xii) Any other factors which the Secretary may find relevant in evaluating the application for exemption.

* * * * *

(Sec. 3, 52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 5th day of August 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69-9432; Filed, Aug. 8, 1969; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Correction

In F.R. Doc. 69-8971, appearing at page 12510 of the issue for Thursday, July 31, 1969, the following text should be inserted below the line reading "56.6-1 through 56.6-24 [Reserved]" on page 12512:

TRANSPORTATION

56.6-40 through 56.6-56 [Reserved]

56.6-57 *Mandatory.* Nonconductive containers with tight-fitting covers shall be used to transport or carry capped fuses and electric detonators to blasting sites.

56.6-58 through 56.6-74 [Reserved]

USE

56.6-90 through 56.6-99 [Reserved]

56.6-100 *Mandatory.* Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

56.6-101 through 56.6-109 [Reserved]

56.6-110 *Mandatory.* Fuses shall be cut and capped in safe, dry locations posted with "No Smoking" signs.

56.6-111 *Mandatory.* Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

56.6-112 through 56.6-114 [Reserved]

56.6-115 A safe interval of time should be allowed to light a round and evacuate the blasting area.

56.6-116 and 56.6-117 [Reserved]

56.6-118 Timing should be such that the fuse in the last hole to fire is burning within the hole before the first hole fires.

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Correction

In F.R. Doc. 69-8972, appearing at page 12517 of the issue for Thursday, July 31, 1969, the following change should be made:

In 57.6-175, on page 12520, the word "exists" should read "exits."

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 132]

WHAT MAY BE MAILED AS SECOND-CLASS MAIL—ENCLOSURES, ADVERTISING, AND NOVELTY PAGES

Withdrawal of Notice of Proposed Rule Making

The Department published a notice of proposed rule making in the daily issue of the FEDERAL REGISTER of March 8, 1969 (34 F.R. 5013). That notice announced a proposal to amend subparagraph (1) of § 132.4(g) for the purpose of restricting enclosures of receipts and orders for subscriptions to the publications with which they are enclosed. It further proposed amendments to subparagraph (3) of § 132.4(g) and to § 132.4(h) to require that novelty pages and advertising pages in publications mailed at second-class postage rates be no less than the size of the regular pages of the copy, part, section, or supplement in which they are carried, and to clarify the requirements for printed illustrations attached to pages as well as the requirements for coupons, applications or order forms which occupy a part of a page.

The time for interested persons to file written data, views, and arguments was subsequently extended to July 8, 1969 by a notice published in the daily issue of the FEDERAL REGISTER of April 2, 1969 (34 F.R. 5989).

After giving careful consideration to the data, views, and arguments concerning the proposed amendments, the Department has determined not to adopt the proposed amendments to its regulations. Accordingly, the notice of proposed rule making referred to above is hereby withdrawn.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

AUGUST 7, 1969.

[F.R. Doc. 69-9472; Filed, Aug. 8, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND U.S. CLASSES, STANDARDS AND GRADES WITH RESPECT THERETO

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and U.S. Classes, Standards, and Grades With Respect Thereto, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of considerations. The regulations, as presently written for the grading of poultry parts, require that the ready-to-cook whole carcass of poultry be graded for fleshing, fat covering, and class prior to disjointing or cutting up. The other factors of quality, i.e., cuts, tears, discolorations, etc., can be determined after cutting.

The proposed amendments would allow complete grading of a poultry part after disjointing, provided that the part is properly cut, is not misshappen, or has nearly the same appearance as prior to cutting from the ready-to-cook carcass.

A study was conducted by the Department to determine if parts could be graded on an individual-part basis and what quality factors could be important in determining the grade for each part. The ready-to-cook whole carcass and the resulting parts were graded using only the fleshing quality factor since the other quality factors such as conformation, fat covering, defeathering, defects, etc., would be readily discernible to an experienced grader whether grading a whole carcass or an individual part.

To gather further information, tentative standards were developed to serve as a guideline, and the Department permitted limited experimental grading on both turkey and chicken parts, based on these standards. Grading individual parts has been shown to be practical as well as achieving a uniform product.

The proposal would also make slight changes in the standards for B and C quality poultry. Tentative B and C quality standards were developed to permit a small degree of trimming of the backs at the base of the tail. This portion of the part or carcass has less value because of the relatively small portion of meat involved, and its absence detracts little from the appearance of the part or carcass. Acceptance of the trimmed parts or carcasses was satisfactory.

Requests were received by the Department to grade-identify ready-to-cook, boneless poultry breasts and thighs. Tentative standards for A quality boneless breasts and thighs were developed to determine the feasibility and acceptability of grades for such products. Acceptance and use of the tentative standard was satisfactory. The proposed amendments would establish grade standards for boneless breasts and thighs.

The U.S. Procurement grades for poultry are designed primarily to reflect meat yield and to serve as a basis for determining carcass value for further processing. In an effort to make the U.S. Procurement Grade I more meaningful and realistic as a further processing grade, tolerances would be added for skin and flesh discolorations and missing parts as follows:

(1) Skin and flesh discoloration, up to the amount permitted for B quality, would be allowed.

(2) One or both drumsticks may be removed.

Other minor changes are made for the sake of clarity.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 15, 1969.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. Section 70.60 would be revised to read:

§ 70.60 Denial of service.

The acts or practices set forth in §§ 70.61 to 70.66 or the causing thereof are violations and may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the act for a specified period. The "rules of practice governing withdrawal of inspection and grading services," set forth in Part 50 of this chapter, shall be applicable to such a debarment action.

1a. Paragraph (b) of § 70.183 would be revised to read:

§ 70.183 Ready-to-cook poultry and specified poultry food products.

* * * * *

(b) Only when ready-to-cook poultry carcasses or parts, including those used in the fabrication of poultry food products, have been graded on an individual basis by a grader or by a person authorized to perform limited grading services pursuant to § 70.30(d) and thereafter checkgraded by a grader, and when fabrication of the poultry food products has been done under the supervision of a grader, may the container or the individual carcass or part or poultry food product be identified with the appropriate official letter grade mark. Checkgrading will be accomplished in accordance with a statistical sampling plan prescribed by the Administrator. Grading with respect to quality factors for freezing defects and appearance of the finished products may be done on a sample

basis in accordance with a plan prescribed by the Administrator.

2. In § 70.350, paragraph (d) would be revised and a sentence would be added to the introductory text of paragraph (e) to read:

§ 70.350 General.

* * * * *

(d) A ready-to-cook carcass which has a defect may be graded after the defective portion has been removed. The fact that a portion has been removed, will not be considered in determining the quality of the balance of the carcass, if the remaining portion of the carcass is to be disjointed and packed as parts or used in the fabrication of poultry food products. Poultry parts which have been properly cut as described in paragraph (e) of this section may be graded after they have been cut from the carcass, if the class is known and the parts are not misshapen or have nearly the same appearance as prior to cutting from the carcass.

(e) * * * Parts cut in a manner other than described in subparagraphs (1) through (10) of this paragraph may be grade identified only when approved by the Administrator.

* * * * *

3. Paragraph (b) of § 70.353 would be revised to read:

§ 70.353 A Quality.

* * * * *

(b) *Fleshing.* The carcass has a well-developed covering of flesh considering the kind, class, and part.

(1) The breast is moderately long and deep and has sufficient flesh to give it a rounded appearance with the flesh carrying well up to the crest of the breastbone along its entire length.

(2) The leg is well fleshed and moderately thick and wide at the knee and hip joint area and has a well-rounded, plump appearance with the flesh carrying well down toward the hock and upward to the hip joint area.

(3) The drumstick is well fleshed and moderately thick and wide at the knee joint and has a plump-rounded appearance with the flesh carrying well down toward the hock.

(4) The thigh is well to moderately fleshed.

(5) The wing is well to moderately fleshed.

* * * * *

4. In § 70.354, paragraph (b) would be revised and a sentence added to paragraph (f) to read:

§ 70.354 B Quality.

* * * * *

(b) *Fleshing.* The carcass has a moderate covering of flesh considering the kind, class, and part.

(1) The breast has a substantial covering of flesh with the flesh carrying up to the crest of the breastbone sufficiently to prevent a thin appareance.

(2) The leg is fairly thick and wide at the knee and hip joint area and has sufficient flesh to prevent a thin appearance

(3) The drumstick has a sufficient amount of flesh to prevent a thin appearance with the flesh carrying fairly well down toward the hock.

(4) The thigh has a sufficient amount of flesh to prevent a thin appearance.

(5) The wing has a sufficient amount of flesh to prevent a thin appearance.

* * * * *

(f) * * * The back may be trimmed in an area not wider than the base of the tail and extending to the area half way between the base of the tail and the hip joints.

* * * * *

5. Paragraph (b) in § 70.355 would be amended by adding a sentence at the end of the paragraph to read:

§ 70.355 C Quality.

* * * * *

(b) * * * The back may be trimmed in an area not wider than the base of the tail and extending to the area between the hip joints.

* * * * *

6. A new § 70.357 would be added to read:

§ 70.357 Boneless poultry breast and thigh—A quality.

The standards of quality contained in this section are applicable to raw poultry products labeled as ready-to-cook boneless poultry breasts and thighs or poultry breasts fillets or thigh fillets or words of similar import.

(a) The breast or thigh shall be cut as specified in § 70.350(e), (1) or (5).

(b) Prior to deboning, the breast or thigh shall meet the A quality requirements for ready-to-cook poultry parts as specified in § 70.353 (a), (b), (c), (d), (e), and (g).

(c) The bone or bones shall be removed in a neat manner without undue mutilation of adjacent muscle.

7. A sentence would be added to § 70.360(e) to read:

§ 70.360 General.

* * * * *

(e) * * * Such ready-to-cook poultry carcasses or parts may be graded in a frozen or unfrozen state.

8. In § 70.367(a), subparagraph (3) would be revised and new subparagraphs (4), (5), and (6) would be added to read:

§ 70.367 U.S. Procurement Grade I.

* * * * *

(a) * * *

(3) Discoloration of the skin and flesh may be as described in this subpart for B quality.

(4) One or both drumsticks may be removed if the part is severed at the joint.

(5) The back may be trimmed in an area not wider than the base of the tail and extending to the area between the hip joints.

(6) The wings or parts of wings may be removed if severed at a joint.

* * * * *

Signed at Washington, D.C., this 6th day of August 1969.

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

[F.R. Doc. 69-9436; Filed, Aug. 8, 1969; 8:48 a.m.]

[7 CFR Part 921]

FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1969, through March 31, 1970, will amount to $6,170.

(2) That there be fixed, at $1.50 per ton of fresh peaches, the rate of assessment payable by each first handler in accordance with § 921.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 5, 1969.

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

[F.R. Doc. 69-9425; Filed, Aug. 8, 1969; 8:47 a.m.]

[7 CFR Part 924]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1969–70 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1969, through March 31, 1970, will amount to $11,575.

(2) That there be fixed, at $0.70 per ton of fresh prunes, the rate of assessment payable by each handler in accordance with § 924.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 5, 1969.

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

[F.R. Doc. 69-9426; Filed, Aug. 8, 1969; 8:47 a.m.]

[7 CFR Part 980]

ONIONS

Proposed Import Regulation

Notice is hereby given of proposed grade, size, quality, maturity and inspection requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oreg.

All persons who desire to submit written data, views, or argument in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 5th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 980.108 Onion import regulation.

Except as otherwise provided, during the period August 18, 1969, through June 15, 1970, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties—Grade.* U.S. No. 2 or better grade. *Size.* 2 inches minimum diameter.

(2) *White varieties—Grade.* U.S. No. 2 or better grade. *Size.* 1-inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions of onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e–1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, Tex. 78767 (Phone—512-476-4789).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, Ariz. 85621 (Phone—602-Atwater 7-2902).	Do.
All California points.	D. P. Thompson, 204 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, Hawaii 96814 (Phone—941-3071 Ext. 146).	1 day.
New York City.	Edward J. Beller, Room 28A, Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7069–7068).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-527-6741-6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-Dudley 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license

number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e–1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex-Grano Types), §§ 51.2830–51.2854 of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of U.S. No. 2 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: August 5, 1969.

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

[F.R. Doc. 69–9427; Filed, Aug. 8, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 69–WE–17–AD]

AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Model 727 Series

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 series airplanes. There is evidence that on some Boeing 727 series aircraft, electrical interference may be present to a sufficient extent that under an overloaded condition the generator control panel may disable the generator before opening the bus tie circuit breaker. Under this condition the overload would remain on the surviving electrical system and total loss of electrical generating power could result if load shedding is not accomplished. Boeing issued Service Bulletin No. 24–47 March 3, 1969, recommending installation of a capacitor to filter out the interference.

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the installation of a capacitor in accordance with the Boeing Service Bulletin.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, FAA Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before September 9, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

BOEING. Applies to Boeing Model 727, 727C and 727–200 Series Airplanes.

Compliance required as indicated unless already accomplished.

To prevent malfunction of the generator control circuit caused by induced electrical interference, accomplish the following or an equivalent modification procedure and parts installation approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Within 1,500 hours' time in service after the effective date of this AD, unless already accomplished, modify the generator control panels in accordance with section II, Boeing Service Bulletin No. 24–47, dated March 3, 1969, or later FAA approved revisions.

Issued in Los Angeles, Calif., on August 1, 1969.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 69–9418; Filed, Aug. 8, 1969; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 69–SO–47]

AIRWORTHINESS DIRECTIVES

Grumman G–159 Aircraft

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Grumman G–159 aircraft. There have been engine flame outs due to fuel icing which could result in a safety hazard. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require installation of a fuel temperature indicating system on the Grumman G–159 aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel for examination by interested persons.

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

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

GRUMMAN. Applies to all Grumman G–159 aircraft.

Compliance required within the next 200 hours' time in service after the effective date of this airworthiness directive.

To prevent fuel filter blockage due to ice and possible engine flame out, accomplish the following:

a. Install a fuel temperature indicator on each engine fuel system in accordance with Grumman Gulfstream Service Change No. 114, or equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Southern Region.

b. Mark gage with red radial lines at +5° and +54° C. and a green arc from +5° to +54° C.

c. Install placard adjacent to fuel temperature indicator which reads as follows: "Use manual heat when temperature is 5° C. or below."

The compliance time may be adjusted up to a maximum of 15 hours to coincide with the aircraft annual or 100-hour scheduled inspection.

Issued in East Point, Ga., on August 1, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69–9419; Filed, Aug. 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–77]

TRANSITION AREA

Proposed Alteration; Supplemental Notice

On July 23, 1969, F.R. Doc. No. 69–8588 was published in the FEDERAL REGISTER (34 F.R. 12186), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Hilton Head Island, S.C., transition area.

Subsequent to publication of the notice, it was determined that the proviso "excluding the portion outside the continental limits of the United States" was inadvertently omitted from the description.

In consideration of the foregoing, effective immediately, the proposed description of the Hilton Head Island, S.C., transition area published in F.R. Doc. No. 69-8588 is amended to read:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hilton Head Airport, excluding the portion outside the continental limits of the United States.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1968 (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 31, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9420; Filed, Aug. 8, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-80]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Burlington, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before any action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangments for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. 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 Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Burlington transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Burlington Municipal Airport; within 3 miles each side of the Greensboro VORTAC 090° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Burlington Municipal Airport, utilizing the Greensboro VORTAC is proposed in conjunction with the designation of this 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(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 31, 1969.

JAMES C. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-9421; Filed, Aug. 8, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Parts 81, 83, and 85]

[Docket Nos. 18576, 18577]

MF RADIOTELEGRAPH SHIPS, ETC.

Order Extending Time for Filing Comments

In the matter of amendments of Parts 83 and, consequently, 85 to provide a program and schedule of dates for increasing the required output power of transmitters where vertical antenna(s) are employed aboard compulsorily fitted MF radiotelegraph ships; Docket No. 18576 and in the matter of amendment of Parts 81, 83, and 85 to provide a uniform program and schedule of dates for type acceptance of radiotelegraph transmitters aboard ship, in the band 535–27500 kc/s, and at coast stations, in the bands below 27.5 Mc/s; Docket No. 18577.

1. The above-captioned notices of proposed rule making (FCC–69 688–689) were released in the respective proceedings on June 26, 1969. They both provided for the filing of comments by August 4, 1969, and reply comments by August 14, 1969. ITT Mackay Marine and The American Institute of Merchant Shipping (AIMS) filed requests for an extension of time in which to file comments.

2. ITT requests a 60-day extension on the grounds that summer vacation schedules do not allow sufficient time to prepare comments on Dockets 18576 and 18577 by the August 4, 1969, filing deadline. AIMS has requested a deferral of 90 days for the filing of comments in Docket No. 18576 on the grounds that they are faced with the pressure of other matters and cannot cope with the problem of responding to both of these major maritime regulatory proceedings at the same time and they also cite the summer vacation schedules as a problem.

3. The Commission is not unmindful of the problems associated with preparing comments during the summer vacation period especially where, as in this case, the individual notices cover complex technical proposals for the maritime industry. Some additional time appears warranted and it will not have an adverse effect on these proceedings. Sufficient justification has not been submitted for the lengthy periods requested. In view of the foregoing: *It is ordered*, That the time for filing comments and reply comments in both of these proceedings is extended to September 4, 1969, and September 15, 1969, respectively. *It is further ordered*, That the requests for extension of time for filing comments set forth in this order are granted to the extent indicated herein and are otherwise denied.

4. This action is taken pursuant to authority contained in section 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
IRVING BROWNSTEIN,
Acting Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69-9433; Filed, Aug. 8, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-8661]

AUTOMATED TRADING INFORMATION SYSTEMS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15c2-10 (17 CFR 240.15c2-10) under the Securities Exchange Act of 1934 ("Act").

Advances in electronic data processing during the last few years have made possible the development of automated trading information systems for securities. These systems generally involve the use of time-shared computers to transmit, among persons having access to them, indications of interest and, in some cases, firm offers and acceptances to purchase or sell securities. Consequently, such systems can be programmed to facilitate various steps in the process of trading securities, up to and including the actual execution of transactions. The Commission is presently aware of at least four such systems, and its staff has consulted with their sponsors on the subject of their regulatory status under the Act.

The Commission has already had occasion to deal with the Automated Quotations System of the National Association of Securities Dealers, Inc. ("NASDAQ"). This system would allow market-maker subscribers to insert bid and ask quotations for securities and to receive the quotations inserted by other subscribers. The quotation information

would also be transmitted by the system to other subscribers. Since NASDAQ is sponsored by a national securities association that is already registered with the Commission under section 15A of the Act, the Commission decided that it would not be appropriate to assign any separate statutory classification to the system itself. It has, however, promulgated Rule 15Aj–2 (17 CFR 240.15Aj–2) dealing specifically with Commission oversight of certain of the NASD's self-regulatory functions in this area (Securities Exchange Act Release No. 8470 which appeared in the FEDERAL REGISTER for Dec. 24, 1968 (33 F.R. 19167)), effective February 3, 1969. It is not expected that the system will go into operation before the end of 1970.

An automated trading system that performs functions beyond furnishing market information is presently being proposed by Institutional Networks Corp. ("Instinet"). Instinet proposes to provide facilities for its subscribers to communicate anonymously among each other indications of interest to purchase and sell large blocks of securities, make formal offers to each other, engage in negotiations and execute actual purchases and sales. Instinet expects its subscribers to consist primarily of institutions such as banks, insurance companies and mutual funds but would accept other qualified persons. This system has not yet commenced operations.

Another automated trading information system is sponsored by AutEx Service Corp. ("AutEx"). The AutEx system would be available only to institutions and broker-dealers. It would allow the anonymous communication of indications of interest to buy or sell blocks of 1,000 or more shares, which could be entered only by broker-dealer subscribers and received only by institutional subscribers. Institutional subscribers could, however, enter general buying or selling preferences for particular securities. These would be received only by broker-dealer subscribers. Unlike the Instinet system, the AutEx system as presently planned would not be programed to allow actual negotiation or execution of transactions. Negotiations would be handled by broker-dealers (including the broker-dealer designated by the recipient institutional subscriber). Executions would be effected either on a national securities exchange or over-the-counter without reference to the system. AutEx's system has not yet commenced operations.

The New York Stock Exchange also plans to sponsor an automated trading information system, called the Block Automation System ("BAS"). Member firms would be able to enter indications of interest in the BAS. An institutional subscriber could also enter an indication of interest, and in this latter respect BAS appears to be similar to Instinet. The institution would not, however, communicate directly with another institution and must designate a member of the New York Stock Exchange to act as its broker in any subsequent negotiations. As in the AutEx system, the planned BAS program would not allow negotiation or execution. Negotiations would have to take place between the two member brokers designated by the institutions, and executions would be subject to rules requiring exchange members' transactions to be effected on an exchange. The BAS is expected to be operational in 1970.

The Act envisions that all persons regularly engaging in the securities business shall be classified as brokers, dealers, securities exchanges, or national securities associations and (unless expressly exempted) shall register with the Commission as such and be subject to the pertinent regulatory provisions. But the technology that has led to the development of automated trading information systems was not envisioned when Congress passed the Act. Consequently, the applicability or adaptability of the existing statutory classifications to them is not entirely clear.

Persons regularly engaged in the securities business have long used certain traditional communications devices, such as the mails, telephone and teletype, to facilitate securities transactions. The Commission has never sought and does not now seek to assert regulatory jurisdiction over these traditional forms of communication. They were in existence when the Act was passed, and Congress obviously did not consider them to be broker-dealers or securities exchanges. Automated trading information systems, however, differ from these traditional communications devices in a number of significant respects, among others: (1) They can be used solely in securities transactions and not for general purposes, (2) there are varying limitations as to the users of the system facilities, (3) their internal programing imposes a high degree of restriction on the content of the messages that may be sent over them, (4) the identity of persons sending messages over the systems is always known to those systems, but depending on the system, may never be known to the recipients of the messages, and (5) the systems themselves can be programed to determine when a transaction has been executed.

In addition to these differences between automated trading information systems and traditional communications methods, it is apparent that such systems have special capabilities for widespread dissemination of current trading interests among subscribers. These create a special need for preventing this new technology from being used to facilitate fictitious or misleading quotations or for other manipulative or deceptive purposes. Such systems may also have a potential in the opposite direction, for improved monitoring and recording of trading information.

