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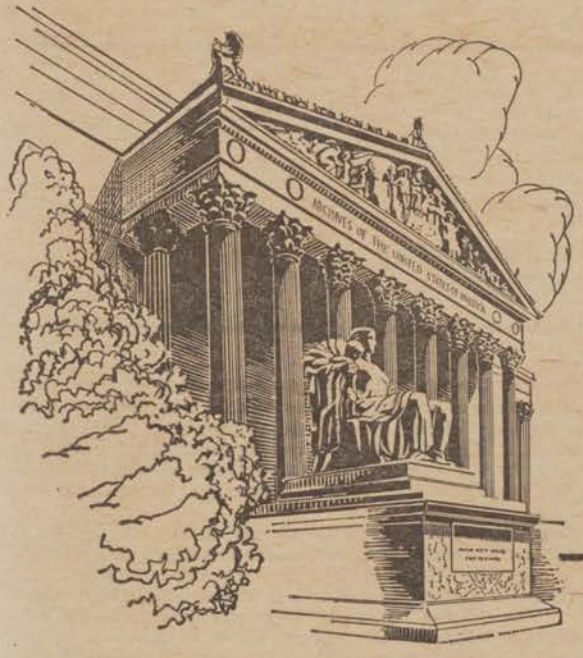

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Title 3—THE PRESIDENT

Proclamation 3997

NATIONAL HISPANIC HERITAGE WEEK, 1970

By the President of the United States of America

A Proclamation

For more than two centuries Americans have taken great pride in the contributions which men and women of Hispanic origin have made to the development of the United States.

The careful work of early Spanish explorers, teachers, and agriculturalists built a solid and graceful foundation for progress in many parts of our country, and their legacy is one of gentility and art. The striking churches and homes they built long ago are monuments to their vision; the lovely Hispanic names they gave to the lands they explored and tilled are epitaphs of their taste. More recent generations have helped to give new dimensions and fresh vitality to our music, our literature, and our food, and have brought a particular warmth and openness to our spiritual values and to our style of living.

In recognition of these gifts to our national life, the Congress requested in 1968 that the President designate a week to include September 15 and 16 as National Hispanic Heritage Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 13, 1970, as National Hispanic Heritage Week. I call upon all Americans, particularly those in the field of education, to observe that week with appropriate ceremonies and activities, and I hope that the week will encourage many Americans to extend a cordial welcome to the recently arrived immigrants and visitors among us who represent the rich heritage of Hispanic lands.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of August, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[F.R. Doc. 70-11371; Filed, Aug. 24, 1970; 4:55 p.m.]

Executive Order 11552

PROVIDING FOR DETAILS AND TRANSFERS OF FEDERAL EMPLOYEES TO INTERNATIONAL ORGANIZATIONS

By virtue of the authority vested in me by section 301 of title 3 and section 3584 of title 5, United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Leadership and coordination.* The Secretary of State shall provide leadership and coordination for the effort of the Federal Government to increase and improve its participation in international organizations through transfers and details of well-qualified Federal employees, and shall develop policies, procedures, and programs consistent with this order to advance and encourage such participation.

SEC. 2. *Federal agency cooperation.* Each agency in the executive branch of the Federal Government shall to the maximum extent feasible and with due regard to its manpower requirements assist and encourage details and transfers of employees to international organizations by observing the following policies and procedures:

(1) Vacancies in international organizations shall be brought to the notice of well-qualified agency employees whose abilities and levels of responsibility in the Federal service are commensurate with those required to fill such vacancies.

(2) Subject to prior approval of his agency, no leave shall be charged an employee who is absent for a maximum of three days for interview for a proposed detail or transfer at the formal request of an international organization or a Federal official; an agency may approve official travel for necessary travel within the United States in connection with such an interview.

(3) An agency, upon request of an appropriate authority, shall provide international organizations with detailed assessments of the technical or professional qualifications of individual employees being formally considered for details and transfers to specific positions.

(4) Upon return of an employee to his agency, the agency shall give due consideration to the employee's overall qualifications, including those which may have been acquired during his service with the international organization, in determining the position and grade in which he is reemployed.

SEC. 3. *Delegations.* (a) Except as otherwise provided in this order, there is hereby delegated to the United States Civil Service Commission the authority vested in the President by sections 3582(b) and 3584 of title 5, United States Code.