Automated trading information systems have no trading floor and do not necessarily have a number of other characteristics, such as ownership and control by members, that have historically been associated with securities exchanges. Nor do such systems exercise discretion on their own part in imparting indications of interest or effecting transactions such as is customarily associated with the role of a broker, and clearly they do not perform the dealer function of putting capital at risk in a particular transaction. Yet some of these systems could be viewed in certain circumstances as falling within the definition in the Securities Exchange Act of either an exchange (section 3(a)(1)) or a broker-dealer (section 3(a)(4) and (5)).[1] Most systems proposed, in any case, appear to require participation by broker-dealers.

Although it appears that automated trading information systems should be regulated under the Act in some form, the form of regulation remains to be decided. The Commission therefore specifically invites comments both on the appropriate regulatory status of the various automated trading information systems and on the specific terms of the proposed Rule 15c2–10 (17 CFR 240.15c2–10).

The proposed rule would provide a regulatory framework for systems not within the existing scope of regulation of exchanges and national securities associations. It would require that no broker or dealer shall operate or participate in such an automated trading information system unless a plan describing the system, detailing specific rules of operation designed to prevent abuse of the system and providing for adequate recordkeeping, has been submitted to and declared effective by the Commission. In declaring effective any such plan or amendment to such plan the Commission may impose appropriate terms and conditions covering such matters as procedures for amending or supplementing the plan or for suspending or terminating its effectiveness. The new rule would thus permit operators of the systems to develop flexible plans consistent with their own particular technologies and at the same time permit the Commission to make certain that such plans are consistent with the regulatory responsibilities of the Commission.

Any system for transmitting, among participants, subscribers or customers, indications of interest or offers to purchase or sell securities through the use of a computer would be covered by the rule, unless specifically exempted. As already indicated, the proposed rule would specifically exempt the BAS on the basis of the New York Stock Exchange's initial responsibility for self-regulations subject to Commission supervision. The same basis with respect to the National Association of Securities Dealers would provide for the exemption of NASDAQ. Communications systems regulated by the Federal Communications Commission that are used only in the traditional way that the telephone and telegraph systems have been used

[1] On July 22, 1969, Instinet filed an application with the Commission for registration as a broker-dealer. It takes the position that it is not a securities exchange. This application, which contains more detailed information about the contemplated operation of Instinet, is on file at the Commission's Public Reference Room, 500 North Capitol Street, Washington, D.C. 20549.

are not intended to be covered by the rule.

Automated trading information systems that would be subject to the rule and are already in operation on its effective date would be given an appropriate grace period within which to file a plan with the Commission and to obtain effectiveness of it.

The text of proposed Rule 15c2–10 (17 CFR 240.15c2–10) is as follows:

§ 240.15c2–10 Automated trading information systems.

(a) No broker or dealer shall operate or participate in an automated trading information system as defined in paragraph (b) of this section unless a plan fulfilling the requirements described in paragraph (c) of this section has been submitted to and declared effective by the Commission. No such plan or amendment thereto shall become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for the execution of the Commission's functions under the Act, declares the plan or amendment thereto to be effective. The Commission, in declaring any such plan or amendment thereto effective, or subsequently, may impose such terms and conditions as, in the opinion of the Commission, appear to be necessary or appropriate in the public interest, for the protection of investors or to carry out the Commission's functions under the Act.

(b) For the purposes of this section, the term "automated trading information system" shall mean any automated system for transmitting, among participants, subscribers, or customers, indications of interest to purchase or sell securities or offers to purchase or sell securities through the use of a computer or similar device, but does not include any such system sponsored, operated, and regulated by a registered national securities exchange or a registered national securities association.

(c) The plan shall include:

(1) Rules of operation for the system designed to prevent fictitious or misleading quotations or other fictitious or misleading information from being transmitted and to prevent manipulative, deceptive, and fraudulent use of the system;

(2) A description of the hardware and software of the systems and precautions protecting the security of the system and information therein from unauthorized access and technical malfunction; and

(3) Provisions for preserving and retrieving records of information resident in the system including timed and identified entries into the system, and provisions for adequate Commission access to such information on a real time basis and otherwise.

(d) The Commission, upon written application by the operator of an automated trading information system, or on its own motion, may exempt an automated trading information system, either unconditionally or on specified terms and conditions, from any or all of the provisions of this rule, if, in the opinion of the Commission, it is not necessary or appropriate in the public interest or for the protection of investors to require compliance therewith.

(Secs. 15(c)(2) and 23(a), 52 Stat. 1075 and 48 Stat. 901, as amended, 49 Stat. 1379, 15 U.S.C. 78o and 78w)

All interested persons may submit their views and comments on the above proposal in writing to the Securities and Exchange Commission, Washington, D.C. 20459, on or before August 26, 1969. All such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 4, 1969.

[F.R. Doc. 69-9407; Filed, Aug. 8, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 602]

FOREIGN AGRICULTURAL LABOR

Minimum Wage Rates

Pursuant to section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as implemented by 8 CFR 214.2 (h), it is hereby proposed to amend subparagraph (1) of paragraph (a) of § 602.10b as set forth below.

Any person interested in this proposal may file written data, views, or argument regarding it with the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, within 15 days after this notice is published in the FEDERAL REGISTER.

As amended, subparagraph (1) of paragraph (a) in 20 CFR 602.10b would read as follows:

§ 602.10b Wage rates.

(a) (1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural industry workers in accordance with § 602.10a(j):

State	*Rate*
Alabama	$1.68
Arizona	1.60
Arkansas	1.67
California	1.76
Colorado	1.72
Connecticut	1.75
Delaware	1.58
Florida	1.64
Georgia	1.70
Idaho	1.76
Illinois	1.72
Indiana	1.68
Iowa	1.79
Kansas	1.77
Kentucky	1.71
Louisiana	1.67
Maine	1.72
Maryland	1.65
Massachusetts	1.69
Michigan	1.67
Minnesota	1.85
Mississippi	1.55
Missouri	1.69
Montana	1.78
Nebraska	1.84
Nevada	1.86
New Hampshire	1.76
New Jersey	1.71
New Mexico	1.56
New York	1.74
North Carolina	1.64
North Dakota	1.80
Ohio	1.64
Oklahoma	1.63
Oregon	1.63
Pennsylvania	1.73
Rhode Island	1.67
South Carolina	1.55
South Dakota	1.78
Tennessee	1.72
Texas	1.59
Utah	1.73
Vermont	1.75
Virginia	1.55
Washington	1.80
West Virginia	1.55
Wisconsin	1.77
Wyoming	1.60

* * * * *

(8 CFR 214.2(h))

Signed at Washington, D.C., this 1st day of August 1969.

GEORGE P. SHULTZ, *Secretary of Labor.*

[F.R. Doc. 69-9408; Filed, Aug. 8, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ASSISTANT OPERATION AND MAINTENANCE MANAGER, ET AL.

Redelegations of Authority

Redelegations of Authority published in the FEDERAL REGISTER July 6, 1968 (33 F.R. 9784), amended on September 13, 1968 (33 F.R. 12974), and February 21, 1969 (34 F.R. 36) are further amended by revising section 10.16 to read as follows:

10.16 Claims.

a. * * *

b. (1) The Assistant Operation and Maintenance Manager and the Chief, Branch of Land (for their respective divisions), may exercise the authority of the Administrator under section 12(a) of the Bonneville Project Act, as amended, with respect to determining, settling, compromising, and paying claims against the Bonneville Power Administration.

(2) Area Managers, designated Field Contact Officers, and the Division of Engineering and Construction Tort Claims Officer each may exercise the authority described in subparagraph b(1) of this section when the amount allowed does not exceed $200.

Approved: July 22, 1969.

JOHN F. BALDINO,
Acting Administrator.

[F.R. Doc. 69-9399; Filed, Aug. 8, 1969; 8:46 a.m.]

Bureau of Land Management

[Montana 13273]

MONTANA

Order Providing for the Opening of Public Lands

AUGUST 1, 1969.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 25 N., R. 43 E.,
Sec. 3, lots 1, 2, S½NE¼.
T. 23 N., R. 44 E.,
Sec. 1, N½SE¼.

The area described contains 256.89 acres.

2. The lands comprise two parcels of rough grazing land situated in northwestern McCone County, Mont. The topography varies from rolling to steeply rolling.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., on September 4, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Billings, Mont.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69-9400; Filed, Aug. 8, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 2-B]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Organization and Function

JULY 29, 1969.

This material supersedes the material appearing at 33 F.R. 4277 of March 7, 1968; 33 F.R. 4894 of March 22, 1968; 34 F.R. 2275 of February 15, 1969; and 34 F.R. 8934 of June 4, 1969.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Environmental Science Services Administration (ESSA).

SEC. 2. *Organization structure.* The organization structure and line of authority of ESSA shall be as depicted in the attached organization chart (Exhibit 1). (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Administrator of the Environmental Science Services Administration.*

.01 The Administrator develops the objectives of the Administration, formulates policies and programs for achieving those objectives and directs execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in administering these programs.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies and programs and in administering the programs; synthesizes and evaluates ESSA marine operations and related charting services; and, within policy, exercises direction and management of the ESSA Commissioned Officer Corps.

.04 Liaison activities with Congress are centered in the Office of the Administrator.

SEC. 4. *Assistant Administrator for Administration and Technical Services.* The Office of the Assistant Administrator for Administration and Technical Services shall provide a full range of administrative and technical services throughout the Administration; exercise functional supervision over such services performed elsewhere in ESSA; and provide advice and guidance to the Administrator on the allocation of ESSA resources to insure the effective and economic conduct of ESSA programs. The Assistant Administrator's office shall be comprised of the following organizational components.

.01 The Administrative Operations Division shall provide services throughout the Administration consisting of property, procurement and supply management; paperwork management systems including ESSA directives; space and facilities management; travel and transportation services; mail and messenger services, and related office services; graphics services; safety; security; and tort claims.

.02 The Budget Division shall analyze and aggregate ESSA's budgetary requirements, prepare and coordinate formal budget documents for consideration by appropriate elements of the executive and legislative branches; and develop, apply, and review fiscal plans to insure that appropriations and other available funds are used properly and economically, and reflect those reviews by providing input to ESSA's management information systems.

.03 The Finance Division shall provide central accounting support for ESSA, review needs of ESSA and its operating units for accounting data and develop systems of financial reporting to insure a sound accounting and management of ESSA's financial resources; and maintain and process accounts and other records to reflect fund status, obligations, cost, and program expenditures.

.04 The Management Systems Division shall conduct studies and provide other analytical assistance towards developing or improving the organization structure and other management systems required in the direction and control of ESSA's operations, including systems for measuring production and performance; develop and operate a central system for collecting, presenting and disseminating information to managers on program status and performance; and perform ADP systems analysis and programing for the staff units serving ESSA as a whole.

.05 The Personnel Division shall provide personnel management services throughout the Administration by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civil service and commissioned personnel.

.06 The Computer Division shall provide a data processing service facility, staff support, ADP management, and

technical advice for all ESSA components; review and participate in the acquisition of ADP equipment to insure conformance with external and internal regulations; and serve as the single focal point for dealing with the Office of Management and Organization, Office of the Secretary, on matters involving data processing equipment.

.07 The Scientific Information and Documentation Division shall develop and conduct a comprehensive program of scientific information and documentation, including library and editing services, to serve all elements of ESSA and to convey the results and progress of ESSA's programs to the scientific community and other appropriate interests.

SEC. 5. *Assistant Administrator for Plans and Programs.* The Office of the Assistant Administrator for Plans and Programs shall provide ESSA with a focal point for the development, implementation and maintenance of an effective planning and programing system throughout ESSA and for the development of plans for meeting approved ESSA objectives; in close collaboration with line and staff organizations develop realistic 5-year program and compatible financial plans from which ESSA budgets can be formulated, and conduct a continuing evaluation of ESSA programs and accomplishments, provide advice and guidance to the Administrator on the program aspects of resource allocations, retrenchments and reprograming; and consider the availability and utilization of all pertinent ESSA resources in the accomplishment of these functions.

.01 The following four program oriented divisions shall support the Assistant Administrator in providing advice and assistance to the Administrator:

Marine Science Services Division.
Earth Science Services Division.
Atmospheric Science Services Division.
Telecommunications and Space Science Services Division.

The functions of these divisions shall be similar within their respective areas of programs responsibility. They shall maintain cognizance over the acquisition, communication, analysis, processing, publication, dissemination, archiving, and retrieval phases of information in all of its forms; and research, development, test, and evaluation in support of these activities. The divisions shall obtain and evaluate requirements of users, insure development of adequate plans for meeting these requirements, establish and maintain current projections of resources required to implement approved plans and make recommendations regarding programs in progress and those to be considered for budgetary consideration. The divisions, on a continuing basis, shall evaluate the on-going programs under their purview in terms of their quality and responsiveness to user needs, and, recommend to the Administrator program curtailments, redirections, expansions, and new program initiatives.

.02 The Office of Special Studies shall provide guidance and direction for ESSA's major program areas with regard to long range goals and plans, applying such planning factors as forecasts of technological advances, technological assessment, user needs and ESSA resource capacity and availability. The Office shall conduct benefit-cost analyses and other basic studies required in planning and carrying out programs of ESSA.

SEC. 6. *Assistant Administrator for Environmental Systems.* The Office of the Assistant Administrator for Environmental Systems shall be the ESSA focus for environmental systems analysis and design, for international and interagency coordination and planning, and for cooperative field experiments. With regard to these functions, the Office shall conduct systems studies, develop plans for ESSA's portion of the World Weather Program; provide advice and guidance to the Administrator in his role as Federal Coordinator for Meteorological Service and Supporting Research; provide advice and guidance to the Associate Administrator in his role as Federal Coordinator for Geodetic Surveys; and provide planning and management for field test and experiments involving other agencies, countries, or scientific groups.

.01 The Federal Plans and Coordination Division shall provide leadership and coordination in the development of plans for the efficient utilization of Federal meteorological services and supporting research and for U.S. participation in the cooperative World Weather Program as well as for other similar multiagency Federal efforts; in close collaboration with line and staff organizations, develop a 5-year program and compatible financial plans for the ESSA portion of the World Weather Program from which ESSA budgets can be formulated; and provide ESSA personnel for the Marine Environmental Prediction Staff.

.02 The Systems Division shall conduct systems studies for improvement of activities relating to ESSA's total environmental involvement; analyze alternative methods for achieving future national environmental science goals; and conduct studies related to the design and analysis of interagency and international programs, such as the World Weather Program.

.03 The Field Research Projects Division shall conduct the engineering and operational planning, coordination, and implementation of experiments or tests requiring the joint participation of agencies, countries, or scientific groups including the arrangement of logistic support.

SEC. 7. *Special Staff Offices.*

.01 The Office of International Affairs shall formulate and coordinate policies, plans and procedures for U.S. participation in international activities in the environmental sciences; manage and coordinate ESSA's international training program; and advise on special programs for bilateral cooperation with foreign countries in the environmental sciences, including U.S. AID programs and Public Law 480 programs.

.02 The Office of Public Information shall plan and conduct an information program for the Administration which presents ESSA accomplishments and activities to the public, Congress, environmental data user groups, and Administration employees; coordinate public information activities within the Administration; and maintain close contact with communications media.

.03 The Office of Aviation Affairs shall establish objectives and recommend policies for aviation service; serve as aviation services adviser to the Administrator and his senior line managers; act as senior ESSA official in liaison with FAA and advise FAA top officials on interrelated aviation program service matters. This Office shall provide top level representation to other Government agencies, the aviation industry, and international interests on ESSA's aviation services.

SEC. 8. *Environmental Data Service.*[1] The Environmental Data Service shall collect, process, archive, publish, disseminate, and recall worldwide environmental data for use by commerce, industry, the scientific and engineering community, and the general public; guide research activities pertinent to the improvement of such services; and coordinate international activities in climatological and geophysical data problems with the world scientific organizations. In support of the above objectives, the Environmental Data Service shall maintain environmental data centers such as the National Weather Records Center (Asheville, N.C.), the Aeronomy and Space Data Center and the geophysical data centers.

.01 The Office of the Director shall include the Director, Deputy, Deputy for Climatology, and other immediate staff as may be required.

.02 The Office of Environmental Data Systems shall process, store, and retrieve environmental data; develop new techniques of summarization and presentation of data in order to provide service to the user; provide ready access to environmental data and aids in their application to numerous fields of endeavor; and provide facilities for the world data centers under international auspices.

.03 The Office of Field Services shall exercise functional management over field staffs in the acquisition of climatological data to meet international, national, State, and municipal requirements; and ensure field outlets for the dissemination of environmental data and appropriate cooperation with local authorities.

.04 The Office of Data Information shall insure proper dissemination of environmental data information to the user public and scientific community from centralized data information sources.

.05 The Laboratory for Environmental Data Research shall develop the analysis, processing, and interpretation of geophysical and climatological data

[1] See footnote at end of document.

through research activities; and anticipate needs for climatological and geophysical data for design and risk assessment and stimulate original work to meet these needs.

SEC. 9. *Weather Bureau.*[1] The Weather Bureau shall provide the national weather service, observing and reporting the weather of the United States and its possessions and issuing forecasts and warnings of weather and flood conditions that affect the Nation's safety, welfare, and economy; develop the National Meteorological Service System; participate in international meteorological and hydrological activities, including exchanges of meterological data and forecasts; provide forecasts for domestic and international aviation and for shipping on the high seas; and provide and manage and/or coordinate an overall ESSA Operation Telecommunications System (EOTS). In support of the above objectives the Weather Bureau shall operate through its Regions a national network of field offices and forecast centers.

.01 The Office of the Director shall include the Director and other immediate staff as may be required.

.02 The Office of Meteorological Operations shall observe, prepare, and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; establish policies and develop plans and procedures for operation of meteorological services and shall be the primary channel for coordination of all Weather Bureau field services operations; and manage and/or coordinate the ESSA Operational Telecommunications System (EOTS).

.03 The Office of Hydrology shall provide the Nation with river and flood forecasts and warnings and water supply forecasts; conduct the necessary research to improve river and flood forecasts and warnings; and analyze and process hydrometeorological data for broad application to water resource planning, design, and operational problems.

.04 The Office of Systems Development shall manage, plan, design, and develop a system to meet all meteorological service requirements; develop, test, and evaluate techniques and equipment; translate research results into operational practices; and conduct studies associated with the design of the World Weather Watch.

.05 The National Meterological Center shall provide analyses of current weather conditions over the globe and depict the current and anticipated state of the atmosphere for general national and international uses; conduct development programs in numerical weather prediction; and lead in the extension and application of advanced techniques.

.06 The Executive and Technical Services Staff shall provide executive assistance to the Director and technical services, e.g., facilities, maintenance, etc., in support of programs throughout the Weather Bureau.

.07 The Field Structure shall consist of six regions as shown in Exhibit 2. A region shall provide weather service within its prescribed geographical area by issuing forecasts and warnings of weather and flood conditions; manage all operational and scientific meteorological and hydrological programs assigned to it; and conduct technical and administrative support functions. (A copy of Exhibit 2, which is an outline map, is on file with original of this document with the Office of the Federal Register.)

a. A region shall consist of a regional office managed by a Regional Director, and contain field offices and forecast centers reporting to the Regional Director.

b. Regional offices shall provide adminstrative and technical support for all Weather Bureau components in their geographic area of responsibility. Where feasible and practical this support will be extended to include other ESSA components.

SEC. 10. *Research Laboratories.*[1] The Research Laboratories shall conduct an integrated program of research and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth to increase understanding of man's geophysical environment in order to provide the scientific basis for improved services. The Research Laboratories shall also serve as the central Federal agency for the conduct of research and services directed toward improving national utilization of radio, infrared, and optical waves for telecommunications. The Research Laboratories shall consist of the Office of the Director, located at Boulder, Colo., and other major components located at Boulder and elsewhere, as described below. Each of the other major components shall be a separate management unit, consisting of one or more laboratories or other groups.

.01 The Office of the Director shall include:

a. The Director, Deputy Director, other immediate staff as may be required, and the following units.

b. The Office of Programs shall serve as focal point for policy and management advice to the Director, Research Laboratories on research and service programs; lead and coordinate program planning activities, including PPBS requirements; conduct program liaison; coordinate Research Laboratories activities in the framework of national and international scientific programs; review and evaluate current programs and plans; advise on resource allocation and reallocation; develop a management information system; conduct public information functions; and provide staff assistance to the Director and his immediate staff.

c. The Office of Administrative and Technical Services shall provide administrative and technical services to all Research Laboratories components located at Boulder, Colo., and to its field locations except as otherwise specified.

.02 The Earth Sciences Laboratories shall conduct research in geomagnetism, seismology, geodesy, and related earth sciences, seeking fundamental knowledge of earthquake processes, of internal structure and accurate figure of the earth, and the distribution of its mass.

.03 The Atlantic Oceanographic and Meteorological Laboratories shall conduct research toward a fuller understanding of the ocean basins and borders, of oceanic processes, ocean-atmosphere interactions, and the origin, structure and motion of hurricanes and other tropical phenomena.

.04 The Pacific Oceanographic Laboratories shall conduct oceanographic research toward fuller understanding of the ocean basins and borders, of oceanic processes, sea-air and land-sea interactions as required to improve the marine scientific services and operations of ESSA.

.05 The Atmospheric Physics and Chemistry Laboratory shall perform research on processes of cloud physics and precipitation and the chemical composition and nuclearing substance in the lower atmosphere. The laboratory is ESSA's major focus for design and conduct of laboratory and field experiments toward developing feasible methods of practical, beneficial weather modification.

.06 The Air Resources Laboratories shall conduct research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop methods for prediction and control of atmospheric pollution.

.07 The Geophysical Fluid Dynamics Laboratory shall conduct investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modeling and computer simulation, for the behavior and properties of the atmosphere and the oceans.

.08 The National Severe Storms Laboratory shall conduct studies of tornadoes, squall lines, thunderstorms, and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting, and providing advance warning of their occurrence and severity.

.09 The Space Disturbances Laboratory shall conduct research on the nature of space disturbances and provide forecasts of these disturbances. Studies shall be made of the behavior of these disturbances, the mechanisms producing them, and their consequences to man's activities. Also included is the development of techniques and their use to continuously monitor those characteristics of the space environment necessary for the early detection and reporting of important disturbances.

.10 The Aeronomy Laboratory shall study the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. The program includes theoretical, laboratory, ground-based, rocket and satellite studies.

.11 The Wave Propagation Laboratory shall act as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis will be given to the propagation of sound waves and electromagnetic waves at millimeter, infrared and optical frequencies.

See footnote at end of document.

.12 The Institute for Telecommunication Sciences shall serve as the central Federal agency for the conduct of research and services on the propagation of radio waves, on radio properties of the earth and its atmosphere, on the nature of radio noise and interference, on information transmission and antennas, and on methods for the more effective use of the radio spectrum for telecommunication purposes.

.13 The Research Flight Facility shall meet the requirements of ESSA and other interests for atmospheric and other environmental measurements from aircraft, and for outfitting and operating aircraft specially instrumented for research.

SEC. 11. *Coast and Geodetic Survey.*[1] The Coast and Geodetic Survey shall provide charts for the safety of marine and air navigation; provide a basic network of geodetic control; provide basic data for engineering, scientific, commerical, industrial, and defense needs; and support the quest for more fundamental knowledge of our geophysical environment. In performance of these functions it shall conduct surveys, investigations, analyses, and research; and disseminate data in the following fields: Hydrography, oceanography, geodesy, cartography, photogrammetry, geomagnetism, seismology, gravity, and astronomy.

.01 The Office of the Director shall include the Director and other immediate staff as may be required.

.02 The Office of Geodesy and Photogrammetry will fulfill national requirements for a system of basic geodetic control and for precise gravimetric, and global configuration and mensuration data. In accomplishment of this it shall establish and maintain a geodetic control network throughout the United States and a worldwide geometric network based on satellite observations; plan and direct geodetic, gravity, astronomic, earth movement, and photogrammetric surveys; and conduct related research in support of ESSA programs.

.03 The Office of Seismology and Geomagnetism will support the quest for a better understanding of seismic and geomagnetic phenomena and their relation to the state and structure of the earth; and fulfill national requirements for standardized seismic and geomagnetic data. In the accomplishment of this it shall collect, analyze, and compile data on a national and worldwide basis; maintain liaison with geophysicists throughout the world; and conduct related research in support of ESSA programs.

.04 The Office of Hydrography and Oceanography will contribute to the safety of marine navigation through nautical charting; and support the quest for more knowledge about the states and processes of the ocean. In the accomplishment of this it shall plan and direct hydrographic and oceanographic surveys (including current surveys) and operate a network of tide stations; process, analyze, and compile the survey data including the compilation of nautical charts for end use and dissemination; and conduct related research in support of ESSA programs.

.05 The Office of Aeronautical Charting and Cartography will contribute to the safe navigation of air commerce and provide nautical and aeronautical charts for widespread use. To accomplish this it shall collect and evaluate air navigation information and compile aeronautical chart manuscripts; print and distribute nautical and aeronautical charts; maintain liaison with interests concerned with navigation regulations and information; and conduct research in support of these programs. This office also shall print and distribute weather charts and related documents and provide printing, reproduction and distribution services to ESSA.

.06 The Office of Systems Development shall plan, design, and develop systems for the description, mapping, and charting of the earth and for hydrographic and oceanographic service requirements where such systems cut across major Coast and Geodetic program boundaries, or when they are designated by the Director, Coast and Geodetic Survey for special attention and support; develop, test, and evaluate systems and system components, including instrumentation, equipment, and related manning and operational doctrines; and translate research results into Coast and Geodetic operational systems.

.07 The Executive and Technical Services Staff shall provide executive assistance to the Director and technical services in support of programs throughout the Coast and Geodetic Survey.

.08a. The Field Structure shall consist of the various organizational elements, as enumerated below:

1. The Atlantic and Pacific Marine Centers, the heads of which shall report to the Director, Coast and Geodetic Survey;

2. The Mid-Continent Field Director who shall report to the Director, Coast and Geodetic Survey, and be responsible for managing mobile field parties; and

3. Observatories, a seismology center, and a geomagnetic center which shall report to the appropriate program components at the headquarters of the Coast and Geodetic Survey.

b. The Atlantic and Pacific Marine Centers shall provide their own administrative support, including that required by vessels under their respective jurisdictions and, where feasible and practical, extend this support to other ESSA field units. The Mid-Continent Field Director shall obtain administrative support from the Weather Bureau region in the same city. Activities listed in subparagraph .08a(3) above shall receive administrative support from ESSA Headquarters. The locations of the principal field elements are shown in Exhibit 2.

SEC. 12. *National Environmental Satellite Center.*[1] The National Environmental Satellite Center shall provide observations of the environment by means of satellites; increase the utilization of satellite data in the environmental sciences; establish and operate a national environmental satellite system; manage and coordinate all operational satellite programs within ESSA and certain research-oriented satellite programs; conduct satellite systems engineering and research; and coordinate satellite activities with NASA and DoD. The National Environmental Satellite Center shall operate certain field installations such as Command and Data Acquisition Stations at locations required by the satellite system.

.01 The Office of the Director shall include the Director, Deputy, Chief Space Scientist, and other immediate staff as may be required.

.02 The Office of Operations shall provide data from environmental satellites and increase the value and the use of these data; operate the environmental satellite systems; collect, process, and analyze data from operational and specified research and development satellites; develop new and improved applications of satellite data; and maintain close relations with prime users of satellite data within ESSA and externally with NASA and DoD.

.03 The Office of System Engineering shall provide the planning, design, and engineering necessary to fulfill ESSA's requirements for environmental satellite systems; conduct systems design and analysis; explore possible multipurpose uses of environmental satellite systems; perform the engineering required to implement new or modified satellite systems; and maintain close relations with NASA and DoD.

.04 The Office of Research shall improve understanding of the environment through satellite data and provide new and improved satellite measurement techniques and applications; and maintain close relations within ESSA, particularly with the Institutes for Environmental Research.

JOHN W. TOWNSEND, Jr.,
Acting Administrator, Environmental Science Services Administration.

[F.R. Doc. 69-9386; Filed, Aug. 8, 1969; 8:45 a.m.]

[1] Constitutes a principal constituent organizational entity of the Administration within the meaning of Reorganization Plan No. 2 of 1965.

[1] See footnote at end of document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NOVOBIOCIN-TETRACYCLINE COMBINATION DRUGS; CALCIUM NOVOBIOCIN - SULFAMETHIZOLE TABLETS

Order Ruling on Upjohn's Objections and Request for a Hearing

On May 15, 1969, the Commissioner published, 34 F.R. 7687, an order repealing the regulations, 21 CFR §§ 141c.234, 141c.238, 141c.239, 141c.261, 146c.234, 146c.238, 146c.239, 146c.261, and 148i.4. These regulations have provided for the

certification of batches of antibiotic drugs composed of fixed combinations of tetracycline-novobiocin and novobiocin-sulfamethizole, marketed by the Upjohn Co. as Panalba capsules, Panalba half-strength capsules, Panalba KM flavored granules for suspension, Panalba KM drops, Albamycin-T capsules, Albamycin-T flavored granules for suspension, and Albamycin G.U. tablets.

The order was based upon a review of the scientific literature and the conclusion that there is a lack of substantial evidence that the fixed combination drugs will have the effectiveness they purport and are represented to have, and more particularly, that each ingredient in the combination contributes to the professed and claimed clinical effectiveness of the drugs. The order also revoked the certificates of safety and effectiveness theretofore issued for the combination drugs because of the unwarranted hazards in their use.

The order provided a 30-day period in which persons adversely affected by the removal of the combination drugs from the market could file objections, stating reasonable grounds and requesting a public hearing on the objections. The order required that the statement of reasonable grounds identify the claimed errors in the NAS-NRC evaluations of the efficacy of the combination drugs, copies of which had been supplied to the Upjohn Co., and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded by experts that the combination drugs would have the effectiveness claimed and would be safe for their intended uses.

On June 16, the Upjohn Co. filed objections to the order, a statement of its grounds for its objections, and a request for a hearing on the objections.

The objectives were—

1. The Commissioner erroneously relied upon the reports of the NAS-NRC panels, the members of which were not identified to him or to the Upjohn Co.;

2. The NAS-NRC panel reports were in error when they stated (a) that it has not been shown that each active ingredient contributes to the claimed effect of the combination; (b) that the usefulness of novobiocin is limited by the rapid emergence of resistant strains; (c) that use of the products exposes the patient to potential hazards; (d) that the usefulness of novobiocin is limited by the great frequency with which adverse reactions (in particular, skin rashes and hepatic dysfunction) occur; (e) that there is an inadequate amount of novobiocin present; (f) that the recommended dosages of the ingredients of Albamycin G.U. seem somewhat low; and (g) that novobiocin has a narrow antibacterial spectrum that does not significantly enhance the effectiveness spectrum of the tetracycline or sulfamethizole component of the products;

3. The reports of the NAS-NRC panels are further objected to on the grounds that they (a) evaluate as "Possibly Effective" the statement made by Upjohn that in vitro studies show that Albamycin (novobiocin) is particularly active against Stephylococcus aureus; (b) grossly exaggerate the possible risks of sensitization; (c) state that "it is impossible to assess the results of Albamycin-T therapy in acute purulent or catarrhal otitis, tonsillitis, pharyngitis, laryngitis or vestibulitis, most of which respond satisfactorily to judicious neglect"; and (d) that they ignore the realities of medical practice;

4. Upjohn stated that there is, and that the company can present at a hearing, substantial evidence that each of the specified combination drugs has the effectiveness it purports and is represented to have, and more particularly that each ingredient in each of the combination products contributes to its claimed clinical effectiveness, and that none of the drugs present an unwarranted hazard;

5. Upjohn states that reports from the scientific and medical literature, listed on pages 16 and following of the objections, provide substantial evidence of effectiveness for the combination drugs;

6. Finally, Upjohn objects to the order on the grounds that the Commissioner is not legally authorized (a) to withdraw the combination drug products from the market on the sole basis of an evaluation of the comparative efficacy of the prods ucts; (b) to repeal regulations for the certification of any marketed antibiotic drug product in the absence of new information to support a change of position as to the safety and efficacy of the product; and (c) to revoke previously issued certifications of safety and efficacy for batches of antibiotics meeting current regulations.

The Upjohn Co.'s objections did not offer a factual analysis of the list of published data on which the company relies for evidence of effectiveness. All of their data have been studied. The Commissioner finds as follows:

I. *Composition of the drugs*—(a) *Tetracycline-novobiocin combination.* Albamycin-T capsules contain 125 mg. tetracycline hydrochloride and sodium novobiocin equivalent to 125 mg. of novobiocin.

Panalba capsules contain tetracycline hydrochloride 250 mg. and sodium novobiocin equivalent to 125 mg. of novobiocin or tetracycline phosphate complex equivalent to 250 mg. of tetracycline hydrochlorise and sodium novobiocin equivalent to 125 mg. novobiocin.

Panalba capsules half-strength contain 125 mg. of teracycline hydrochloride and sodium novobiocin equivalent to 62.5 mg. of novobiocin or tetracycline phosphate complex equivalent to 125 mg. tetracycline hydrochloride and sodium novobiocin equivalent to 62.5 mg. of novobiocin.

Albamycin-T granules when prepared as an oral suspension provide tetracycline base equivalent to 62.5 mg. tetracycline hydrochloride, calcium novobiocin equivalent to 62.5 mg. of novobiocin, and 100 mg. potassium metaphosphate in each 5 cc. teaspoonful.

Panalba KM flavored granules and drops when prepared as an oral suspension provide tetracycline base equivalent to 125 mg. of tetracycline hydrochloride, calcium novobiocin equivalent to 62.5 mg. of novobiocin and 100 mg. of potassium metaphosphate in each 5 cc. teaspoonful.

(b) *Novobiocin-sulfamethizole combination.* Albamycin G.U. tablets contain 125 mg. of calcium novobiocin and 250 mg. of sulfamethizole.

II. *Rationale and claims.* The claimed rationale for the combination drugs is that they broaden and improve the spectrum of therapeutic usefulness over that obtained from tetracycline alone or from novobiocin alone or from sulfamethizole alone.

(a) *Advertising claims.* A typical advertisement for Panalba capsules,[1] JAMA February 27, 1969,[2] back page, stated: Where Spectrum Counts "In bacterial pneumonia and bronchitis, Panalba provides tetracycline plus novobiocin to give your therapy wide-range effectiveness: Breadth of antibacterial spectrum plus depth of coverage against susceptible microbial strains resistant to certain other antibiotics. As with all antibiotics, sensitivity studies should be performed to determine whether a more specific antibiotic is indicated."

(b) *Labeling claims.* The PDR for 1969 states, with respect to Panalba KM granules, "these granules combine the broad spectrum antibiotic tetracycline with novobiocin and potassium metaphosphate; Albamycin (novobiocin) to extend and reinforce the antibacterial effect of Panmycin (tetracycline) particularly against the resistant-prone Micrococcus and potassium metaphosphate to enhance the absorption of tetracycline". The same source states that a synergistic effect with a combination of novobiocin and tetracycline was noted in vitro against cultures of E histolytica. It is further claimed that clinical studies have shown the combination effect against a variety of staph. and strep. infections.

This emphasis on the asserted broadening of the antibacterial spectrum to enhance the effectiveness of the combined ingredients is shown by the official brochure for Panalba and Panalba Half-Strength Capsules which gives the following indications:

Panalba (tetracycline phosphate complex with novobiocin) is indicated in the treatment of infections due to organisms that are resistant to other antibiotics but susceptible to Albamycin (novobiocin) and Panmycin (tetracycline) or strongly susceptible to one of these antibiotics and at least moderately sensitive to the other. If sensitivity tests show the causative organism is susceptible to only one of these antibiotics, that particular antibotic should be used alone in full doses. Panalba is useful also in patients in whom other effective agents, such as penicillin, are not well tolerated.

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[1] Albamycin-T and Albamycin G.U. are not sold in the United States so they are not advertised here and are not described in the PDR.

[2] More recent ads have been reminder ads featuring the name of the drug without any claims of effectiveness. 21 CFR 1.105(e)(2)(i).

NOTE: A number of strains of staphylococci and streptococci have shown resistance to the tetracyclines.

The official brochures for Panalba KM Drops, Panalba KM Flavored Granules, and Albamycin-T Flavored Granules contain representations under the heading, "Indications", which are essentially identical to those for Panalba, with the exception of minor changes in phraseology.

The indications given in the official brochure for the remaining tetracycline-novobiocin combination product, Albamycin-T capsules, are similarly for:

Mixed infections. Infections in which the invading microorganisms are more susceptible to the combination than to either antibiotic singly.

Initiating therapy in infections in which the causative organism is not yet determined.

Prophylaxis. Prevention of bacterial infections secondary to viral and other infections (e.g., influenza, primary atypical pneumonia, measles), and in connection with surgery or diagnostic instrumentation.

The novobiocin-sulfamethizole combination product, Albamycin G.U. Tablets, is stated in the official brochure as indicated as follows:

Albamycin G.U. (novobiocin with sulfamethizole) is indicated in acute and chronic single and mixed bacterial infections of the urinary tract such as pyelonephritis, cystitis, prostatitis, and urethritis due to organisms more susceptible to this combination of drugs than to therapeutic doses of either antimicrobial alone. It may also be employed following diagnostic instrumentation or genitourinary surgery.

III. *NAS–NRC Panel evaluations.* Two panels studied these combination drugs and concluded that they are ineffective as fixed combinations for all the indications.

Upjohn was supplied the panel reports and given an extended period of time to comment upon them and to offer any pertinent medical or other data in rebuttal.

The company conceded that it did not have the kind of adequate and well-controlled clinical data that NAS-NRC Panels and FDA considered necessary to support the claimed superiority of the combination products over tetracycline or novobiocin alone, but it offered to conduct clinical trials to establish the point if afforded enough time to do so.

IV. *Upjohn's objections*—(a) *Objections to the NAS–NRC Panel Reports.* Upjohn's objections challenge several of the panel's conclusions.

(1) Upjohn objects that the statement in the panel reports that the usefulness of novobiocin is limited by the rapid emergence of resistant strains is not valid, as applied to novobiocin in these combination products, because clinical and in vitro evidence demonstrates that the use of the combination prevents or slows the development of resistant bacteria. Upjohn does not identify the evidence to which it refers.

The Commissioner finds that there is in vitro evidence of a delay in the development of resistance in some, but not all, bacteria exposed to novobiocin and tetracycline together: *Provided*, That the bacterial strains are sensitive to both antibiotics. There is no way to extrapolate the test-tube advantage of novobiocin with tetracycline to human, clinical use, and there is no clinical evidence to establish that the use of novobiocin in these fixed combinations will delay the development of resistant bacteria. The Commissioner also finds that rationally employed combined antibiotic therapy, when indicated, requires the use of two or more antibiotic drug products each in dosages tailored to the patient's condition. Combination therapy has been effective in the treatment of tuberculosis where emergence of resistant strains is a problem. (B.D. Davis et al.: Microbiology, New York, 1967, p. 666.) But this does not include the use of novobiocin in combination, and the Commissioner has been presented no substantial evidence, as defined in the Act, to support the claims of delayed resistance made for these products. Accordingly, the Commissioner concludes that there is no adequate evidence to establish that the addition of novobiocin in these fixed combinations will prevent or slow the development of resistant bacteria in the clinical situation.

(2) Upjohn objects to the statement in the panel report that 125 mg. is an inadequate amount of novobiocin, on the basis that the novobiocin blood levels produced by the combination products exceed the minimum inhibitory concentration and demonstrate that the novobiocin dose is adequate.

The usual minimum inhibitory concentration (M.I.C.) needed for novobiocin to inhibit Staphylococcus aureus in vitro is between 0.1 and 2 mcg./ml. (Barber and Garrod, Antibiotic and Chemotherapy, Baltimore, 1963, p. 157.) The laboratory M.I.C. level is not considered to be the same as the therapeutic blood level, nor is it used by clinicians as a measure of how high blood levels should be for effective therapy. In addition, the fraction of a given antibiotic drug bound to protein is devoid of antibacterial activity; novobiocin in the blood serum is approximately 90 percent bound to protein. (Busch and Lane, Chemotherapy, Chicago, 1967, pp. 39, 92.) A 10-fold higher blood level for novobiocin in terms of the M.I.C. would be 1–20 mcg./ml. 250 mg. doses of novobiocin produce average blood levels of approximately 3.6–11 mcg./ml. after 2 hours and 5.7–12.5 mcg./ml. after 4 hours. (Barber and Garrod, Antibiotic and Chemotherapy, Baltimore, 1963, p. 150; Corbin and Prigot, Novobiocin: Absorption, Diffusion and Excretion Studies Antibiotic Annual, 1956–7, p. 394.) The usual adult dose of novobiocin is 250 mg. every 6 hours (New Drugs, 1965 Ed., p. 45). Actual blood level data, including data obtained from Upjohn's files, indicate that the combination results in depressed blood levels of both novobiocin and tetracycline; no blood level studies for Albamycin G.U. have been presented or found in the literature. There is no adequate and well-controlled study based on clinical experience in man to support the assertion that the novobiocin dose in these products is adequate for therapy.

(3) The Commissioner finds that Upjohn's objection to the panel statement that the recommended dosages of the ingredients in Albamycin G.U. "seem somewhat low" is basically well taken. Assuming that the recommended dosages for the product result in a daily dosage of 1 gram of novobiocin and 2 grams of sulfamethizole, this would be an amount of each ingredient within the range usually recommended when each ingredient is administered alone. However, the Commissioner is unable to draw any therapeutic conclusion as to the clinical effects of the combination from these facts, and the objection is irrelevant to the question whether there is substantial evidence, within the meaning of the Act, to support the claims of effectiveness made for Albamycin G.U.

(4) Upjohn objects to the statement in the panel reports that novobiocin has a narrow antibacterial spectrum that does not significantly enhance the effectiveness spectrum of the tetracycline or sulfamethizole components of the products. The "spectrum" of an antibiotic drug relates to its effect upon gram positive and gram negative staining organisms; a broad-spectrum antibiotic is one which suppresses various organisms both of the gram positive and of the gram negative classification. Laboratory experiments have shown that tetracycline and/or sulfamethizole are as effective against most strains of organisms listed in the objections as is novobiocin. Novobiocin does not increase the range of effectiveness of tetracycline and/or sulfamethizole against those individual organisms; this is especially true of the broad-spectrum component, tetracycline. Novobiocin is not effective in infections due to gram-negative organisms, other than some types of Proteus. (1969 Physicians' Desk Reference monograph for Albamycin.) Laboratory experiments have shown novobiocin to be effective against some strains resistant to tetracycline and/or sulfamethizole, but these tests have not been correlated with clinical experience. The current approved labeling for novobiocin restricts its clinical indications to susceptible Proteus in urinary infections, and the gram positive organism, Staphylococcus aureus. (34 F.R. 7252, May 2, 1969, 34 F.R. 11992, July 16, 1969.) Thus, the Commissioner finds that, while it is literally true that the limited bacteria against which novobiocin is effective includes both gram-positive and gram-negative organisms, this encompasses an extremely small group; and, while novobiocin itself may be effective against strains resistant to the other components in these products, there is no clinical evidence that this occurs when the combined product is used. The facts compel the conclusion that the panel is correct in stating that

novobiocin has a narrow bacterial spectrum and does not significantly enhance the effectiveness spectrum of the other components.