(b) The following are hereby delegated to the Secretary of State:

(1) The authority vested in the President by sections 3343 and 3581 of title 5, United States Code, to determine whether it is in the national interest to extend a detail or transfer of an employee beyond five years.

(2) The authority vested in the President by section 3582(b) of title 5, United States Code, to define and specify "pay, allowances, post differential, and other monetary benefits" to be paid by the agency upon reemployment, disability, or death.

SEC. 4. *Revocation.* Executive Order No. 10804 of February 12, 1959, is hereby revoked.

Richard Nixon

THE WHITE HOUSE,
August 24, 1970.

[F.R. Doc. 70-11372; Filed, Aug. 24, 1970; 4:55 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

ISSUANCE OF CERTIFICATES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee to cover the cost of the service.

Statement of considerations leading to amendment of regulations. The current regulations require each official certificate issued to be signed by the inspector who performed the inspection. However, another employee of the Inspection Service is authorized, under these regulations, to affix the inspector's name to an inspection certificate only when given power of attorney by the inspector, and provided the certificate is prepared in accordance with the inspector's findings.

The amendment (relating solely to Agency practice and personnel) will, in addition, allow persons acting in a supervisory capacity to sign and issue the official certificate, provided it is properly prepared. This would provide for prompt issuance of certificates where no power of attorney has been given and the inspector is absent or located some distance away from the office where the official certificate is prepared.

The amendment further provides that whenever a certificate issued is signed by a person given power of attorney by the inspector, that person's signature must appear along with the name of the inspector.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), § 51.19 *Issuance of Certificates* of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products is hereby amended to read as follows:

§ 51.19 Issuance of certificates.

(a) A separate certificate shall be issued for each lot inspected, except that when an application covers more than one lot a single certificate may be issued to cover all such lots. The person signing and issuing the certificate shall be one of the following:

(1) The inspector who performed the inspection;

(2) Another employee of the Inspection Service who has been given power of attorney by the inspector and authorized by the Administrator to affix the inspector's signature to an inspection certificate;

(3) Another employee of the Inspection Service who has been authorized by the Administrator to act in a supervisory capacity:

Provided, That in all cases the inspection certificate shall be prepared in accordance with the official memoranda of the inspector or inspectors who performed the inspection: *And provided further,* That whenever a certificate issued is signed by a person given power of attorney by the inspector, that person's signature must appear along with the name of the inspector.

(b) When the inspection is made for the purpose of determining whether food products for use by the applicant comply with contract specifications therefor, a formal certificate need not be issued, but the fact of such compliance or noncompliance may be indicated by affixing an appropriate stamp or mark on such products or the containers thereof, at the discretion of the inspector.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624)

Dated August 21, 1970, to become effective at 12:01 a.m. September 10, 1970.

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70-11270; Filed, Aug. 25, 1970; 8:50 a.m.]

[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

[2] Among such other products are the following: Raw nuts, Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 104.1]

PART 1813—PUBLIC INFORMATION, AVAILABILITY OF MATERIALS AND RECORDS

Miscellaneous Amendments

Part 1813, Title 7, Code of Federal Regulations (35 F.R. 11120), is amended as follows:

1. In § 1813.5(b)(1), subdivision (iii) is revised to read:

§ 1813.5 Availability of identifiable records.

* * * * *

(b) * * *

(1) * * *

(iii) Specifically exempted from disclosure by statute. Examples of FHA records in this category are those containing information concerning FHA borrowers' trade secrets, enterprise processes, operations, amount or source of any income and style of work. (Disclosure of such information not otherwise authorized by law could subject a Federal employee to criminal prosecution.)

2. In § 1813.7, paragraph (a) is revised to read:

§ 1813.7 Compulsory process.

(a) *Action to be taken on subpoenas or other compulsory process.* In any case where it is sought by subpoena or other compulsory process to require the production or disclosure of any record, material, or information acquired by an employee of the FHA in the performance of his official duties, or because of his official status, the employee will appear at the time and place required by the subpoena or other compulsory process, and will follow the instructions of the State Director, with the advice and assistance of the OGC, regarding the information that may or may not be disclosed under § 1813.5. When the employee appears, he will take the records with him, keep them in his possession, and testify therefrom with respect to information which is not exempt from disclosure under § 1813.5(b). If the information requested is exempt from disclosure under § 1813.5(b), the party initiating the subpoena or other compulsory process will be informed that FHA regulations prohibit the employee from disclosing the information. If the party who initiated the subpoena or other compulsory process declines to withdraw the request for the exempt information, the matter will be referred to the Administrator for determination and further instructions.