(5) Upjohn objects to the statement in panel report on Albamycin-T that it is impossible to assess the results of therapy with the drug in "acute purulent or catarrhal otitis, tonsillitis, pharyngitis, laryngitis, or vestibulitis, most of which responds satisfactorily to judicious neglect" on the grounds that these conditions, when caused by bacteria, should be treated with antibiotics to avoid complications. The Commissioner finds that except for acute purulent infections these[3] and other respiratory infections are usually viral in origin, self-limited, and do not ordinarily or routinely require antibiotic treatment. Nearly all acute infections of the nose and nasopharynx in children are caused by viruses. (W. E. Nelson: Textbook of Pediatrics, 8th Ed., Phil., 1964, p. 803.) Goodman & Gilman, The Pharmacological Basis of Therapeutics, p. 1187, states that at least 90 percent of infections of the upper respiratory tract will not respond to antibiotics because they are due to viruses. Treatment of these conditions, when of viral origin, with antibiotics is irrational and unwarranted. If such a viral condition improves, it is not because of the antibiotic therapy. There is no definitive way to determine whether the condition is viral or bacterial in origin other than by stains or cultures. There is no evidence to show whether these disease conditions treated with Albamycin-T were of bacterial or viral origin. On the basis of these facts, the Commissioner concludes that the panel was correct in stating that it is impossible to assess the results of therapy with Albamycin-T in these conditions, except for acute purulent infections, for which well-controlled clinical studies have not been done to demonstrate clinical effectivness of the combination.

(6) Upjohn asserts the panel reports are objectionable in that they evaluate as "Possibly Effective" the statement that in vitro studies show that novobiocin is particularly active against Staphylococcus aureus. The Commissioner finds that the Upjohn Co. is correct in its assertion that there has been no appreciable decrease in the percentage of strains sensitive to novobiocin. But, there is no evidence to support Upjohn's presumption that this is because it has been "predominantly used with tetracycline"; and, finds that it is as valid a presumption that the low incidence of acquired bacterial resistance is as a result of the infrequent use of novobiocin as an antistaphylococcal agent in hospitals during recent years as more effective and less toxic antistaphylococcal agents have become available. The current approved labeling for novobiocin restricts its indications for use in the treatment of serious infections due to Staphylococcal aureus when the patient is sensitive to other effective antibiotics. (34 F.R. 7252, May 2, 1969; 34 F.R. 11992, July 16, 1969.) The Commissioner finds this is in accordance with most authorities who consider novobiocin to be an effective antistaphylococcal agent, some of whom suggest that novobiocin be kept in reserve for that purpose (e.g., Barber and Garrod, Antibiotic and Chemotherapy, Baltimore, 1963, p. 163). The Commissioner finds that, even though novobiocin is an effective antistaphylococcal agent, there is no evidence that the use of the drug in these fixed combination products increases this activity of novobiocin. The Commissioner concludes that, even though the company's objection that novobiocin is an effective antistaphylococcal agent is correct, there is no substantial evidence that the antistaphylococcal activity of novobiocin as a single entity increases the antistaphylococcal activity of the other components in the fixed combination drugs, and the recognized hazards in its use as highlighted in the box warning now required in its labeling preclude its use in any combination product.

(7) Upjohn's final objection to the panel reports is "that they ignore completely the realities of medical practice" in which cultures are not prepared and sensitivity testing is not done, and in which antibiotics are routinely prescribed, thus necessitating the use of a broad-spectrum antibiotic such as these fixed combination products.

When a patient is so ill that antibiotic therapy must be begun before cultures are prepared and sensitivity testing is completed, parenteral administration of the antibiotic is indicated. This ordinarily precludes the use of oral medication. The use of antibiotics routinely, without sensitivity testing, to treat infections of unknown etiology is irrational.

The Commissioner interprets the pertinent provisions of the statute as requiring adequate and well-controlled studies in man to support claims of effectiveness made for these products, and finds that no such studies exist. The Commissioner therefore concurs in the panels' evaluation of these products as ineffective as fixed combinations, and concludes that the conditions of medical practice as set forth by the Company, even if true, do not change the requirements of the law that claims of effectiveness be supported by substantial evidence, as defined in the Act.

(b) *Objections which assert that adequate and well-controlled investigations reported in the medical literature support the claims of effectiveness.* Upjohn has failed to identify any adequate and well-controlled clinical investigations that will support its claims of effectiveness. It has, however, provided a bibliography to the scientific and medical literature.[4] Because no factual analysis, summary or other evaluation was offered, it was necessary to study all of the papers cited.

The studies may be broken down into two major categories: (a) Studies not directly evaluating clinical responses of diseased patients to therapy with the combinations, including in vitro studies of bacterial sensitivity, animal studies of experimentally induced disease in animals, and some human studies of blood levels of the combination or its components achieved in man following ingestion of the drug or drugs, and (b) studies purporting to evaluate the clinical responses of diseased patients to therapy with the combinations, either uncontrolled in nature, or inadequately controlled to provide a basis for firm conclusions. The studies will be summarized and evaluated in order by these two major categories.

(1) *Studies not evaluating clinical response in man*—(a) *Blood level studies.* No adequate studies were offered by Upjohn to show the blood serum levels of antibiotic activity that can be achieved from administration of the combination drugs, as compared to the blood serum level achieved from use of the individual components. Nor did the Company offer blood serum inhibition tests.

Records of such studies in Upjohn's possession were obtained by the Food and Drug Inspector Roy D. Sanberg in March 1969. The blood serum assay tests obtained showed that blood levels resulting from the administration of Panalba, when compared to levels resulting from the use of novobiocin and tetracycline alone, were depressed from low to nondetectable for both novobiocin and tetracycline (Foltz cross over studies dated May 18, and 23, July 21, and Aug. 17, 1960; report dated Nov. 14, 1960; report dated May 13, 1960; report dated Feb. 15, 1957, by William I. Metgzer, Ph. D.; report dated Feb. 17, 1969).

A blood serum inhibition test conducted by Bennett W. Billow, M.D., for Upjohn showed no appreciable differences in in vitro serum activity against five bacterial species between serum from patients treated with tetracycline alone and those treated with the combination of tetracycline and novobiocin.

The indication from these blood serum studies that the addition of novobiocin to tetracycline adds no therapeutic benefit to the patient is borne out by the double-blind clinical study of pneumonia by Dr. Billow, also obtained from Upjohn by Inspector Sanberg, which showed no difference in therapeutic response between tetracycline and the Panalba combination.

The published literature contains three blood serum studies that are relevant.

In one study, the blood serum antistaphylococcal activity of tetracycline alone was greater than that from the same dose of tetracycline plus novobiocin in Panalba (Creer, James E. and Hitselberger, James F.: Antimicrobial Agents Annual, 1960, New York, pp. 129–134). In two other studies, the blood serum antistaphylococcal activity of novobiocin was greater than that from the same dose of novobiocin plus tetracycline in Panalba (Hirsch and Finland: New England

[3] "Acute purulent otitis" is bacterial and not viral—although it may start with a viral infection.

[4] Two unpublished studies, No. 21 and 38, were reported by Upjohn.

J. Med. 262:209 (1960)), and novobiocin alone produced higher blood serum levels than when administered in the same dose in Panalba (Foltz and Graves: Antimicrobial Agents Annual, 1960, New York, pp. 135–144).

From these studies, it is reasonable to conclude that use of the combination of tetracycline and novobiocin in Panalba may result in depressed blood levels of both tetracycline and novobiocin.

(b) *Microbiological studies.* The investigations numbered 4, 9, 11, 16, 19, 21, 22, 25, 27, 31, 38, 40–42, 44, and 51 are in vitro studies of the sensitivity of various strains of bacteria to a number of antibiotics and, in one instance, an antibiotic and a sulfonamide. The combination of tetracycline and novobiocin in equal amounts, as in Albamycin-T, was involved in eight of the 16 studies (11, 16, 21, 22, 38, 40, 41, and 42). Since the drug is not marketed in the United States, it is understandable that five of the studies involved bacterial infections encountered in South America (11), England (21), France (22), Canada (38), and Peru (40). The combination of novobiocin and sulfamethizole, as in Albamycin GU, was involved in one study (51). The seven remaining studies (4, 9, 19, 25, 27, 31, and 44) were a survey article in which no conclusions were drawn (31), and studies of susceptibility of disease organisms obtained in Mexico (4), Turkey (9), Italy (25), France (27), and Canada (44).

The microbiological studies can be summarized as follows:

4. *Ariza Reyes, H., Otorrheas and Antibiotics, Semana Medica de Mexico 30:408–10 (October 1961).* This is an in vitro study of the effect of nine antibiotic agents on bacteria found in cases of otitis media. The authors point out that the value of such tests is "relative".

9. *Cetin, E. T., Phage Typing of Staphylococcus pyogenes var. aureus Strains and Their Resistance to Antibiotics. Antibiotics and Chemotherapy 12:377–386 (June 1962).* This paper reports on an in vitro study "on the relation between phage type and antibiotic susceptibility of 247 strains of Staph. pyogenes var. aureus that have been studied at the Institute of Microbiology and Contagious Diseases in Istanbul". Antibiotic combinations were not included.

11. *da Costa, S. O. P., and de Souza, N. P., Resistance to Antibiotics II Observations on the Behavior of Pathogenic Staphylococci, An Fac. Med. Univ. Parans 5:147–52 (1962).* This is an in vitro study of the frequency of resistance of staphylococci to 16 antibiotics. The number of strains utilized varied from 37 to 216. The investigators found a small number, 1.2 percent, of bacteria resistant to the novobiocin-tetracycline combinations.

16. *De Vries, J. A., Survey of in vitro Sensitivity of Routine Hospital Pathogenic Organisms to a Group of Broad-Spectrum Antibiotics, Applied Therapeutic 3 : 356–358 (May 1961).* This report presents the results of a survey of in vitro sensitivity tests performed on various strains of bacteria. The author found the novobiocin-tetracycline combination was more effective than each of three other antibiotics tested, and states that the combination is justified since novobiocin is particularly noted for the rapidity with which resistant strains develop when it is used alone.

19. *Furesz, S. et al. The Effect of Fixed Combinations of Antibiotics on Staphylococci in vitro. Antibiotics and Chemotherapy 8 : 571–575 (November 1958).* This is an in vitro sensitivity study purporting to show the superiority of fixed combinations over single antibiotics.

21. *Middleton Hospital, Ilkley, England. Pathology Laboratory Sensitivities, Mar. 18–Oct. 16, 1968. Unpublished data.* This is a list of 14 bacteria, followed by a number which apparently indicates numbers of strains which are either sensitive (+) or resistant (—) to ampicillin alone and to Albamycin-T. No information is provided on how the sensitivities were done. The totals indicate that 376 strains were sensitive to Albamycin-T and resistant to ampicillin, whereas only 116 strains were resistant to Albamycin-T and sensitive to ampicillin.

22. *Monnier, J., and Bourse, R., Etude Bacteriologique d'une Association a Parties Egales de tetracycline et de Novobiocin. (Bacteriologic Study of a Combination of Equal Parts of Tetracycline and Novobiocin) Toulose Med. 65:827–844 (June 1964).* This is an in vitro study. The authors summary and conclusions are: (1) the antibacterial spectrum is enlarged by the combination; (2) there is the possibility of bacteriostatic synergism; (3) there is the possible slowing of development of resistance. The author states: "Only therapeutic utilization will permit judgment to what extent this combination (of novobiocin and tetracycline), which is interesting bacteriologically, represents a real progress in clinical practice in the treatment of bacteriologic infections."

25. *Pecori, V., et al. Results in vitro of combining novobiocin with new antibiotics on 100 strains of coagulase-positive Staphylococcus. Boll. Soc. Ital. Biol. Sperim. 34:531–534 (1958).* This is an in vitro experiment using novobiocin in combination with nine different antibiotics, against strains of staphylococcus. Methods are not given.

27. *Recoules, A., Determination de la Sensibilite in vitro des Germes Urinaires (Cent antibiogrammes en pratigue medicale courante). Cahiers Medicaux Lyonnais, 44:145–148 (January 1968).* This is an in vitro study of the sensitivity of microorganisms isolated from 100 urinary tract infections against nine antibiotics. In his conclusion, the author states that it is not possible to compare the in vitro activity of an antibiotic to its action in vivo, particularly in urinary tract infections.

31. *Schneierson, S. S. Antibiotic Susceptibility of Pathogenic Microorganisms Isolated in 1963. New York State Journal of Medicine 65 : 543–547 (Feb. 15, 1965).* This is a report of in vitro tests on organisms isolated from different body sources in 1963 by The Mount Sinai Hospital, New York City. These strains were tested against 15 antimicrobial agents, using tube dilution methods. The susceptibilities are recorded, and for six common organisms, are also reproduced in graph form. Since this is a survey, the author draws no conclusion. Fixed combinations are not discussed in this study.

38. *Upjohn Co. Survey of Antibiotic Sensitivities Reported from 17 General Hospitals across Canada. 1960–61. Unpublished data.* This consists of a group of charts from Canadian hospitals, reporting laboratory sensitivities to five drugs: Albamycin-T, Chloramphenicol, Erythromycin, Tetracycline, and Novobiocin. The bacterial strains are not individually identified or counted, so there is no way of knowing whether they were pathogens. Between 4.8 thousand and 7.4 thousand strains were tested against each drug. 85.6 percent of the strains were reported to be sensitive to Albamycin-T; 75.3 percent, the next highest figure, to Erythromycin.

40. *van Oordt, A., Pruebas de Sensibilidad a los Antibioticos en los Cultivos para Germenes en Analisis de Orina, Esputoy Secreciones de Heridas, Revista del Cuerpo Medico, 6:325–329 (September 1967).* This is a report of results of in vitro sensitivity tests with antibiotic sensitivity disks carried out in the Bacteriological Laboratory of the Hospital Obrero de Lima. A total of 733 strains of unclassified bacteria isolated from urine, sputum, and "secretions" were subjected to 490 sensitivity tests with seven different antibiotics. The highest number were reported to be sensitive to Albamycin-T.

41. *Vavra, J. J., Development of Resistance to Novobiocin, Tetracycline, and a Novobiocin-Tetracycline Combination in Staphylococcus Aureus Populations, Journal of Bacteriology, 93:801–805 (March 1967).* Despite its title, this is an in vitro study of a single strain of Staphylococcus aureus, which was sensitive to both novobiocin and tetracycline. Using serial subcultures, the author demonstrated inhibition of development of resistance to the combination of novobiocin and tetracycline. This in vitro study of one strain of Staphylococcus cannot be extrapolated to predict the sensitivity of many strains of Staphylococcus causing clinical infections.

42. *Vavra, James J., Mechanism of Suppression of Resistance Development by an Antibiotic Combination. 1968 in press; Antimicrobial Agents and Chemotherapy.* This is an in vitro study of a single strain of hemolytic streptococcus, which was sensitive to both tetracycline and novobiocin. The author demonstrated delayed emergence of resistance of this particular strain to the novobiocin-tetracycline combination after the organism became resistant to the individual antibiotics in concentration ratio approximately that present in the combination itself.

44. *Whitaker, L., In Vitro Sensitivity of Routine Hospital Pathogenic Bacteria to a Group of Commonly Used Antibiotics. Canadian M.A.J., 84: 1022–1023 (May*

1961). This is an in vitro study of bacterial sensitivities during a 6-month period. All organisms were not tested against each antibiotic, nor were antibiotics tested against organisms to which they were known to be resistant.

51. *Johnson, F. T., et al. Effect of a Novobiocin-Sulfonamide Combination on Organisms Generally Associated with Urinary Tract Infections, Antibiotics Annual 1957–58: 27–30.* This paper reports a bacteriologic study on the in vitro activity of novobiocin, sulfamethizole, and the combination, on four strains of gram negative bacteria. Each of these strains was then made resistant to each of the antimicrobial agents. In vitro studies were then done, showing the effect of each agent alone and in combination. As expected, growth occurred in media containing the drug to which the bacteria had been made resistant, but not in media containing the drug to which the organism was still susceptible. In these situations, growth did not occur when the combination was employed. This result is to be expected, since the drug to which the bacteria remained susceptible was capable of inhibiting growth rather than the combination.

These in vitro studies are not clinical data, are not correlated with clinical data, and may not be extrapolated to the clinical situation involved in treating infectious disease in the United States. The data submitted are inadequate in many details, as has been noted, and permit no conclusions to be drawn because of the deficiencies noted. All that the data could reasonably be taken to show is that some infectious organisms encountered in disease situations are susceptible in vitro to equal amounts of novobiocin and tetracycline. But whether the tetracycline or the novobiocin was responsible is not established.

(c) *Animal study.* A single study of the use of the combination of novobiocin and tetracycline to treat an experimental infection in the mouse was submitted by the firm.

16. *Pecori, V., et al., Preliminary results on the efficiency of the association of novobiocin-tetracycline in staphylococcal infection in the mouse. Boll. Soc. Ital. Biol. Sperim. 34 : 534–536 (1958).* This is a poorly designed experimental study using groups of white mice inoculated with stephylococci. It is not possible to extrapolate the results of this study in mice to the therapeutic situation in man.

(2) *Studies evaluating clinical response in man*—(A) *Uncontrolled studies of the Tetracycline-Novobiocin Combinations.* The Commissioner has considered and reviewed the remaining investigations listed by Upjohn, and finds as follows:

2. *Abbott, M. I. and Riley, H. D., Jr., Treatment of Staphylococcal Infections in the Young Infant with Tetracycline and Novobiocin in Combination. Antibiotic Medicine and Clinical Therapy, 8:23–28 (January 1961).* This is a report of treatment with Panalba KM Granules (pediatric) of 28 infants, aged 1 day to 5 weeks, 25 of whom had staphylococcal infections verified by culture, and two of whom had streptococcal infections. Two infections showed no response. Doses given varied widely. This study was not controlled. Only the combination product was used. The study presents no evidence that the combination product is better than either drug alone. In vitro susceptibility study showed that all staphylococcal strains isolated from the patients and subjected to susceptibility studies were susceptible to novobiocin alone.

3. *Anderson, Jack R. and Rubin, Wallace, Clinical Experience with Combined Tetracycline Novobiocin Therapy in Common Ear, Nose and Throat Infections. The Eye, Nose and Throat Monthly 38: 638–641, 1959.* 95 patients, adults and children, with ear, nose, and throat infections were treated with Panalba capsules or liquid, administered four times daily for 4–10 days. Sinusitis cases were additionally treated with local novobiocin instillation and 62 of the patients received concomitant antihistamine therapy. It is impossible to tell what if any improvement is attributable to novobiocin instillation and/or antihistamine therapy.

Cultures were taken from some of the patients. The only result reported was that 47 of the first 50 cultures taken revealed the organisms to be sensitive to the tetracycline-novobiocin combination. Sensitivities to tetracycline or to novobiocin alone are not reported. This study is poorly designed and not controlled. It presents no evidence that the combination product is effective or that it is more effective than either drug alone.

5. *Atkins, J. L., Novobiocin-Tetracycline in the Treatment of Ear, Nose and Throat Infections. Canadian M.A.J. 83: 909–911 (Oct. 22, 1960).* This report involved Albamycin-T (tetracycline-novobiocin in equal parts) using two preparations, tablets and granules for suspension. The author, citing data from a personal communication, reports an in vitro test of four organisms (two strains of M. aureus, one of P. rettgeri, one of S. fecalis), said to show "enhancement of antimicrobial activity when tetracycline and novobiocin are combined in the ratio of 10 parts of novobiocin to 1 part of tetracycline." This is a laboratory exercise having no clinical applicability. Moreover, no such 10:1 combination has ever been marketed, and the dosage cannot be achieved by using the combination.

In addition, the author presents the following clinical report: 80 patients with ear, nose, and throat infections were treated with a dose of 1 gm. of the combined antibiotics per day for the adults, and "at least 15 mg. of the combined antibiotics per kg. body weight per day" for children. 82 percent of the infections were streptococcal in origin. No sensitivity tests or follow-up cultures were done. Duration of treatment is not stated. There were two adverse reactions of the type known to be associated with novobiocin. Novobiocin is not indicated in streptococcal infections. This report states that most of the patients responded to the combination, but no controls were used. There is no evidence to show that the combination is effective or that it was better than that which might be expected from tetracycline alone.

6. *Baadj, A. G., Loperfido, F. J. and Prigor, A., Treatment of Soft-Tissue Infections in Children with an Antibiotic Combination, Tetracycline and Novobiocin with Metaphosphate. Antibiotic Med., 5 : 664–668 (November 1958).* This is a report of 50 cases of soft-tissue infections in children, treated with "Panalba flavored granules" (125 mg. of tetracycline and 62.5 of novobiocin in 5 ml. of suspension). There is a list of strains of microorganisms isolated from the lesions "whenever pus or exudates were recoverable". These cultures are not related to specific cases. The therapeutic results were said to be good, but there were no controls and no evidence to indicate that the combination was better than what would be expected from either of the antibiotics had they been used alone. In addition, the infections were of such a nature that improvement might been been expected without antibiotic therapy.

8. *Boissier, A. et al., Efficacite de L'Association Novobiocine-Tetracycline Dans le Traitement et al Prevention des Surinfections de la Bronchite Chronique. La Vie Medicale Actualite, Dec. 1966; 29–20.* Forty-five patients with respiratory insufficiency resulting from chronic bronchitis were treated with "Albacycline," in a total daily dose of 500 mg. each of tetracycline and novobiocin for from 6 to 47 days; the average was 16 days. Sixteen of the cases were concomitantly treated with corticosteroids. Good results were achieved in 23 patients, 12 fair, and 10 negative. No cultures were made, and there were no controls. The study is not related to Upjohn's claims.

10. *Chesrow, E. J., et al., Clinical Evaluation of Tetracycline-Novobiocin on 100 cases of Acute Infection Due to Staphylococci and Other Bacteria. Antibiotic Med. 7: 490–494 (August 1960).* One hundred patients with various infections were selected at random. Panalba was the product used, one capsule being given every 8 hours. Diagnoses listed were: Carbuncles, abscesses with cellulitis, pneumonia, tonsillitis, cystitis, otitis. Organisms cultured were: Staph. aureus (80 cases), betahemolytic Streptococcus (3 cases), Proteus mirabilis (5 cases), Escherichis coli (5 cases), Hemophilus influenzae (2 cases), Pseudomonas (3 cases), and gammahemolytic Streptococcus (2 cases). Susceptibility tests were done to several antibiotics, but the study does not report them. Eighty-five patients responded with favorable results, of which 80 cases were of staphylococcal origin which might have responded to either component alone. The diseases studied are often self-limited. Incision and drainage may frequently be the only treatment needed, an incision and drainage was performed where indicated. There were no controls.