* * * * *

(Sec. 552, 81 Stat. 54, 5 U.S.C. 552; sec. 559, 80 Stat. 388, 5 U.S.C. 559)

Dated: August 20, 1970.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 70-11218; Filed, Aug. 25, 1970; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-247]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e)(10) relating to the State of North Carolina, a new subdivision (iv) relating to Northampton County is added to read:

(10) *North Carolina.* * * *

(iv) That portion of Northampton County bounded by a line beginning at the junction of Secondary Roads 1500 and 1505; thence, following Secondary Road 1500 in a generally southwesterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in a generally southwesterly direction to Secondary Road 1108; thence, following Secondary Road 1108 in a southeasterly direction to Secondary Road 1121; thence, following Secondary Road 1121 in a northeasterly direction to Secondary Road 1119; thence, following Secondary Road 1119 in a southeasterly direction to Secondary Road 1118; thence, following Secondary Road 1118 in a southeasterly and thence in a northeasterly direction to Secondary Road 1502; thence, following Secondary Road 1502 in a northeasterly direction to Secondary Road 1514; thence, following Secondary Road 1514 in a northwesterly direction to Secondary Road 1515; thence, following Secondary Road 1515 in a northeasterly direction to Secondary Road 1511; thence, following Secondary Road 1511 in a generally northerly direction to Secondary Road 1501; thence, following Secondary Road 1501 in a westerly direction to Secondary Road 1503; thence, following Secondary Road 1503 in a northwesterly direction to Secondary Road 1504; thence, following Secondary Road 1504 in a northeasterly direction to Secondary Road 1505; thence, following Secondary Road 1505 in a northwesterly direction to its junction with Secondary Road 1500.

2. In § 76.2, in paragraph (e)(22) relating to the State of Oklahoma, a new subdivision (iii) relating to Jackson County is added to read:

(22) *Oklahoma.* * * *

(iii) That portion of Jackson County bounded by a line beginning at the junction of State Highways 34 and 44; thence, following State Highway 34 in a northerly direction to the Jackson-Greer County line; thence, following the Jackson-Greer County line in an easterly direction to the west bank of the Salt Fork of the Red River; thence, following the west bank of the Salt Fork of the Red River in a generally southeasterly direction to State Highway 44 (also U.S. Highway 62); thence, following State Highway 44 in a generally southwesterly direction to its junction with State Highway 34.

3. In § 76.2, the reference to the State of Mississippi in the introductory portion of paragraph (e), and paragraph (e)(5) relating to the State of Mississippi are deleted.

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

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

The amendments quarantine a portion of Northampton County, N.C., and a portion of Jackson County, Okla., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

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

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

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

Done at Washington, D.C., this 20th day of August 1970.

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

[F.R. Doc. 70-11269; Filed, Aug. 25, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-639; Amdt. 13]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Responsibility of Air Carriers for Amounts Collected by Travel Agents in Payment for Charter Flights—Limitation of Rule to U.S.-Originated Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1970.

By ER-616, adopted May 5, 1970, effective June 8, 1970, 35 F.R. 7295, the Board amended Part 207 of the economic regulations (14 CFR Part 207) to make air carriers responsible for amounts collected by travel agents in payment for charter flights. For the reasons set forth in ER-638 published simultaneously herewith, the Board hereby amends Part 207, effective August 26, 1970, so as to make such rule applicable only to U.S.-originated charters:

Amend § 207.4(b) to read:

§ 207.4 Tariffs to be filed for charter trips and special services.

* * * * *

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however,* That this requirement shall not be applicable to foreign-originated charters.

(Secs. 204(a), 401, 403, 404, 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760, and 769; 49 U.S.C. 1324, 1371, 1373, 1374, 1381)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11278; Filed, Aug. 25, 1970; 8:51 a.m.]

[Reg. ER–638; Amdt. 5]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Responsibility of Air Carriers for Amount Collected by Travel Agents in Payment for Charter Flights—Limitation of Rule to U.S.-Originated Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1970.

By ER–615 adopted May 5, 1970, effective June 8, 1970, 35 F.R. 7295, the Board amended Part 208 et al.[1] of the economic regulations to make air carriers responsible for amounts collected by travel agents in payment for charter flights. The purpose of the rule was to protect the public from defalcations by travel agents and other persons who receive payments for air transportation from charterers.