12. *David, N. A., and Day, W. R., Use of a New Tetracycline-Novobiocin Combination in the Treatment of Various Types of Infections. Antibiotic Med. and*

Clinical Therapy, 5: 128–134 (February 1958). Sixty adults and 66 children were given Panalba for "mild or moderately severe" infections. Bacteriologic studies were done for "most of the adults" and for "only a few" of the children. No controls were used, although four different tetracycline-novobiocin products were tested. The authors state that no conclusion of a synergistic effect can be reached from the data. Most bacteria found present are equally susceptible to either tetracycline or novobiocin, as shown by the sensitivity results. There is no evidence that the combination gave results superior to what might have been expected from either drug alone.

13. *de la Cruz, et al., Tetracycline and Novobiocin* (Albamycin T) in the Treatment of Amoebic Dysentery in Children. J. Phillipine Med. Assn. 37:161–69 (March 1961)*. This is a study of 52 cases of amoebic dysentery in children ranging in age from 1 to 12 years. The treatment was Albamycin-T at a dose of 30 mg./kg. per day each of tetracycline and novobiocin. All had marked clinical response between the first and fifth day of treatment, 90.3 percent during the first 3 days. Two patients had generalized urticarial rashes. There were no controls. No evidence is presented that the combination is better than the ingredients alone. The tetracycline alone is acknowledged by the authors to be effective against intestinal amebae.

14. *Delgado Martinez, C. La Asociacion Novobiocina-Tetracycline en el Tratamiento de la Osteomielitis. Semana Medica de Mexico 28: 331–335, March 1961.* Twenty children with osteomyelitis in a Venezuelan hospital were treated with Albamycin-T, some every 4 hours, some four times daily, dose unstated, for 3–5 months. Three case histories are recorded in detail. It is stated that cultures and sensitivities were done "routinely", but the results are not stated in the article. All but three of the children were operated upon. The author reports excellent results in two cases, 15 more discharged home improved and under observation, and three improved but still with small fistulas. This is an uncontrolled study. There is no evidence that the combination, rather than surgery, was responsible for the results, and no evidence that the combination is better than the ingredients.

15. *de Vries, J. A., et al. Adjunctive Use of Tetracycline-Novobiocin in Endodontica. Journal of the Canadian Dental Association 32:291–295 (May 1966)*. One hundred patients with infected root canals were treated at the McGill Dental Clinic of Montreal General Hospital; 50 were treated in the standard manner without any antibiotic and 50 were given the standard treatment plus 250 mg. of the mixture of tetracycline-novobiocin four times a day following initial treatment. The "Results" are given: "Of the two original groups, 25 faithfully cooperative patients from each group were ultimately selected for final evaluation." In the bacteriology reports, there were no "mixed cultures". The majority of strains isolated were streptococci. Novobiocin is not indicated for streptococci. All of the organisms isolated may be considered as "normal flora" of the mouth. The experimental design of this study is poor, because 100 subjects entered, and only 50 were evaluated, with 25 cases being entered into two groups with the criteria for selection not given. Although this study would initially appear to be controlled in nature, the selection of only half of each group introduces a bias that removes it from consideration as a controlled study. It is impossible to conclude that the combination drug is more effective than tetracycline or novobiocin alone, or that any antibiotic was needed.

17. *Didier R. and Vialatte, C., Clinical Study of a combination of Tetracycline and Novobiocin in Babies. La Vie Medicale 1–8, February 1966.* This reports on a study "done exclusively with babies"—50 patients of a pediatric ward and 70 private-practice patients. The dosage for the hospital patients varied between 250–500 mg. per day, both orally and intramuscularly, for varying periods of from 4–45 days. Twenty-three received no other antibiotic therapy; 20 received additional hormonal and other unspecified medication. The 70 private patients received from 250–373 mg. per 24 hours, for from 4–10 days. There were no controls, and the design is poor. The authors report no failures in the therapy and claimed the medicine was administered to 120 babies without the least manifestation of toxic effect. One child received 375 mg. per day for 3 weeks "without adverse effect," but died on the 21st day. There is no substantial evidence that the combination gave results superior to what might have been expected with tetracycline alone.

18. *Felix, A. J. et al. A Clinical Evaluation of Tetracycline Phosphate Complex Combined with Novobiocin in the Treatment of Soft-Tissue Infections. Antibiotic Med. 4: 128–824 (December 1957)*. One hundred twenty-eight patients with soft-tissue infections were treated with two dosage schedules of Panalba. One schedule called for four capsules per day and the other three capsules. Incision and drainage were used as indicated. The average course of treatment was 6 days. There were no cultures for most cases, and there were no controls. These conditions were self-limited or surgically cured diseases and operation was performed when required. Results were reported as "excellent." The report is not evidence for the effectiveness of the combination over either of the components alone, or for any drug.

20. *James, A. P. R., Clinical Evaluation of Combination of Tetracycline Phosphate Complex and Novobiocin. Antibiotic Medicine and Clinical Therapy 4: 797–799 (December 1957)*. This paper reports on 61 cases of skin infection treated with Panalba. No cultures were taken, and there were no controls. Excellent response was said to occur in 75 percent of patients. There is an addendum which presents 59 more cases but no results except to state that there have been no further side effects. There is no evidence of the effectiveness of the combination or that the results were superior to that which might have been expected from no treatment or from tetracycline or novobiocin alone.

23. *Ossipovski, B., L'Albacycline (*) Les Affections Cutanees. (*Laboratories Upjohn) Gaz. Med. France, 72:1244–1245 (Mar. 2, 1965)*. This is a report of treatment of 50 cases of different skin infections with Albacycline, a combination of 125 mg. each of tetracycline, and novobiocin. The treatment was from 500–1,000 mg. daily, for unspecified periods of time. Cultures and sensitivity tests are stated to have been made in the majority of cases, but the author does not report the results. It is stated that the Albamycin maintained its blood level for 12 hours, but there is no indication of actual studies. There are no controls.

26. *Porge, J. F. and Durant, J., Interet d'une association d'antibiotiques dans les infections urinaires. Cahiers Medicaux de France, 41:236–244 (June 1964)*. Thirty patients with urinary infections, 19 with renal insufficiency, were treated with Albacycline, in a total dose of 750 mg. per day each for tetracycline and novobiocin, for 4–10 days, followed by intermittent treatment of 6 days per month, or 6 days every 3 weeks. The authors report 14 "apparently" complete cures, 12 partial cures and four failures. These results are reported as "particularly remarkable." Two side effects, including a morbiliform rash, a known novobiocin side effect, are reported. There are no controls. No conclusion can be reached respecting the merits of the combination.

28. *Salas Guerra, A. Tratamiento de Mastitis en al Asociacion Novobiocina-Tetraciclina. Semana Medica de Mexico 17:471–472, Jan. 1961.* This is a report of 20 cases of mammary abscesses treated with Albamycin T. Some cases also received surgical treatment. The result of the therapy is said to be "powerful." No bacteriological data is provided. There were no controls.

29. *Sales Sales, E. Algunas Observaciones el Tratamiento con la Asociacion Novobiocina-Tetraciclina en Pacientes Infecciosos Considerados como "Casos Problema" Semana Medica de Mexico 23:199–121, 1959.* This is a report of the treatment of 12 patients with unspecified disease conditions who were treated with a tetracycline-novobiocin combination, after being treated with other unspecified antibiotics or sulfonamides. The authors report cure in all cases on the basis of "simple clinical observations without a comparative study" and state they "do not pretend to reach a final conclusion about the real value of the treatment." There were no controls.

32. *Seddon, J. C. et al., Tetracycline versus a Tetracycline-novobiocin Mixture in the Treatment of Bronchitis The British Journal of Clinical Practice, 18:273–278 (May 1964)*. Three general practitioners in an urban area in England used Albamycin-T and tetracycline, in a dose of 1.0 gram daily. Three groups of patients were used: (1) Those with established bronchitis; (2) those with

only a few attacks of bronchitis in recent years; (3) those with their first attack of bronchitis. No bacteriologic studies were done.

While a number of parameters were studied, only in the failure rate was there evidence of superiority of the combination product, significant at the 5 percent level. This might have occurred by chance 4–5 times in a hundred. This observed difference might have been due to bias on the part of the observer as the study was not "double-blind."

Novobiocin alone was not tested, so the efficacy of this drug alone cannot be excluded.

The study does not show that the combination of tetracycline-novobiocin is superior to either the tetracycline or the novobiocin alone. Of 104 successfully treated cases, there were no differences in the rate of response to therapy. Speed of recovery and convalescence were also comparable. Side effects were equal in both groups. The authors state: "It is claimed that the combination promotes a quicker response, and the patient would get back to work sooner. We did not find this. Both groups of patients who responded to the respective agents did so with equal speed, and completed their convalescence within similar times * * *"

33. *Seneca, H., Tetracycline, Nystatin and Novobiocin Combination in Amebiasis, Antibiotics Annual, 1956–57: pp. 175–179.* This is a study of the effect of double and triple combinations of tetracycline, nystatin and novobiocin on E. histolytica cultures in vitro, and on intestinal amebiasis in viov. The in vitro study cannot be extrapolated to clinical use.

In the clinical trials, 24 patients with intestinal amebiasis were treated with tetracycline concurrenlty with novobiocin; 13 were treated with tetracycline plus nystatin; and 13 were treated with tetracycline plus novobiocin plus nystatin. All the antibiotics were given as separate entities, not in fixed combination. No patients were treated with tetracycline alone. All patients were stated to be improved symptomatically and apparently free of infection within 2–4 months. The nature of the patient material, the type of amebiasis, and the number of followup examinations for persistent infection are not described. There were no controls.

34. *Stern, F. H., Erysipoloid of Rosenbach, Treatment with a Combination of Tetracycline and Novobiocin. American Practitioner, 11:699–700 (August 1960).*

This is a description of a single case of a hand infection, diagnosed clinically to be due to Erysipelothrix rhusiopathiae. No bacteriologic or serologic studies were done. Penicillin was administered; then Panalba. The patient improved. This single case provides no evidence that this improvement was due to both components of the combination products.

35. *Temple, A. D., et al., Long-Term Antibiotic Therapy in Chronic Chest Disease, Medical Services Journal, Canada, 19: 473 (July–August 1963).* This is a report of 13 male patients with chronic respiratory disease, in whom the incidence of pneumonia was reduced from the previous year when a combination of tetracycline-novobiocin was given "prophylactically," 3 weeks of each month for a period of 7 months. There are no controls. There is no evidence that the results were better than those that might have occurred if the components of the drug had been given alone. The results of the sensitivity tests reported are not valid since different strengths of both antibiotics were present in the single discs and the combination, and since only a single disc was used for the combination as opposed to two discs, a high and low, for the separate antibiotics.

Comparisons of pneumonia rates from one year to the next are invalid, because natural variations occur commonly. This small and uncontrolled study does not support a claim for the prophylaxis of pneumonia.

36. *Thiers, H., et al., Interet d'une Association De Novobiocine-Tetracycline (Albacycline) En Dermatologie, Lyon Medical, 213: 807–815 (Mar. 14, 1965).* Eighty-one patients with various dermatologic conditions, not all of which represent infections, by U.S. standards, were treated with Albacycline. Seventy-seven improved. Cultures and sensitivities were done on 19 patients. Some of these showed the organisms to be insensitive, yet the patients were said to have improved as a result of the medication. No controls were used. Some patients apparently received other antibiotics concomitantly.

37. *Tranchard, M., et al., Essai Therapeutique d'un Complex Antibiotique Utisable per Os In Pediatrie, Picardie Medicale 1 (4) (1966).* This is a report of 51 hospitalized children, aged 2 months to 15 years, with a variety of diseases and infections, treated with a tetracycline-novobiocin combination. Treatment was from 4–51 days. Some patients were given other antibiotics. Results are given as 14 "excellent", 32 "good", three "moderate", and two "doubtful". There are no controls.

39. *Cooperative study sponsored by Upjohn and conducted by 21 investigators on 496 children in 1967.* In response to the request of the Food and Drug Administration for information as to what this listed investigation referred to, the company provided a document entitled, "Protocol Efficacy Study Panalba KM Granules and Panalba Half-Strength Capsules" and a list of 21 investigators. The protocol states that children with upper respiratory infections, pneumonias, or urinary tract infections are to be treated with either Panalba KM or Panalba Half-Strength Capsules to compare the response to the two products. Blood levels are to be obtained on the third day, and clinical response is to be "correlated" with bacteriologic disc sensitivity. The protocol states that "[n]o controls will be needed." No details or results of the study were provided.

The annual report submitted to the Food and Drug Administration pursuant to 21 CFR 146.14, for Capsules Panalba and Panalba Half-Strength, dated August 23, 1968, contains several interoffice memoranda with attachments respecting a clinical study of efficacy in 496 children. It is assumed that this is the same study. Some of the data referred to in the interoffice memoranda are not included with the data submitted in the annual report. But the data which was submitted establishes that, as stated in the protocol, this was not a controlled study; all patients received some form of Panalba. Bacteriologic tests were not made on all the patients. On those that were made, sensitivities were determined for only five antibiotics, and these did not include penicillinase-resistant penicillins. Patient improvement does not appear to be correlated with bacteriologic improvement, indicating that some of the illnesses treated were viral in origin. The interoffice memorandum states that 14 of the 15 children treated for urinary infections with liquid Panalba had "undesirable side effects". Fifteen of the children developed positive cultures for pneumococcus after treatment began, and 13 of the 75 positive cultures for beta hemolytic streptococcus were still positive after treatment.

43. *Warembourg, H. and Bertrand, M., Etude Clinique d'une Association Tetracycline-Novobiocine (*) (*) Albacycline, Laboratories Upjohn, Lille Medical, 9: 587–592 (1964).* This is a report of treatment of 35 patients with various infections, with various doses of Albacycline, and some with other antibiotics, for periods of time from less than 1 week to 2 months. Four "complete failures were observed". Bacteriologic studies were done only "as far as possible". There are no controls. No evidence is presented to support the efficacy of the combination as compared to its components.

45. *Zegarra Araujo, Enfermidades Infecciosas y su Tratamiento con Novobiocina Tetraciclina. N. Semana Medica de Mexico 8:267–269, December 1958.* Albamycin T was used in varying doses to treat 10 patients with a variety of infectious diseases, some of which were cultured. No sensitivities were reported. Some patients had had previous penicillin therapy. All recovered. This study was uncontrolled.

46. *Zeleer, I., Novobiocin Associated with Tetracycline in the Treatment of Pyogenic Skin Infections, Semana Medica de Mexico 17:118–120, May 1958.* Forty patients with a variety of skin infections presumed due to staphylococcus and cultured when circumstances permitted, were treated with Albamycin T every 6 hours. Satisfactory results were obtained, according to the author. There were no sensitivity tests reported, and there were no controls. Two side effects, one a morbilliform erruption, were noted.

49. *Herrold, R. D., The Rationale and Current Status of Drugs in Combination for Urinary Infections, The Journal of Urology 79:1010–1013 (June 1958).* This is a general discussion in favor of the use of drugs in combination, including tetracycline and novobiocin which the author apparently considers harmless. No data is provided on the use of tetracycline-novobiocin combinations. The author favors the use of single antibiotics in combination, not fixed combinations.

2. *Uncontrolled Studies of the Novobiocin-Sulfamethizole Combination.*

47. *Blanco-Castillo, S., La Asociacion Novobiocin-Sulfametizol en las Infecciones del Tractus Urinario, Revista de Urologia, 17:119–122 (May–June 1959).* This report concerns 35 patients with various infections of the urinary tract. Various etiologic organisms are listed, but they are not related to specific cases. The author reports very satisfactory results and excellent tolerance. No controls were used. This does not show evidence to indicate that the combination is better than either of the drugs alone.

48. *Carter, C. H., Clinical Evaluation of a Novobiocin-Sulfonamide Combination in Treatment of Common Infections, Antibiotic Medicine and Clinical Therapy, 5:517–520 (August 1958).* This was a study using "Cathosulfas", a Merck product containing novobiocin and sulfamethazine, sulfamerazine and sulfadiazine. The drug used is not one of the products which is the subject of this order, and has a different composition entirely.

Upjohn has previously been informed that Dr. Carter is not a qualified investigator, is ineligible to receive investigational new drugs, and that his studies cannot be used to support claims for safety and efficacy.

50. *Lamela, M. and Rognoni, M., La Associacion Novobiocin-Sulfametizol en la Piuria Cronica del Anciano, Pren. Med. Mex. 25:367 (1960).* This is a report of the treatment for 5 days using Albamycin G.U. of five elderly patients with pyuria, which is defined as more than 30 white cells per field in a centrifuged urine specimen. In all cases, the pyuria disappeared after treatment, but in one patient, pus cells recurred 5 days after treatment. No bacteriological cultures were done, so there is no way of judging whether the organisms were susceptible to one or the other component of Albamycin G.U.

52. *Costa, J. M. and Stella, M., Combination of Novobiocin and Sulfamethizole in the Treatment of Genito-Urinary Infections (Albamicina G U), O Hospital, 55: 877–81 (1959).* This study reports on the treatment of 82 patients with genito-urinary infections, 62 medical cases and 20 surgical cases. Treatment was with Albamycin G.U. for varying periods of from 8–28 days. Seventy-five cases are reported to have responded well. There were no controls to show that the combination was more effective than the components.

53. *Glokner, J., Contribution al Estudio de las Uretritis no Gonococcicas, Semana Medica de Mexico, 29: 99–102 (May 1961).* Following a lengthly discourse on non-gonerrheal urethritis, the author summarizes four cases which were treated with Albamycin G.U. In at least three cases, previous antibiotics (not always specified) had been used. Bacterial etiology of the infection is poorly defined; in one case, the author describes a "visible virus", which is highly questionable. He concludes that Albamycin G.U. was effective in all cases, because it contains a "strong antibiotic which acts on the virus and a sulfa which acts on the common microbes * * *" Novobiocin has no known antiviral effect.

This is an uncontrolled study in the nature of a testimonial-type report on four cases, and is of no scientific merit.

54. *Carlook, A. H., Tratamiento de la Blenorragia con la Associacion Novobiocina-Sulfametizol (Albamycin G-U Upjohn), Pren. Med. Mex. 25: 484–485 (1960).* Fifty cases of gonorrhea confirmed by urethral smear were treated with Albamycin G.U. The text states that the cases were of both sexes, but "urethral smear" applies to males only. Dose was two tablets every 4 hours for 3 days, followed by two tablets three times a day for 3 days. For the first 3 days the total daily dose should have been 12 tablets, and the total dosage should have been 54 tablets, whereas the author states that the total dose was 48 to 50 tablets. Results were satisfactory. In at least one case, treatment was repeated. The author does not give any rationale for the dosage schedule, and the study was not controlled. The drug is described as "100% safe", although in at least one instance there was nausea and vomiting. The rationale for using a combination of drugs for treating gonorrhea is described only as "reinforcement". In the summary the author states that all patients were clinically and bacteriologically cured in approximately 1 week; this contradicts the previously described case in which one patient was not clinically cured, and the treatment was reinstituted. Novobiocin "is not indicated in the treatment of gonorrhea". PDR 1969.

The Commissioner finds that none of these studies constitute adequate well-controlled studies as defined by the law and for this reason finds that none of these studies are admissible as scientific support for the claimed efficacy of the combination.

(b) *Inadequately controlled studies—Tetracycline-Novobiocin combinations.* Two studies which purported to be controlled were submitted by the firm.

30. *Savin, R. C. and Turner, M. C., Antibiotics and the Placebo Reaction in Acne, JAMA 196:365–367 (Apr. 25, 1966).* Forty-two outpatients with papulopustular and cystic acne were studied in a short-term, double-blind study, using a tetracycline-novobiocin combination and a placebo. The thrust of the study is to evaluate the use of tetracycline to treat acne and "to delineate the percentage of placebo reactions" in the disease. No explanation is offered as to why novobiocin was included in such a study. No evidence is presented to show that the combination is better than tetracycline alone, or for that matter better than placebo.

7. *Birkett, F. J. et al., Antibiotic Combinations (letter to the Editor). Lancet 1:838, Apr. 18, 1959.* Ten general practitioners in Bradford, England, presented the preliminary findings of a clinical trial, comparing Albamycin-T (125 mg. tetracycline and 125 mg. of novobiocin per tablet) to novobiocin 250 mg. per tablet and to tetracycline 250 mg. per tablet. The patients had unspecified soft-tissue, ear, nose, and throat, and intrathoracic infections. The dosage was based on the adult dose of 1 gm. of novobiocin, 1 gm. of tetracycline, or 1 gm. of the combination. Five investigators compared novobiocin with the combination and five compared tetracycline with the combination. A total of 122 patients received the combination; only 83 received tetracycline alone and 76 received novobiocin alone. It is stated that all of the observations were clinical, and that there was no bacteriological control. This study provides no substantial evidence, because the actual type of infection is not specified, and the procedure by which patients were placed into particular groups is not provided.

Of the 54 references cited in Upjohn's objections, this is one of two studies which has any controls. Even though not double-blinded nor randomized, it does show an attempt to compare the fixed combination with its components singly. As it is, no conclusions can be drawn concerning any superiority of the combination over either of the antibiotics used alone. The report states the study is being continued and will be reported in full later. A final report has never appeared in the medical literature.

(c) *Data in the original submission for approval of combination drugs.* Upjohn states that it submitted adequate and well-controlled studies with the material on which the FDA issued the certification regulations. The Commissioner finds that, other than data relating to manufacturing controls, the material to which Upjohn refers consists of non-therapeutic blood serum assay studies to determine whether the component drugs are available in the blood sera after administration of various doses of the product, in vitro studies, animal in vivo studies, and reprints from the literature.

With respect to the blood serum assay studies, the Commissioner finds that tetracycline and novobiocin were present, and that novobiocin blood level concentrations were usually lower after administration of the combination that would be expected to be obtained after administration of the same dose of novobiocin alone. These studies cannot be extrapolated to clinical, therapeutic use because they were not done in the context of a clinical investigation. Bacterologic in vitro studies and animal in vivo studies are not capable of extrapolation to human clinical use.

The Commissioner finds that the clinical studies included in this material consisted of individual case reports, some in the form of testimonial letters, frequently without laboratory cultures, without protocol, or uniform dosage, and did not employ either separate patient groups, or compare the combination product and the component drug of known results.

The reprints from the literature which have been submitted also report on individual case studies in like manner. The Commissioner concludes that the material on the basis on which the certification regulations were issued does not consist of adequate and well-controlled clinical investigations and, therefore,

does not constitute substantial evidence within the meaning of the statute, to support the safety and efficacy of Upjohn's combination products.

(d) *The objections to the finding that these combination drugs subject patients to unwarranted hazards.* Upjohn objects to the repeal of the regulations on the ground that no unwarranted hazard is presented by any of the products, asserting that the patient is not unnecessarily subjected to potential hazards, but that the hazards presented by these products are well within acceptable limits for antibiotics.

The known side effects attributable to these products reported to the Food and Drug Administration include:

Blood dyscrasias	19	(8 fatal)
Gastrointestional disturbances	20	
Skin reactions (rashes, etc.)	12	
Oral (including tooth discoloration)	12	
Liver disturbances	4	(1 fatal)
Miscellaneous (including sensitization reactions)	43	(2 fatal)
Total	110	(11 fatal)

Blood dyscrasias are a well-recognized toxic effect of novobiocin. (1965 Edition of New Drugs, Evaluation by the AMA Council on Drugs, p. 45.) These include aplastic anemia, thrombocytopenia purpura, agranulocytosis, and hemolytic anemia. The blood dyscrasia cases constitute over 70 percent of the known fatalities attributable or probably attributable to these products; the fatalities make up 10 percent of the total adverse reactions reported to the Food and Drug Administration for these drugs.

The sensitivity reactions to these products include large numbers of morbilliform and urticarial skin rashes, as well as a fatal case of Stevens-Johnson Syndrome, known to have occurred as a result of novobiocin.

Known oral reactions to these products include stomatitis, glossitis, and tooth discoloration, a known side effect of tetracyclines. Liver abnormalities include jaundice and hepatic necrosis. The 1969 monograph for Panalba capsules in the Physicians' Desk Reference points out that novobiocin is known to cause jaundice due to hyperbilirubinemia in infants and administration to premature, newborn, and young infants should be avoided; the monograph also reports on jaundice in older individuals.

The miscellaneous adverse reactions include central nervous system excitation, vomiting, bulging anterior fontanelle, headaches, drowsiness, convulsions, thrush, vaginitis, pruritis ani, and oliguria.

Some of these side effects, such as dental staining, are dose-related and require prolonged or frequent administration of the drug in order for the effect to be produced. Others, like allergic or hypersensitivity reactions such as Stevens-Johnson Syndrome, are not dose-related. Small amounts of novobiocin, insufficient to produce therapeutic effect, can produce sensitivity of either the immediate or delayed type.

Whether or not the hazards or risks associated with use of these products are warranted does not depend on so-called "acceptable limits" for hazards from antibiotics, but on whether the hazards and risks are warranted in the light of the benefit expected to be obtained from these products. The addition of the novobiocin to the combination products results in a known diminution of both tetracycline and novobiocin levels. The hazards from the use of novobiocin in these fixed combination products, in which the drug supplies no proven therapeutic benefit, are unjustified. The side effects attributable to novobiocin can only be justified when novobiocin is being utilized against an organism sensitive to the drug which is causing a serious, i.e., life-threatening disease, because then the disease being treated, if left to run its course untreated or if treated with an ineffective drug, would be more life-threatening than the possible side effects of novobiocin. In any such serious illness, the dose of novobiocin must be tailored to the patient. Upjohn recently was required to revise the labeling for novobiocin to limit its use to staph infections in which less toxic antibiotics were not indicated or were contraindicated because of sensitization or other causes. A box warning about the nature, the seriousness, and the incidence of adverse reactions was required. The drug is to be used in special and limited circumstances. This precludes its use as a component of a tetracycline combination drug or of a sulfonamide combination. In view of these facts, the Commissioner reaffirms his conclusions that the addition of novobiocin in these combination products subjects the patient to an unwarranted hazard.

(e) *Upjohn's legal objections.* Upjohn's objections to the repeal of the regulations are basically legal. It contends (1) that the Commissioner may not repeal the regulations on findings that there is no evidence to show that the fixed combination drugs are more effective than one or both of their components; (2) that the Commissioner may not repeal the regulations without new information on which to base a change of his position with respect to the combination drugs that have been certified safe and effective for several years past, and (3) that the Commissioner may not cancel the certificates of safety and effectiveness for batches of drugs that complied with the regulations when they were certified.

The resolution of these legal issues does not require an evidentiary hearing.

1. *Comparative efficacy.* The basis for the repeal of the regulations is that there is a lack of substantial evidence to establish that the fixed combination drugs will have the effectiveness they purport to possess and that they are represented to possess.

As noted in the discussion of the rationale and the claims, novobiocin has been added to tetracycline and to sulfamethizole to expand and to improve the spectrum of therapeutic effectiveness of the antibacterial agents. There is no substantial evidence to show that novobiocin does this. And there is no substantial evidence to establish that there is any significant patient population that suffers from infections susceptible to the particular fixed combinations provided by the Upjohn drugs. Since the combination drugs purport to be and are represented as more effective than tetracycline alone or sulfamethizole alone, Upjohn has the burden to produce the substantial evidence to show that this is so. This burden has not been met by the data presented.

2. *New information.* The new information on which the Commissioner is acting is the bringing together in an organized fashion all the relevant data reported in the literature about the combination drugs. A reevaluation of the data presented at the time the certification regulations were originally promulgated, the clinical experience with the combination drugs over the years, important developments in antibiotic therapy such as the discovery of a number of antibiotics that were not available when the regulations were promulgated, and the more rigorous requirements applicable to proof of drug effectiveness prescribed by the Drug Amendments of 1962, all combine to form the basis for the repeal of the certification regulations applicable to novobiocin-tetracycline and novobiocin-sulfamethizole combination drugs. See Bell v. Goddard, 366 F. 2d 177 (C.A. 7, 1966).

Upjohn contends that "adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of [the combination drugs], on the basis of which it could fairly and responsibly be concluded by such experts" that the drugs will have the effectiveness they purport and are represented to have, are not necessary, or, if they are necessary, the reported clinical experience satisfies the legal requirements.

The Commissioner rejects this view. Clinical experience with the combination drugs is pertinent, and it has been examined. No adequate investigations in terms of numbers of patients, parameters of observations, and well-documented results have been found. The reports in the literature on which the company relies are not well-controlled investigations conducted by competent and qualified investigators which have yielded results from which it can fairly and responsibly be concluded that the fixed combination drugs will have the effectiveness they purport and are claimed to possess. To the contrary, taking the results as reported in the literature, it is obvious to experts qualified by training and experience in antibiotic therapy that there is no substantial evidence that these fixed combination drugs offer the therapeutic benefits claimed for them, and that the presence of novobiocin makes these fixed combinations irrational and hazardous.

3. *Cancellation of certificates.* Certified Color Industry Committee v. Flemming, 283 F. 2d 622 (C.A. 2, 1960), makes clear

that the Commissioner has authority to revoke his certification of safety and efficacy on any batch of antibiotics that he has certified when facts or reassessment of the facts become known which establish that the certification that the antibiotic is safe and effective for use is no longer factual, but on the contrary, that there is a lack of substantial evidence to support the certification that the antibiotic is safe and effective for use.

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

Upjohn will be given an opportunity to make an oral presentation to the Commissioner in which it can offer its analysis of the reported literature on which it relies and explain its theory as to why it believes the reported clinical experience can and should be accepted as adequate medical support for its claims of effectiveness.

This will be held in Room 804, Crystal Plaza 6, beginning at 10 a.m., e.d.t. on Wednesday, August 13, 1969.

The request for an evidentiary hearing to cross-examine members of the NAS-NRC Panels and for cross-examination of employees of the Food and Drug Administration about any inferences to be drawn from the reported literature is denied. Such a hearing would serve no purpose other than delay.

Dated: August 5, 1969.

HERBERT L. LEY, JR.,
Commissioner.

[F.R. Doc. 69-9405; Filed, Aug. 8, 1969; 8:45 a.m.]

B. F. GOODRICH CO.

Notice of Filing of Petition for Food Additives

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 (FAP 0B2435) has been filed by The B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of 1,3-butylene glycol as an antioxidant and/or stabilizer in polymers used in the manufacture of articles intended for food-contact use.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9388; Filed, Aug. 8, 1969; 8:45 a.m.]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Petition for Food Additives

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 (FAP 9M2421) has been filed by E. I. du Pont de Nemours and Co., 1007 Market Street, Wilmington, Del. 19898, proposing an amendment of § 121.2570 *Ethylene-vinyl acetate copolymers* (21 CFR 121.2570) to provide for the safe use of ethylene-vinyl acetate copolymers cross-linked by irradiation in food-contact surfaces.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9389; Filed, Aug. 8, 1969; 8:45 a.m.]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0845) has been filed by FMC Corp., Niagara Chemical Divison, 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of a tolerance (21 CFR 120.182) of 2.5 parts per million for residues of the insecticide endosulfan (6,7,8,9,10,10 - hexachloro - 1,5,5a,6,9,9a-hexahydro - 6,9 - methano - 2,4,3 - benzodioxathiepin-3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a - hexahydro - 6,9-methano - 2,4,3 - benzodioxathiepin - 3,3-dioxide) in or on the raw agricultural commodity sweet corn forage.

The analytical method proposed in the petition for determining residues of endosulfane and its metabolite is a microcoulometric-gas chromatographic procedure.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9390; Filed, Aug. 8, 1969; 8:45 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP OF0855) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances (21 CFR 120.213) for residues of the herbicide simazine (2-chloro-4,6-bis-(ethylamino)-*s*-triazine) in or on the raw agricultural commodities pineapple fodder and forage at 10 parts per million; pineapples at 3 parts per million; and sugarcane and sugarcane fodder and forage at 1 part per million.

The analytical method proposed in the petition for determining residues of simazine is that of conversion of simazine to its hydroxy analog which is then measured spectrophotometrically.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9391; Filed, Aug. 8, 1969; 8:45 a.m.]

I C I AMERICA, INC.

Notice of Filing of Petitions for Food Additives

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 petitions (FAP OB2437 and OB2438) have been filed by ICI America, Inc., 151 South Street, Stamford, Conn. 06904, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of tris-(2-methyl-4-hydroxy-5-tertiary-butyl-phenyl)-butane as an antioxidant and/or stabilizer (1) in styrene polymers identified in § 121.2510 and (2) in acrylonitrile-butadiene-styrene copolymers used in contact with food containing no more than 8 percent of alcohol.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9392; Filed, Aug. 8, 1969; 8:45 a.m.]

MERCK & CO., INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetics Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, has withdrawn its petition (37-283V), notice of which was published in the FEDERAL REGISTER of June 8, 1968 (33 F.R. 8513), proposing that the food additive regulations be amended to provide for the safe use in chicken feed of a combination of amprolium (0.0125 percent), ethopabate (0.004 percent), and 3-nitro-4-hydroxyphenylarsonic acid (0.005 percent) plus penicillin (2.4-50 grams per ton of feed) to aid in preventing outbreaks of coccidiosis, in stimulating growth, improving feed efficiency, and improving pigmentation in broiler chickens or in replacement chickens intended for use as caged layers only.

Dated: August 4, 1969.

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

[F.R. Doc. 69-9393; Filed, Aug. 8, 1969; 8:45 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP OF0854) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances (21 CFR 120.211) for residues of the herbicide 2-chloro-*N*-isopropylacetanilide and its metabolites (calculated as 2-chloro-*N*-isopropylacetanilide) in or on the raw agricultural commodities pea forage at 1.5 parts per million and peas (shelled) at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolites is gas-liqiud chromatogrphy.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9394; Filed, Aug. 8, 1969; 8:45 a.m.]

SALSBURY LABORATORIES

Notice of Filing of Petition for Food Additives

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 (42-249V) has been filed by Salsbury Laboratories, Charles City, Iowa, 50616, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of nifursol (3,5-dinitrosalicylic acid [5-nitrofurfurylidene] hydrazide) in the feed of turkeys as an aid in blackhead prevention and for accelerating growth rate.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9395; Filed, Aug. 8, 1969; 8:46 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9 F0835) has been filed by Shell Chemical Co., a Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR 120.252) for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in fat of meat from poultry at 0.75 part per million and in eggs, meat, and meat byproducts of poultry at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorus-sensitive thermionic emission detector.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9396; Filed, Aug. 8, 1969; 8:46 a.m.]

RAIMUND W. VOGEL

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition (FAP 7A2079) was filed by Raimund W. Vogel, Lierstrass 25, D 8000 Munich 19, Federal Republic of Germany, notice of which was published in the FEDERAL REGISTER of May 17, 1968 (33 F.R. 7333), proposing an amendment to § 121.1202 *Whole fish protein concentrate* to provide for the safe use of fish protein concentrate prepared from whole hake and hakelike species of fish by ethanol-alkali extraction, followed by acid treatment.

Subsequently, the Commissioner of Food and Drugs on July 16, 1968, requested the petitioner to submit certain additional information. A substantial amount of the requested information has not been received; therefore, in accordance with § 121.51(j) of the procedural food additive regulations (21 CFR 121.51(j)), the subject petition is considered withdrawn without prejudice to a future filing.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9397; Filed, Aug. 8, 1969; 8:46 a.m.]

WARNER-JENKINSON MANUFACTURING CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Warner-Jenkinson Manufacturing Co., 2526 Baldwin Street, St. Louis, Mo. 63106, has withdrawn its petition (FAP 9A2400), notice of which was published in the FEDERAL REGISTER of May 23, 1969 (34 F.R. 8127), proposing that § 121.1056 *Disodium EDTA* (21 CFR 121.1056) be amended in paragraph (b)(1) to provide for the safe use of disodium EDTA in nonstandardized, noncarbonated juice drinks to promote color retention.

Dated: August 1, 1969.

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

[F.R. Doc. 69-9398; Filed, Aug. 8, 1969; 8:46 a.m.]

Social and Rehabilitation Service

PUBLIC INFORMATION

Fee Schedule

Notice is hereby given of the establishment of the fee schedule set forth below for searching for records maintained in the Social and Rehabilitation Service and for reproduction, certification, or authentication, and forwarding thereof:

1. *General policy.* The Social and Rehabilitation Service routinely provides information at no charge in response to requests and public inquiries. However, if a request for information involves significant staff time or duplicating services, fees may be charged in such amounts as to permit recovery by the Government of the costs for providing such services.

2. *Charges for services.* Charges at the rates specified below will be made at the discretion of the Assistant Administrator for Public Affairs for the following services:

(a) For mechanical copying, the charge is 25 cents per page. A page is considered to be one side of a single sheet.

(b) For searches and collating of materials arising from requests for information, charges are at the rate of $5 an hour. Fractional costs of an hour are levied on a quarter-hour basis.

(c) For official certification and authentication of records, the charge is $5.

(d) For postage, insurance, or other costs relating to shipment of information materials, charges are made on an actual cost basis. This applies only to shipment of bulk materials; individual items of the type normally sent by first class mail will be sent through the mails at no charge to the addressee.

The foregoing schedule of charges is not intended to inhibit the regular flow of information from the Social and Rehabilitation Service to the general public. The intent is solely to protect the Government from incurring unusual costs arising from requests which significantly affect the workload or which involve unusual duplicating or shipping costs.

3. *Method of payment.* Payments may be made by either check or money order. Checks and money orders should be made payable to the Social and Rehabilitation Service, and mailed to the Department of Health, Education, and Welfare, Finance Division, Room 1219

South Building, 330 C Street SW., Washington, D.C. 20201.

Effective date. Effective upon publication in the FEDERAL REGISTER.

Dated: August 5, 1969.

MARY E. SWITZER,
Administrator.

[F.R. Doc. 69-9428; Filed, Aug. 8, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Order Changing Date of Hearing

In a notice of hearing which was caused to be published by the Atomic Energy Commission in the June 28, 1969, issue of the FEDERAL REGISTER, Volume 34, page 10011, a hearing was scheduled to consider the issuance of an operating license to the Trustees of Columbia University in the city of New York in the captioned proceedings. The date of the hearing as set out in the notice was August 19, 1969.

At the prehearing conference held in New York City on July 31, 1969, the Board, upon consideration of the application for a postponement by Riverside Democrats, Inc., an intervening party, and the views with respect thereto of the other parties in the proceeding, decided to reschedule the hearing for September 23, 1969. In confirmation of the Board's announcement at the prehearing conference of the rescheduled hearing date: *It is hereby ordered*, That the hearing will be held on September 23, 1969, at 10 a.m., local time, in Room 261, U.S. Customs Court, 1 Federal Plaza, New York, N.Y.

Issued: August 7, 1969, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD
VALENTINE B. DEALE,
Chairman.

[F.R. Doc. 69-9507; Filed, Aug. 8, 1969; 9:54 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CHARTER CORP.

Order Approving Application To Become a Bank Holding Company

In the matter of the application of First National Charter Corp., Kansas City, Mo., for the approval of action to become a bank holding company through the acquisition of voting shares of The First National Bank of Kansas City, and Leawood National Bank of Kansas City, both of Kansas City, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and section 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National Charter Corp., Kansas City, Mo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of at least 80 percent of the voting shares of The First National Bank of Kansas City, and at least 51 percent of the voting shares of Leawood National Bank of Kansas City, both of Kansas City, Mo.

As required by Section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. He recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 20, 1969 (34 F.R. 7935), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 4th day of August 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-9387; Filed, Aug. 8, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4696]

EASTERN UTILITIES ASSOCIATES ET AL.

Notice of Filing of Posteffective Amendment Proposing an Additional Issue and Sale of Notes by Holding Company and Subsidiary Companies to Banks

AUGUST 5, 1969.

In the matter of Eastern Utilities Associates, Post Office Box 2333, Boston, Mass. 02107; Blackstone Valley Electric Co., Post Office Box 1111, Lincoln, R.I. 02865; Brockton Edison Co., 36 Main Street, Brockton, Mass. 02403; Fall River Electric Light Co., 85 North Main Street, Fall River, Mass. 02772; Montaup Electric Co., Post Office Box 391, Fall River, Mass. 02772; (70-4696).

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Co. ("Blackstone"), Brockton Edison Co. ("Brockton"), Fall River Electric Light Co. ("Fall River"), and Montaup Electric Co. ("Montaup"), have filed with this Commission a posteffective amendment to an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The application-declaration designates section 6(a)(1), 7, 12(b), 12(c), and 12(f) of the Act and Rules 42(b)(2), 45(a), and 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 19, 1968 (Holding Company Act Release No. 16248), this Commission granted and permitted to become effective the application-declaration now being amended, which order authorized the issue and sale to banks of short-term unsecured promissory notes by EUA, Blackstone, Brockton, Fall River, and Montaup and certain open-account advances by EUA in the respective maximum amounts to be outstanding at any one time as set forth therein. EUA, Blackstone, Brockton, Fall River, and Montaup now seek authorization for further borrowings from banks in addition to the maximum amounts heretofore authorized, in the aggregate amount of $5,525,000, such borrowings to be represented by short-term, unsecured promissory notes. The maximum amounts proposed to be outstanding at any time will be increased from $5,200,000 to $5,300,000 in the case of EUA, from $5,850,000 to $6,300,000 in the case of Blackstone, from $6,900,000 to $8,475,000 in the case of Brockton, from $2,400,000 to $2,900,000 in the case of Fall River, and from $5,800,000 to $8,700,000 in the case of Montaup. In all other respects, the transactions as heretofore authorized and approved by order of the Commission remain unchanged. It is stated that the aggregate construction expenditures for 1969 for these companies are estimated at $16 million.

Notice is further given that any interested person may, not later than August 26, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the posteffective amendment which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. 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

[1] Filed as part of the original document. Copies are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, 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 posteffective amendment, as filed or as it may be amended, may be granted and permitted to become effective, 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. 69-9408; Filed, Aug. 8, 1969; 8:46 a.m.]

[70-4776]

OHIO EDISON CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding and Issue of Bonds for Sinking Fund Purposes

AUGUST 5, 1969.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of First Mortgage Bonds ____ percent Series of 1969 due 1999. The interest rate of the bonds (which will be a multiple of one-eighth of one percent) and the price, exclusive of accrued interest, to be paid to Ohio Edison (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Ohio Edison's Indenture dated as of August 1, 1930, between Ohio Edison and Bankers Trust Co., Trustee, as heretofore amended and supplemented and as to be further amended and supplemented by a 17th Supplemental Indenture to be dated as of the first day of the calendar month in which the bonds are issued. The Indenture, as supplemented, includes a prohibition until September 1, 1974, against refunding the issue with funds borrowed at a lower annual cost of money.

The proceeds from the sale of the new bonds will be used for the acquisition of property, the construction, completion, extension, renewal, or improvement of Ohio Edison's facilities or for the improvement of its services, or for the discharge of its obligations, or for the reimbursement of its treasury for expenditures made for such purposes. Ohio Edison's construction expenditures for the year 1969 are estimated at $65,949,000.

Ohio Edison also proposes, from time to time prior to January 1, 1971, to issue an additional $889,000 principal amount of its First Mortgage Bonds 3¼% Series of 1955 due 1985, under the provisions of its 12th Supplemental Indenture dated as of May 1, 1955, and to surrender such bonds to the Trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on July 7, 1966 (Holding Company Act Release No. 15520) and are to be issued on the basis of property additions. Ohio Edison estimates that, after the proposed issue of the new bonds and the sinking fund bonds, unfunded net property additions will amount to approximately $236 million as of December 31, 1968.

It is stated that the issuance of the new bonds and the sinking fund bonds is subject to the jurisdiction of the Public Utilities Commission of Ohio and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the sinking fund bonds are estimated at $600. The fees and expenses in connection with the new bonds are to be filed by amendment.

Notice is further given that any interested person may, not later than August 29, 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 declaration 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 declarant 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 declaration, as filed or as it may be amended, may be permitted to become effective 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. 69-9409; Filed, Aug. 8, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-80 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 31, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Rules of Practice and Procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

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[1] Does not consolidate for hearing or dispose of the several matters herein.