Recent inquiries have questioned whether these regulations were intended to cover foreign-originated flights. Neither the comments filed in the rule making proceeding nor the Board in its consideration of the record therein focused on the applicability of the rule to foreign-originated charter flights. A literal reading of the rule would seem to cover all flights whether U.S.-originated or foreign-originated.[2] Upon consideration of this matter on the Board's own motion, we have determined to amend the rule so as to make it applicable only to U.S.-originated charters.[3]

The limitation of the rule to U.S.-originated charters is consistent with the Board's past policy of refraining from exercising jurisdiction under section 402 with respect to inbound operations of foreign indirect air carriers of property,[4] and the declination to assert section 402 jurisdiction over foreign tour operators who participate in a foreign air carrier's inclusive tour charter program.[5] It is also in keeping with the Board's declination to exercise jurisdiction under Part 378[6] over foreign tour operators to the extent that they make use of inclusive tour charters of supplemental air carriers for foreign-originated tours.[7] In the Sudflug case, supra, the reasons for the Board's declining to exercise jurisdiction over foreign tour operators included the facts that it would be extremely burdensome for foreign tour operators to comply with the requirements of sections 402 and 801 of the Act; that regulation of foreign tour operators was not required to protect American-flag carriers, since any diversion should be negligible; and that regulation was not required for the safety of tour passengers, since the Board would continue to require the direct carrier to demonstrate that it is fit, willing, and able in terms of financing, organization, equipment, personnel and otherwise to perform the air transportation.

Similar reasons lead us to confine this rule to U.S.-originated flights. The subject rule, if made applicable to foreign-originated charters, would benefit principally charterers and charter participants who are foreign nationals. We believe that requiring carriers to assume responsibility for payments by foreign national charterers to travel agents is a matter which is properly the concern of foreign governments and for them to regulate.

Moreover, viewed realistically, effective regulation of foreign-originated flights would present formidable practical problems. Investigation of the activities of foreign national charterers and enforcement of such a charter rule would be exceedingly difficult since the activities, solicitation, and nearly all other aspects of the charter will take place outside this country and will involve dealings primarily with citizens and residents of foreign countries. The discovery and investigation of violations and the extraterritorial enforcement of Board regulations would be extremely difficult.

Since this amendment merely excludes foreign-originated charter flights from the coverage of the rule imposing responsibility on air carriers for amounts collected by travel agents in payment for charter flights and will not impose an additional burden on any person, notice and public procedure thereon are unnecessary and the rule may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board amends Part 208 of the Economic Regulations (14 CFR Part 208) effective August 26, 1970, as follows:

Amend § 208.32(c) to read as follows:

§ 208.32 Tariffs and terms of service.

* * * * *

(c) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however,* That this requirement shall not be applicable to foreign-originated charters.

* * * * *

(Secs. 204(a), 401, 403, 404, 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760, and 769; 49 U.S.C. 1324, 1371, 1373, 1374, 1381)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70–11279; Filed, Aug. 25, 1970; 8:51 a.m.]

[Reg. ER–640; Amdt. 6]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Responsibility of Foreign Air Carriers for Amounts Collected by Travel Agents in Payment for Charter Flights—Limitation of Rule to U.S.-Originated Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1970.

By ER–617, adopted May 5, 1970, effective June 8, 1970, 35 F.R. 7297, the Board amended Part 212 of the economic regulations (14 CFR Part 212) to make foreign air carriers responsible for amounts collected by travel agents in payment for charter flights. For the reasons set forth in ER–638 published simultaneously herewith, the Board hereby amends Part 212 effective August 26, 1970, so as to make such rule applicable only to U.S.-originated charters:

Amend § 212.3(b) to read as follows:

§ 212.3 Tariffs to be filed for charter trips.

* * * * *

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however,* That this requirement shall not be applicable to foreign-originated charters.

(Secs. 204(a), 402, 403, 404, 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760, 769; 49 U.S.C. 1324, 1372, 1373, 1374, 1381)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70–11280; Filed, Aug. 25, 1970; 8:51 a.m.]

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[1] Similar amendments were made in Part 207 (Charter Trips and Special Services), Part 212 (Charter Trips by Foreign Air Carriers), Part 214 (Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only), Part 221 (Construction, Publication, Filing and Posting of Tariffs of Air Carriers and Foreign Air Carriers), and Part 295 (Transatlantic Supplemental Air Transportation).

[2] E.g., § 208.32(c) provides that every charter tariff shall contain a provision that payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier.