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.
RI70-80	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	116	3	Northern Natural Gas Co. (Yates Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	$169	7-3-69	[2] 8-3-69	1-3-70	14.50	[3 4] 15.0	
	do	79	5	West Texas Gathering Co. (Emperor-Ellenburger Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	8,712	7-3-69	[2] 8-3-69	1-3-70	14.39	[3 4] 18.0	
	do	17	19	El Paso Natural Gas Co. (Spraberry Trend Area, Glasscock, Reagan, Midland, and Upton Counties, Tex.) (RR. District Nos. 7C and 8) (Permian Basin Area).	14,383	7-7-69	[2] 8-7-69	1-7-70	14.5	[3 4] 19.2565	
	do	67	5	Northern Natural Gas Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area)	5,330	7-7-69	[2] 8-7-69	1-7-70	14.36	[3 4] 18.0	
	do	50	14	El Paso Natural Gas Co., (Headlee Field, Midland and Ector County, Tex.) (RR. District No. 8) (Permian Basin Area).	[5]	7-7-69	[2] 8-7-69	1-7-70	15.74	[3 4] 19.128	
	do	151	11	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,546	7-7-69	[2] 8-7-69	1-1-70	14.50	[3 4] 19.128	
	do	4	14	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.) (RR. District No. 8) (Permian Basin Area).	10,472	7-7-69	[2] 8-7-69	1-7-70	14.21	[3 4] 18.838	
	do	39	19	El Paso Natural Gas Co. (Langmat-Christmas Field, Lea County, N. Mex.) (Permian Basin Area).	2,099	7-7-69	[2] 8-7-69	1-7-70	14.12	[3 4 9 10] 17.837	
RI70-81	Getty Oil Co. (Operator) et al.	105	8	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex) (RR. District No. 8) (Permian Basin Area).	11,304	7-7-69	[2] 8-7-69	1-7-70	[7] 14.86 [8] 16.92	[6 9 7] 19.25 [6 9 8] 19.25	
	do	43	24	El Paso Natural Gas Co. (Blinebry et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	67,283	7-7-69	[2] 8-7-69	1-7-70	[8] 14.55	[3 4 9] 17.837	
	do	38	18	El Paso Natural Gas Co. (Langmat-King Field, Lea County, N. Mex.) (Permian Basin Area).	3,345	7-7-69	[2] 8-7-69	1-7-70	[8] 14.18	[3 4 9 10] 17.837	
RI70-82	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	133	9	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin Area).	1,329	6-30-69	[2] 8-1-69	1-1-70	[8] 16.83188	[6 9 11] 17.90228	RI69-208.
	do	149	13	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).	457	6-30-69	[2] 8-1-69	1-1-70	[8] 16.8793	[6 9 11] 17.9028	RI69-208.
	do	4	17	El Paso Natural Gas Co. (Spraberry Field, Reagan and Upton Counties, Tex.) (Permian Basin Area).	1,876	6-30-69	[2] 8-1-69	1-1-70	18.1728	[6 11] 19.1824	RI69-208.
	do	27	12	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).	457	6-30-69	[2] 8-1-69	1-1-70	[8] 16.87929	[6 9 11] 17.90228	RI69-208.
	do	55	11	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	750	6-30-69	[2] 8-1-69	1-1-70	[8] 16.87929	[6 9 11] 17.90228	RI69-208.
	do	56	16	do	750	6-30-69	[2] 8-1-69	1-1-70	[8] 16.87929	[6 9 11] 17.90228	RI69-208.
	do	62	15	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).	2,130	6-30-69	[2] 8-1-69	1-1-70	[8] 16.87929	[6 9 11] 17.90228	RI69-208.
	do	124	9	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (Permian Basin Area).	148	6-30-69	[2] 8-1-69	1-1-70	18.2430	[6 11] 19.2565	RI69-208.
	do	1	29	El Paso Natural Gas Co. (Eumont, Jalmat, and various other Fields, Lea County, N. Mex.) (Permian Basin Area).	2,304 12,236	6-30-69	[2] 8-1-69	1-1-70	[8 12] 16.87929 [8 13] 16.42233	[6 9 11 12] 17.90228 [6 9 11 13] 17.44528	RI69-208. RI69-208.
	do	31	14	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	3	6-30-69	[2] 8-1-69	1-1-70	[8] 16.42233	[6 9 11] 17.44528	RI69-208.
	do	57	13	do	1,301	6-30-69	[2] 8-1-69	1-1-70	[8] 16.42233	[6 9 11] 17.44528	RI69-209.
	do	101	6	El Paso Natural Gas Co. (Jameson Field, Mitchell and Nolan Counties, Tex.) (RR. District Nos. 8 and 7B) (Permian Basin Area).	686	6-30-69	[2] 8-1-69	1-1-70	16.7228	[6 11 14] 17.7363	
	do	125	3	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin Area).	283	6-30-69	[2] 8-1-69	1-1-70	[11] 16.5	[6 11 15] 17.5	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-82	Amerada Petroleum—Con.	132	7	El Paso Natural Gas—Con.	$443	6-30-69	[2] 8-1-69	1-1-70	[3] [11] 16.83188	[4] [11] [13] 17.90228	RI69-208.
RI70-83	Okmar Oil Co., Post Office Box 548, Marietta, Ohio 45750.	1	10	Consolidated Gas Supply Corp. (Sheridan and Center Districts, Calhoun County, W. Va.).	5,000	7-7-69	[16] 8-7-69	1-7-70	25.0	[17] [18] 27.0	
RI70-84	Midhurst Oil Corp. (Operator) et al., 1630 Bank of the Southwest Bldg., Houston, Tex. 77002.	11	6	El Paso Natural Gas Co. (Pecos Valley South Field, Pecos County, Tex.) (Permian Basin Area).	1,946	7-7-69	[16] 8-7-69	1-7-70	16.72275	[4] [11] 17.73635	RI65-49.
RI70-85	Phillips Petroleum Co. (Operator) et al., Bartlesville, Okla. 74003.	65	16	El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex.).	8,696	7-1-69	[2] 8-1-69	1-1-70	[5] 16.8792	[4] [11] 17.9023	RI68-527.
....do		32	30	El Paso Natural Gas Co. (Goldsmith, Fullerton Plants, Ector and Andrews Counties, Tex.) (RR. District No. 8) and Eunice Plant, Lea County, N. Mex.).	350,628	7-1-69	[2] 8-1-69	1-1-70	15.1290	[4] [11] 16.1380	RI69-527.
					109,154				[5] 15.2195	[4] [11] 16.2349	RI69-527.
....do		33	17	....do	[14] 289,936	7-1-69	[2] 8-1-69	1-1-70	15.1290	[4] [11] 16.1380	RI69-527.
					(15)				[5] 15.2195	[4] [11] 16.2349	RI69-527.
RI70-86	Phillips Petroleum Co.	151	11	El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex.).	1,739	7-1-69	[2] 8-1-69	1-1-70	[5] 16.8792	[4] [11] 17.9023	RI68-528.
....do		404	7	El Paso Natural Gas Co. (Gomez Area, Pecos County, Tex.). (RR. District No. 8).	22,905	7-1-69	[2] 8-1-69	1-1-70	16.7228	[4] [11] 17.7363	RI68-528.
....do		397	5	El Paso Natural Gas Co. (Lancaster Hills Area, Crockett County, Tex.) (RR. District No. 7C).	7,804	7-1-69	[2] 8-1-69	1-1-70	16.7228	[4] [11] 17.7363	RI68-528.
....do		64	16	El Paso Natural Gas Co. (Eunice Plant, Lea County, N. Mex.).	138,235	7-1-69	[2] 8-1-69	1-1-70	[5] 15.2195	[4] [11] 16.2349	RI68-528.
....do		66	11	El Paso Natural Gas Co. (Denton Plant, Lea County, N. Mex.).	294	7-1-69	[2] 8-1-69	1-1-70	[5] 18.2529	[4] [11] 19.2664	RI68-528.
....do		7	13	El Paso Natural Gas Co. (Goldsmith Plant, Ector County, Tex.) (RR. District No. 8).	156,395	7-1-69	[2] 8-1-69	1-1-70	15.1290	[4] [11] 16.1380	RI68-528.
....do		10	19	El Paso Natural Gas Co. (Keystone Plant, Winkler County, Tex.) (RR. District No. 8).	13,908	7-1-69	[2] 8-1-69	1-1-70	[20] 18.1332	[4] [11] [21] 19.1411	RI68-528.
RI70-87	Standard Oil Co. of Texas, a division of Chevron Oil Co., Post Office Box 1249, Houston, Tex. 77001.	15	5	West Lake Natural Gasoline Co.[22] (Nena Lucia Field, Nolan County, Tex.) (RR. District No. 7B).	325	7-9-69	[16] 8-9-69	[23] 1-1-70	9.0	[4] [23] 9.5	RI65-324.
....do		36	1	Natural Gas Pipeline Co. of America (Willamar Field, Willacy County, Tex.) (RR. District No. 4).	23,800	7-7-69	[16] 8-7-69	1-7-70	[24] [25] 16.0	[4] [11] [26] 17.0	
RI70-88	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	79	7	West Lake Natural Gasoline Co.[22] (Nena Lucia Field, Nolan County, Tex.) (RR. District No. 7B).	497	7-1-69	[16] 8-1-69	[23] 1-1-70	9.0	[4] [23] 9.5	RI65-121.
RI70-89	Jake L. Hamon (Operator) et al., Post Office Box 663, Dallas, Tex. 75221.	25	9	West Lake Natural Gasoline Co.[22] (Lake Trammel Area, Nolan County, Tex.) (RR. District No. 7B).	2,050	7-1-69	[16] 8-1-69	[23] 1-1-70	[25] [27] 8.5	[4] [23] 9.5	
RI70-90	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	318	11	West Lake Natural Gasoline Co. & Atlantic Richfield Co.[22] (Lake Trammel and Nena Lucia Fields, Nolan County, Tex.) (RR. District No. 7B).	845	7-2-69	[16] 8-2-69	[23] 1-1-70	9.0	[4] [23] 9.5	RI65-249.
RI70-91	Sohio Petroleum Co. et al., 970 First National Annex, Oklahoma City, Okla. 73102.	98	9	West Lake Natural Gasoline Co.[22] (Nena Lucia Field, Nolan County, Tex.) (RR. District No. 7B).	641	7-7-69	[16] 8-7-69	[23] 1-1-70	8.5	[4] [23] 9.5	RI63-410.
....do		99	6	....do.[22]	6	7-7-69	[16] 8-7-69	[23] 1-1-70	8.5	[4] [23] 9.5	RI63-410.
RI70-92	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	277	5	West Lake Natural Gasoline Co.[22] (South Lake Trammel Field, Nolan County, Tex.) (RR. District No. 7B).	1,440	7-7-69	[16] 8-7-69	[23] 1-1-70	8.5	[4] [23] 9.5	RI60-445.
....do		17	16	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (RR. District No. 8-A) (Permian Basin Area).	24,163	6-30-69	[2] 8-1-69	1-1-70	18.1215	[4] [11] 19.1283	RI68-457.
....do		18	15	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	22,150	6-30-69	[2] 8-1-69	1-1-70	18.1215	[4] [11] 19.1283	RI68-457.
....do		19	13	El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (RR. District No. 8-A) (Permian Basin Area).	170	6-30-69	[2] 8-1-69	1-1-70	18.1215	[4] [11] 19.1283	RI68-457.
....do		21	18	El Paso Natural Gas Co. (TXL Gasoline Plant, Ector County, Tex.) (RR. District No. 8) (Permian Basin Area).	41,369	6-30-69	[2] 8-1-69	1-1-70	15.633	[4] [11] 16.642	RI68-457.
....do		24	18	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.) (RR. District No. 7C) (Permian Basin Area).	[28] 739	6-30-69	[2] 8-1-69	1-1-70	[29] 16.7228	[4] [11] [28] 17.7363	RI68-457.
					[30] 122				[30] 15.2025	[4] [11] [30] 16.2160	RI68-457.
....do		38	12	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	613	6-30-69	[2] 8-1-69	1-1-70	[5] 16.8793	[4] [11] 17.9023	RI68-457.
....do		29	12	....do	481	6-30-69	[2] 8-1-69	1-1-70	[5] 16.8793	[4] [11] 17.9023	RI68-457.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-92	Texaco, Inc.—Con.	30	14	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	$4,644	6-30-69	[2] 8-1-69	1-1-70	[3] 16.8793	[4] [5] [11] 17.9023	RI68-457.
	do	31	12	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	2,906	6-30-69	[2] 8-1-69	1-1-70	[3] 16.8793	[4] [5] [11] 17.9023	RI68-457.
	do	168	15	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	3,308	6-30-69	[2] 8-1-69	1-1-70	15.1772	[4] [11] 16.1888	RI68-457.
	do	169	12	El Paso Natural Gas Co. (Todd Northwest Field, Crockett County, Tex.) (RR. District No. 7C) (Permian Basin Area).	1,266	6-30-69	[2] 8-1-69	1-1-70	16.7228	[4] [11] 17.7363	RI68-457.
	do	246	7	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	30	6-30-69	[2] 8-1-69	1-1-70	[3] 16.4223	[4] [5] [11] 17.4453	RI68-457.
	do	254	7	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	1,167	6-30-69	[2] 8-1-69	1-1-70	[3] 16.4223	[4] [5] [11] 17.4453	RI68-457.
	do	271	10	El Paso Natural Gas Co. (Headlee Field, Ector County, Tex.) (RR. District No. 8) (Permian Basin Area).	[30]	6-30-69	[2] 8-1-69	1-1-70	18.1215	[4] [11] 19.1283	RI68-457.
	do	25	15	El Paso Natural Gas Co. (Bedford Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,851	6-30-69	[2] 8-1-69	1-1-70	15.58	[3] [4] 16.7228	
RI70-93	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003.	243	21	El Paso Natural Gas Co. (Hobbs Plant, Lea County, N. Mex. and Lee Plant, Lee County, N. Mex.).	75,139 165,510	7-1-69	[2] 8-1-69	1-1-70	[3] 15.2195 [3] 15.7272	[4] [5] [11] 16.2349 [4] [5] [11] 16.7426	RI68-529. RI68-529.
	do	359	19	El Paso Natural Gas Co. (Winkler Plant, Winkler County, Tex.) (RR. District No. 8).	25,254	7-1-69	[2] 8-1-69	1-1-70	18.1823	[4] [11] 19.1924	RI68-529.
	do	363	16	El Paso Natural Gas Co. (Tunstill Plant, Reeves County, Tex.) (RR. District No. 8).	25,844	7-1-69	[2] 8-1-69	1-1-70	16.2160	[4] [11] 17.2295	RI68-529.
	do	406	7	El Paso Natural Gas Co. (Wilson Plant, Lee County, N. Mex.).	73,500	7-1-69	[2] 8-1-69	1-1-70	18.0	[4] [11] 19.0	RI68-529.
	do	410	6	El Paso Natural Gas Co. (Ector Plant, Ector County, Tex.) (RR. District No. 8).	100,000	7-1-69	[2] 8-1-69	1-1-70	18.0	[4] [11] 19.0	RI68-529.
	do	9	20	El Paso Natural Gas Co. (Crane Plant, Crane County, Tex.) (RR. District No. 8).	95,855	7-1-69	[2] 8-1-69	1-1-70	14.8767	[4] [11] 15.8857	RI69-329.
RI70-94	Atlantic Richfield Co.	20	[23] 24	El Paso Natural Gas Co. (NMFU Field, Lea County, N. Mex.) (Permian Basin Area).	34,475	6-30-69	[2] 8-1-69	1-1-70	[3] [23] [33] 16.879	[4] [5] [11] [32] [33] 17.902	RI69-861.
	do	20	[34] 25	do	2,046	6-30-69	[2] 8-1-69	1-1-70	[3] [34] 15.345	[4] [5] [11] [34] 16.368	RI68-861.
	do	10	11	El Paso Natural Gas Co. (Denton Field, Lea County, N. Mex.) (Permian Basin Area).	563	6-30-69	[2] 8-1-69	1-1-70	[3] 18.414	[4] [5] [11] 19.437	RI69-183.
RI70-95	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	154	8	El Paso Natural Gas Co. (Red Hills Field, Lea County, N. Mex.) (Permian Basin Area).	30,240	6-30-69	[2] 8-1-69	1-1-70	[35] 18.48	[4] [11] [32] 19.60	RI69-149.
RI70-96	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	452	1	Arkansas Louisiana Gas Co. (Kinta Field, Pittsburg County, Okla.) (Oklahoma "Other" Area).	25,200	7-3-69	[2] 8-3-69	1-3-70	15.0	[4] [36] 16.0	
	do	343	2	Northern Natural Gas Co. (Hansford and North Follett Fields, Hansford and Hutchinson Counties, Tex.) (RR. District No. 10).	900	7-11-69	[2] 8-11-69	1-11-70	[36] 17.0	[4] [11] [36] 18.0	
RI70-97	Global Oil, Inc., 2010 Republic National Bank Bldg., Dallas, Tex. 75201.	8	3	Panhandle Eastern Pipe Line Co. (Valley Center West Field, Dewey County, Okla.) (Oklahoma "Other" Area).	7,445	7-14-69	[16] 8-14-69	1-14-70	[37] [38] 17.325	[4] [11] [37] [38] 18.359	
RI70-98	Bright & Schiff (Operator) et al., 2355 Stemmons Bldg., Dallas, Tex. 75207.	5	2	South Texas Natural Gas Gathering Co. (Whitted Field, Hidalgo County, Tex.) (RR. District No. 4).	600	7-2-69	[40] 9-1-69	2-1-70	[36] 14.5	[4] [11] [36] 15.5	RI65-135.
RI70-99	Midhurst Oil Corp., 1030 Bank of the Southwest Bldg., Houston, Tex. 77002.	17	2	Natural Gas Pipeline Co. of America (Witte Field, Victoria County, Tex.) (RR. District No. 2).	1,440	7-11-69	[13] 8-11-69	1-11-70	14.0	[4] [11] 15.0	

[2] The stated effective date is the effective date proposed by Respondent.
[3] Increase from applicable area ceiling rate to contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] No volumes sold—gas currently recycled.
[6] "Fractured" rate increase. Respondent contractually entitled to 20.5 cents per Mcf as of Sept. 1, 1965.
[7] For gas produced from Devonian and Fusselman Formations.
[8] For gas produced from Ellenberger and Clear Fork Formations.
[9] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[10] Subject to 0.4467-cent-per-Mcf compression charge where applicable.
[11] Periodic rate increase.
[12] High-pressure gas.
[13] Low-pressure gas.
[14] Suspended as to that part of the sale in Nolan County and accepted as to that part located in Mitchell County.
[15] Subject to 0.4467-cent reduction for gas delivered at less than 600 p.s.i.g.
[16] The stated effective date is the first day after expiration of the statutory notice.
[17] Favored-nation rate increase.
[18] Pressure base is 13.325 p.s.i.a.
[19] No sales are being made from the Fullerton and Eunice Plants under Rate Schedule No. 33.
[20] Subject to 1-cent-per-Mcf deduction for quality.
[21] West Lake resells gas to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 1.
[22] Revenue-sharing rate increase. Contract price for 5-year period beginning on Jan. 1, 1968, is 50 percent of 13 cents.
[23] Suspended until Jan. 1, 1970, the end of the suspension period for West Lake's related increase.
[24] Subject to a downward B.t.u. adjustment.
[25] Initial rate.

[32] Rate collected under temporary certificate in Docket No. CI61-256 conditioned to a refund floor at 5.5 cents.
[33] Rate of 9-cents per Mcf suspended in Docket No. RI65-323 but not made effective.
[34] Volumes purchased by West Lake are resold to El Paso Natural Gas Co. under buyer's FPC Gas Rate Schedule No. 1.
[35] Applicable to old gas-well gas. (High-pressure gas).
[36] Applicable to residue gas not derived from new gas-well gas. (Low-pressure gas.)
[37] No present gas deliveries.
[38] Old gas-well gas.
[39] Subject to 0.4467-cent-per-Mcf compression charge where applicable.
[40] Residue not derived from new gas well gas (gas lift gas).
[41] Includes upward B.t.u. adjustment.
[42] Filing from initial certificate rate to initial contract rate.
[43] Includes 0.015-cent tax reimbursement.
[44] Base rate subject to upward and downward B.t.u. adjustment.
[45] Base rate subject to upward and downward B.t.u. adjustment.
[46] Includes base rate of 17 cents plus 0.325-cent upward B.t.u. adjustment before increase and base rate of 18 cents plus 0.344-cent upward B.t.u. adjustment (1,019.1 B.t.u. gas) plus tax reimbursement after increase.
[47] The stated effective date is the contractual effective date.

Okmar Oil Co. requests waivers of the statutory notice to permit a retroactive effective date of January 28, 1969, for its proposed rate increase. Midhurst Oil Corp. (Operator) et al., requests an effective date of August 1, 1969, for its proposed rate increase, and Global Oil, Inc., requests that its proposed rate filing be permitted to become effective on June 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Midhurst Oil Corp. (Midhurst) requests waiver of the statutory notice to permit an effective date of July 11, 1969, for its proposed rate increase, and should the Commission suspended its rate filing that the suspension period with respect thereto be limited to 1 day. Good cause has not been shown for granting Midhurst's request for an earlier effective date or for limiting to 1 day the suspension period with respect to its rate filing and such request is denied.

The proposed rate increase contained in Supplement No. 6 to Amerada Petroleum Corp.'s (Amerada) FPC Gas Rate Schedule No. 101 is for a sale of gas to El Paso Natural Gas Co. in Nolan and Mitchell Counties, Tex. (Railroad Districts Nos. 7B and 8), respectively. The proposed rate of 17.7363 cents at 14.65 p.s.i.a. is below the applicable area ceiling rate of 18.60 cents established by the related quality statement for sales in Mitchell County, Tex. (Railroad District No. 8), which is in the Permian Basin Area, but exceeds the increased rate ceiling of 11.50 cents for sales in Nolan County, Tex. (Railroad District 7B). In this situation, we conclude that Amerada's proposed rate increase should be suspended for 5 months from August 1, 1969, the expiration date of the statutory notice, insofar as it applies to gas produced in Nolan County, Tex. (Railroad District No. 7B), and accepted for filing to become effective on August 1, 1969, insofar as it applies to production in Mitchell County, Tex. (Railroad District No. 8).

The proposed rate increases filed by Standard Oil Company of Texas, a division of Chevron Oil Co. (Standard) (Supplement No. 5 to Standard's FPC Gas Rate Schedule No. 15); Champlin Petroleum Co.; Jake L. Hamon (Operator) et al., Pan American Petroleum Corp.; Sohio Petroleum Co. et al., and Texaco, Inc. (Texaco), Supplement No. 5 to Texaco's FPC Gas Rate Schedule No. 277), are revenue-sharing increases to 9.5 cents at 14.65 p.s.i.a. for sales of gas to West Lake Natural Gasoline Co. (West Lake) and are 50 percent of West Lake's proposed increase to 19 cents for its resale of the gas to El Paso Natural Gas Co. West Lake's proposed increase exceeds the 11.5-cent increased rate ceiling and is suspended for 5 months from August 1, 1969, until January 1, 1970. Since the aforementioned producers' proposed increases are a percentage portion of the buyer's suspended rate, we conclude that they should be suspended until January 1, 1970, the expiration date of the suspension period for West Lake's related rate increase.

Thirty-one of the proposed rate increases herein reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file protests to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While the buyer concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56), with the exceptions of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended; the seven producers whose proposed rates are related to the buyer's suspended resale rate, and that part of Amerada's rate for sales in Mitchell County Tex. (Railroad District No. 8) which is below the applicable ceiling rate established by the related quality statement and is accepted.

[F.R. Doc. 69-9232; Filed, Aug. 8, 1969; 8:45 a.m.]

LICENSES ISSUED PURSUANT TO THE FEDERAL POWER ACT

Notice of Expiration

JULY 30, 1969.

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses for takeover the projects under section 14 of the Federal Power Act as amended and that the licensees for the projects and others may have adequate notice and opportunity to file timely applications for new licenses under section 15 of the Act as amended (16 U.S.C. 808), public notice is hereby given that the licenses issued for the designated and described projects on the appended list will expire on the dates specified.

GORDON M. GRANT,
Secretary.

LICENSES FOR PROJECTS WHICH WILL EXPIRE BETWEEN JULY 1, 1969 & JUNE 30, 1975, WHICH ARE SUBJECT TO TAKEOVER[1]

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Dec. 31, 1969	Margaret P. Dawson	1890	California	Mono	Milner Creek	250	Diversion dam, pipeline, powerhouse, transmission line.	25
Do	Intercoastal Packing Co	2026	Alaska	On Kodiak Island	Crater and Ash Creeks	150	2 diversion dams, ditch, flumes, pipeline, powerhouse.	25
Do	The Montana Power Co	2301	Montana	Stillwater	West Rosebud Creek	10,000	Storage dam, tunnel, pipeline, penstock, powerhouse, transmission line.	7½
Apr. 12, 1970	The Western Colorado Power Co	733	Colorado	Ouray	Uncompahgre River	432	Storage dam, conduit, penstock, powerhouse	10
June 15, 1970	Southern California Edison Co	372	California	Tulare	Tule River	2,000	2 diversion dams, conduits, regulating reservoir, penstock, powerhouse, transmission line.	28½
June 30, 1970	The Western Colorado Power Co	400	Colorado	La Plata, San Juan, San Miguel, Ouray.	Animas and South Fork, San Miguel Rivers.	11,600	4 dams, 3 reservoirs, 3 conduits, 2 powerhouses, 5 transmission lines.	35
Do	Utah Power & Light Co	472	Idaho	Franklin	Bear River	30,000	Storage dam, steel pipe, penstocks, powerhouse, transmission line.	43½
Do	do	486	Utah	Cache	Logan River	2,000	Diversion dam, wooden flume, 2 penstocks, powerhouse, transmission line.	43½
Do	Idaho Power Co	503	Idaho	Ada and Owyhee	Snake River	10,300	Storage dam and powerhouse	43½
Do	Utah Power & Light Co	597	Utah	Salt Lake	Big Cottonwood Creek	1,000	Diversion dam, channel, steel pipe, powerhouse, transmission line.	43½
Do	do	[2] 665	do	Utah	Santaquin or Summit Creek.	880	Diversion dam, conduit, steel pipe, powerhouse, transmission line.	43½
Do	do	696	do	do	American Fork Creek	950	Diversion dam, conduit, penstock, powerhouse, transmission line.	43½
Do	do	703	Idaho	Bear Lake	Paris Creek	650	Diversion dam, canal, forebay, penstock, powerhouse, transmission line.	43½
Do	do	[2] 713	Utah	Salt Lake	Mill Creek	300	Diversion dam, conduit, penstock, powerhouse, transmission line.	43½
Do	do	1744	do	Davis, Morgan, Weber	Weber River	2,500	Dam, conduit, powerhouse, 2 transmission lines	32½
Do	Wisconsin Michigan Power Co	1759	Wisconsin	Iron	Michigamme and Menominee Rivers.	22,500	3 dams, 3 reservoirs, tunnel, conduits, 3 powerhouses, 2 transmission lines.	32½
Do	New England Power Co	1855	Vermont, New Hampshire.	Windham, Windsor, Vt.; Cheshire, Sullivan, New Hampshire.	Connecticut River	40,800	Dam canal, powerhouse, 4 transmission lines	32½
Do	Pennsylvania Power & Light Co	1881	Pennsylvania	York and Lancaster	Susquehanna River	109,800	Dam and integral powerhouse	32½
Do	Metropolitan Edison Co	1888	do	Dauphin, Lancaster, York.	do	19,600	2 dams, headrace, powerhouse	32½
Do	Western Massachusetts Electric Co	1889	Vermont, Massachusetts, New Hampshire.	Windham, Vt.; Franklin, Mass; Cheshire, N.H.	Connecticut River	55,800	2 dams, canals, 2 powerhouses, transmission line.	32½
Do	New England Power Co	1892	Vermont, New Hampshire.	Orange, Windsor, Vt.; Cheshire, Grafton, Sullivan, N.H.	do	32,400	Dam, integral powerhouse, 4 transmission lines	32½
Do	Public Service Company of New Hampshire.	1893	New Hampshire	Hillsboro, Merrimack	Merrimack River	16,000	Dam, powerhouse, transmission line	32½
Do	South Carolina Electric & Gas Co	1894	South Carolina	Fairfield	Broad River	14,900	Dam and integral powerhouse	32½
DO	do	1895	do	Richland	do	10,600	Dam, canal, powerhouse	32½
Do	Pennsylvania Electric Co	[3] 1899	Pennsylvania	Susquehanna	North Branch Susquehanna.	600	Dam and integral powerhouse	32½
Do	New England Power Co	1904	Massachusetts, Vermont, New Hampshire.	Franklin, Worcester, Mass.; Windham, Vt.; Cheshire, N.H.	Connecticut River	24,400	Dam, integral powerhouse, 2 transmission lines.	32½
Do	Public Service Company of New Hampshire.	1913	New Hampshire	Merrimack	Merrimack River	1,600	Dam and powerhouse	32½
Do	Wisconsin Public Service Corp	1957	Wisconsin	Vilas	Wisconsin River	730	Dam and integral powerhouse	32½
Do	Whiting Flower Paper Co	[4] 1967	do	Portage	do	600	2 dams and part of factory building	32½
June 30, 1970	Wisconsin Public Service Corp	1968	do	Oneida	do	1,440	Dam and 2 integral powerhouses	32½
Do	do	1969	do	Lincoln	do	840	Dam, headrace, powerhouse	32½
Do	do	1999	do	Marathon	do	8,400	Dam, integral powerhouse, guard locks, 2 transmission lines.	32½
Do	International Paper Co	2005	Pennsylvania	York	Susquehanna River	2,500	Headrace, powerhouse, parts of 2 factory buildings.	32½

Do	Consolidated Water Power Co								
Do	St. Regis Paper Co								
Do	Consolidated Water Power Co								
Mar. 2, 1971	Niagara Mohawk Power Corp	2139	Wisconsin	Portage	Wisconsin River	3,800	Dam, integral powerhouse, transmission line	22½	
		2261	do	Oneida	do	2,120	Dam, canal, powerhouse	32½	
Do	Southern California Edison Co	[4] 2192	do	Wood and Portage	do	3,300	Dam, integral powerhouse, integral grinder building	32½	
		13	New York	Albany, Saratoga, Rensselaer	Hudson River	3,280	Powerhouse	50	
Mar. 3, 1971	do	67	California	Fresno	Tributaries of San Joaquin River	138,500	2 storage reservoirs, diversion dams, conduits, 2 powerhouses, transmission lines	50	
		120	do	Fresno, Kern, Madera, Los Angeles, Tulare	San Joaquin River	110,000	Diversion dam, tunnel, penstock, powerhouse, transmission lines	48¾	
June 26, 1971	Alabama Power Co	82	Alabama	Coosa and Chilton	Coosa River	72,500	Dam, reservoir, powerhouse	50	
Aug. 8, 1971	Northern States Power Co	108	Wisconsin	Sawyer	Chippewa River		Dam and reservoir	50	
Sept. 16, 1971	Georgia Power Co	1218	Georgia	Dougherty and Lee	Flint River	5,400	2 dams, 2 reservoirs, powerhouse	38¾	
Dec. 31, 1971	Leonard Lundgren	2097	Oregon	Jefferson	Jack Creek	90	Diversion dam, canal, penstock, powerhouse, transmission line	29	
Feb. 22, 1972	Pacific Gas & Electric Co	184	California	Alpine, Amador, and Eldorado	South Fork, American River	20,000	4 storage reservoirs, conduit, powerhouse, transmission line	50	
Apr. 14, 1972	do	77	do	Mendocino	Eel and Russian Rivers	8,800	Storage reservoir, diversion dam, forebay, pressure conduit, 2 powerhouses, discharge canal	50	
July 27, 1972	do	175	do	Fresno	North Fork, Kings River	128,200	Diversion dam, afterbay dam, conduit, powerhouse, transmission line	50	
Sept. 26, 1972	Portland General Electric Co	135	Oregon	Clackamas	Clackamas River and Oak Grove River	51,000	Storage reservoir, diversion dam, forebay reservoir, conduit, powerhouse, and transmission line	50	
Oct. 12, 1972	Pennsylvania Electric Co	309	Pennsylvania	Clarion	Clarion River	28,800	Dam and powerhouse	50	
Oct. 31, 1972	Jesse I. Smith	719	Washington	Chelan	James & Phelps Creeks	318	2 diversion dams, 2 conduits and a powerhouse	20	
Dec. 1, 1972	Pacific Gas & Electric Co	96	California	Madera and Fresno	San Joaquin River	34,130	Dam, conduit, powerhouse, transmission lines	50	
Feb. 6, 1973	Arkansas Power & Light Co	271	Arkansas	Montgomery, Garland, Hot Springs	Ouachita River	65,300	2 dams, 2 reservoirs, 2 powerhouses	50	
Apr. 26, 1973	Southern California Edison Co	344	California	Riverside and San Bernardino	San Gorgonio River	2,300	2 diversion dams, 2 canals, 2 forebay tanks, 2 penstocks, 2 powerhouses, and transmission line	50	
June 6, 1973	Ford Motor Co	362	Minnesota	Hennepin and Ramsey	Mississippi River	14,400	Powerhouse	50	
June 8, 1973	Alabama Power Co	349	Alabama	Elmore, Tallapoosa and Coosa	Tallapoosa River	154,200	Dam, reservoir, powerhouse	50	
June 30, 1973	Owens-Illinois Glass Co	2180	Wisconsin	Lincoln	Wisconsin River	3,000	Dam, integral powerhouse, transmission line	35½	
July 4, 1973	Utah Power & Light Co	20	Idaho	Bannock and Caribou	Bear River	14,000	Dam and integral powerhouse, reservoir	50	
Aug. 24, 1973	Minnesota Power & Light Co	346	Minnesota	Morrison	Mississippi River	12,000	Dam and integral powerhouse	50	
Sept. 18, 1973	Michigan Gas & Electric Co	411	Michigan	St. Joseph	St. Joseph River	1,700	do	50	
Oct. 23, 1973	Pacific Gas & Electric Co	233	California	Shasta	Pit River	292,250	3 dams, 3 powerhouses, 3 reservoirs, penstocks, pressure tunnels, surge tanks, transmission lines	50	
Oct. 26, 1973	Minnesota Power & Light Co	469	Minnesota	St. Louis and Lake	Kawishiwi River	4,000	Dam, reservoir, penstocks, powerhouse, and transmission line	49¼	
Apr. 10, 1974	North Counties Hydro-Electric Co	287	Illinois	La Salle	Fox	3,680	Dam, reservoir, headrace and powerplant	50	
June 24, 1974	Escondido Mutual Water Co	176	California	San Diego	San Luis Rey	760	Diversion dam, conduit, dam, reservoir, 2 power plants and transmission lines	50	
June 26, 1974	Pacific Power and Light Co	308	Oregon	Wallowa	East Fork Wallowa River and Royal Purple Creek	800	2 diversion dam, 2 pipe conduits and powerhouse	50	
June 30, 1974	Wisconsin Public Service Corp	1979	Wisconsin	Lincoln	Wisconsin	4,200	Dam, reservoir and powerhouse	36½	
June 30, 1974	Wisconsin Michigan Power Co	2131	Wisconsin and Michigan	Florence, Wis. and Dickinson, Mich.	Menominee	7,200	Dam, reservoir, powerhouse and transmission line	36½	
Sept. 28, 1974	Pennsylvania Power & Light Co	487	Pennsylvania	Wayne and Pike	Wallenpaupack	40,000	Dam, dike, reservoir, conduits and powerhouse	50	
Dec. 14, 1974	Georgia Power Co	485	Alabama and Georgia	Chambers and Lee, Ala.; Harris, Ga.	Chattahoochee	65,000	Dam, reservoir, powerhouse and transmission line	50	
Dec. 31, 1974	Mosinee Paper Mills Co	2207	Wisconsin	Mosinee	Wisconsin	3,050	Dam, reservoir, two powerhouses and two transmission lines	37	
Feb. 27, 1975	Southern California Edison Co	382	California	Kern	Kern	9,200	Diversion dam, conduit, powerhouse and transmission line	50	
Apr. 29, 1975	Pacific Gas & Electric Co	178	California	Kern	Kern	8,500	Diversion dam, conduit, powerhouse and transmission line	50	

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807) as amended by Public Law 90-451, 82 Stat. 617, reserves the right to the United States to take over the project works upon expiration of each license listed in this table at a price to be determined under that section.

[2] Application for surrender of license filed.

[3] This project produces both mechanical and electrical power. The mechanical power is represented in this figure by an equivalent number of kilowatts of each electric power.

[F.R. Doc. 69-9114; Filed, Aug. 8, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 6, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41711—*Iron or steel articles from Wayne, Mich.* Filed by Southwestern Freight Bureau, agent (No. B-57), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads, from Wayne, Mich., to points in Louisiana and Texas.

Grounds for relief—Carrier competition.

Tariff—Supplement 188 to Southwestern Freight Bureau, agent, tariff ICC 4753

FSA No. 41712—*Tin mill black plate from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-60), for interested rail carriers. Rates on plate, tin mill black, chrome coated, lithographed, in packages or on platforms, in carloads, as described in the application, from points in Oklahoma and Texas, also Kansas City, Mo.-Kans., to West Memphis, Ark., also from points in Alabama, Illinois, Indiana, and Missouri, to points in Texas, on the other.

Grounds for relief—Rate relationship.

Tariff—Supplement 118 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-9360; Filed, Aug. 8, 1969; 8:45 a.m.]

[Notice 881]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 6, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10345 (Sub-No. 89 TA), filed July 29, 1969. Applicant: C & J COMMERCIAL DRIVEWAY, INC., 1905 West Mount Hope Avenue, Lansing, Mich. 48903. Applicant's representative: Douglas F. Bettis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, assembled in Canada for the Pontiac Division, General Motors Corp., in truckaway service, in secondary movements, restricted to automobiles which have had an immediately prior movement by rail, from Pitcairn, Pa., to points in Pennsylvania, Ohio, and West Virginia, and to Frostburg and Cumberland, Md., for 180 days. NOTE: No proposal to tack this authority with any now held by applicant. Supporting shipper: Pontiac Motor Division, General Motors Corp., Pontiac, Mich. 48053. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 30844 (Sub-No. 285 TA), filed July 30, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products*, as defined in section A of Appendix I of the Report of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa, 52801.

No. MC 31600 (Sub-No. 644 TA), filed July 29, 1969. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonia nitrate prills*, dry, in bulk, tank vehicles, from Ogdensburg, N.Y., to Bethel, Vt., for 180 days. Supporting shipper: Hercules, Inc., Wilmington, Del. 19899. Send protests to: A. M. Gallagher, Rate Agent, J. F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 64994 (Sub-No. 108 TA), filed July 29, 1969. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cream, or liquid cream substitute*, sterilized, plain, sweetened or flavored, in hermetically sealed containers, and *sauces, dressing, salad*, other than dry, from Washington Court House, Ohio, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Avoset Co., 5131 Shattuck Avenue, Oakland, Calif. 94609. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 82492 (Sub-No. 28 TA), filed July 29, 1969. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Road NE., Grand Rapids, Mich. 49505. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except canned goods), as defined 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 Postville, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 108207 (Sub-No. 265 TA), filed July 29, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza and frozen pizza rolls; frozen and nonfrozen bakery goods, icings, and cake mixes*, from St. Louis, Mo., to points in Indiana and Ohio, and to Louisville, Ky., for 150 days. NOTE: Applicant does not intend to tack. Supporting shippers: All-American Systems, Inc., 6619 Clayton Road, Suite 4A, St. Louis, Mo. 63117; Petrofsky's Bakery & Delicatessen, 7649 Delmar Boulevard., St. Louis, Mo. 63130. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 111401 (Sub-No. 285 TA), filed July 30, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cleaning solvent* (naphtha) in bulk, in tank vehicles, from Cleveland, Okla., to Fort Benning, Ga., for 180 days. Supporting shipper: Ray F. Fischer, Traffic Manager, Kerr-McGee Corp., Kerr-McGee

Building, Oklahoma City, Okla. 73102. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 115242 (Sub-No. 7 TA), filed July 30, 1969. Applicant: DONALD MOORE, 603 Buchanan Street, Prairie du Chien, Wis. 53821. Applicant's representative: Philip H. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Dodgeville, Wis., to Dubuque, Iowa, for 150 days. Supporting shippers: Farmer Stave Co., Dodgeville, Wis. 53533; The Celotex Corp., Dubuque, Iowa 52001. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Madison, Wis. 53703.

No. MC 126198 (Sub-No. 6 TA), filed July 30, 1969. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely beer and ale*, from Columbus, Ohio, to Calumet, Mich., and from Fort Wayne and South Bend, Ind., to Munising, Mich., for 180 days. Supporting shippers: Ferdinand Peterlin, Partner, Peterlin Brothers, 814 Portland Street, Calumet, Mich. 49913; John H. T. Gatiss Distributing Agency, 209 Maple Street, Munising, Mich. 49862. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133820 (Sub-No. 1 TA), filed July 30, 1969. Applicant: CLYDE W. PLUNKARD, Route 2, Hagerstown, Md. 21713. Applicant's representative: Charles D. Gillan, 113 Montrose Avenue, Baltimore, Md. 21228. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, fresh in packages, including *cottage cheese and sour cream*, from Hagerstown, Md., to Washington, D.C., also transporting *empty shipping packages* for dairy products on return, for 180 days. Supporting shipper: Breakstone Foods, Division National Dairy Products Corp., 500 McDowell Avenue, Hagerstown, Md. 21740. Send protests to: Robert Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2210, Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9437; Filed, Aug. 8, 1969; 8:48 a.m.]

[Notice 393]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 6, 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-71527. By order of July 31, 1969, the Motor Carrier Board approved the transfer to H. W. Jones & Son, Inc., Marengo, Ohio, of the certificate in No. MC-24499, issued October 31, 1955, to Gene Rastetter, Inc., Wooster, Ohio, authorizing the transportation of machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Ohio and West Virginia. Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-71526. By order of July 31, 1969, the Motor Carrier Board approved the transfer to John E. Gates, doing business as Gates Transport, Perry, N.Y., of the certificate in No. MC-30801 and the certificate of registration in No. MC-30801 (Sub-No. 2), issued May 21, 1941, and March 25, 1964, respectively, to Walsh Motor Express, Inc., Warsaw, N.Y., authorizing the transportation of general commodities with exceptions between Buffalo, N.Y., on the one hand, and, on the other, named points in the State of New York; and general commodities between named points and described areas in the State of New York. Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580, representative for applicants.

No. MC-FC-71462. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Lakeland Bus Lines, Inc., North Chicago, Ill., of certificate No. MC-114093 issued April 21, 1954, to W. Graff Bus Lines, Inc., Gages Lake, Ill., authorizing the transportation of passengers and their baggage in round-trip charter operations, beginning and ending at points in Lake and McHenry Counties, Ill., and extending to points in Wisconsin and Indiana subject to certain restrictions. Robert F. Munsell, Room 888, 516 West Jackson, Boulevard, Chicago, Ill. 60606, attorney for applicants.

No. MC-FC-71546. By order of July 31, 1969, the Motor Carrier Board approved the transfer to Sands Elevator, Inc., Swan Creek, Ill., of permit No. MC-125571 (Sub-No. 1), issued February 1, 1965, to Henry Dale Sands, doing business as Sands Elevator, Swan Creek, Ill., authorizing the transportation of: Steel bins and parts thereof, knocked down, from Kansas City, Mo., to points in Knox, Warren, Fulton, Henderson, and McDonough Counties, Ill., limited to service to be performed between April 15 and November 4 of each year, both dates inclusive, and under a contract with Allen Sales & Service, of Galesburg, Ill. Melvin N. Routman, 308 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-9438; Filed, Aug. 8, 1969; 8:48 a.m.]

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