[3] Similar amendments are being issued simultaneously with respect to Parts 207, 212, 214, and 295 (ER–639, ER–640, ER–641, and ER–642, respectively).

[4] Order E–9179. The Board subsequently reaffirmed that action and at the same time relieved United States freight forwarders from the provisions of the Act with respect to inbound operations. Orders E–13141 and E–13142.

[5] Sudflug, Suddeutsche Fluggesellscaft mbH, Order E–24697, served Jan. 31, 1967. Affirmed, Pan American World Airways v. C.A.B., 392 F.2d 483 (C.A.D.C. 1968).

[6] Inclusive Tours by Supplemental Air Carriers, Certain Foreign Air Carriers, and Tour Operators.

[7] Regulation No. SPR–28, adopted Jan. 7, 1969, effective Feb. 10, 1969, 34 F.R. 432.

[Reg. ER-641; Amdt. 4]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Responsibility of Foreign Air Carriers for Amounts Collected by Travel Agents in Payment for Charter Flights—Limitation of Rule to U.S.-Originated Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1970.

By ER-618, adopted May 5, 1970, effective June 8, 1970, 35 F.R. 7298, the Board amended Part 214 of the economic regulations (14 CFR Part 214) to make foreign charter carriers responsible for amounts collected by travel agents in payment for charter flights. For the reasons set forth in ER-638, published simultaneously herewith, the Board hereby amends Part 214 effective August 26, 1970, so as to make such rule applicable only to U.S.-originated charters:

Amend § 214.13(b) to read as follows:

§ 214.13 Tariffs to be on file.

* * * * *

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however,* That this requirement shall not be applicable to foreign-originated charters.

(Secs. 204(a), 402, 403, 404, 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760, 769; 49 U.S.C. 1324, 1372, 1373, 1374, 1381)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-11281; Filed, Aug. 25, 1970; 8:51 a.m.]

[Reg. ER-642; Amdt. 6]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Responsibility of Air Carriers for Amount Collected by Travel Agents in Payment for Charter Flights—Limitation of Rule to U.S.-Originated Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1970.

By ER-620, adopted May 5, 1970, effective June 8, 1970, 35 F.R. 7298, the Board amended Part 295 of the Economic Regulations (14 CFR Part 295) to make air carriers responsible for amounts collected by travel agents in payment for charter flights. For the reasons set forth in ER-638 published simultaneously herewith, the Board hereby amends Part 295 effective August 26, 1970, so as to exempt from the applicability of the above rule foreign-originated charter flights.

Amend § 295.13(b) to read as follows:

§ 295.13 Tariffs to be on file.

* * * * *

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however,* That this requirement shall not be applicable to foreign-originated charters.

(Secs. 204(a), 401, 403, 404, 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760, 769; 49 U.S.C. 1324, 1371, 1373, 1374, 1381)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-11282; Filed, Aug. 25, 1970; 8:51 a.m.]

Chapter III—National Transportation Safety Board

[NTSB Reg. PR-6]

PART 440—RULES OF PRACTICE IN SURFACE TRANSPORTATION ACCIDENT HEARINGS

Preamble: Section 5(b)(1) of the Department of Transportation Act (49 U.S.C. 1654(b)(1)) authorizes the National Transportation Safety Board to determine cause or probable cause, and report the facts, conditions, and circumstances relating to surface transportation accidents; and section 5(d)(4) of the Act (49 U.S.C. 1654(d)(4)) authorizes the Board to conduct rail, highway, and pipeline accident investigations. Accordingly, public hearings are frequently held by the Board pursuant to authority contained in section 5(l) of the Act (49 U.S.C. 1654(l)).

At the present time, the Procedural Regulations of the Safety Board do not include rules of practice which make known to the public its procedures in surface transportation accident investigation hearings. The purpose of this Part 440 is to codify and publish in permanent form the rules followed by the Board in such hearings. From past experience, the Safety Board has determined that the rules of practice in Part 440 will serve adequately to govern the course of its hearings for all land-mode transportation accident investigations.

It should be emphasized that surface transportation accident investigations are held by the Safety Board to assist in determining cause or probable cause and preparing a report of the facts, conditions, and circumstances relating to such accidents, as well as to ascertain the measures which will best tend to prevent similar accidents in the future. Such investigations are not held for the purpose of determining the rights or liabilities of private parties, and the Board makes no attempt to do so. The rules of practice in Part 440 are adapted to the special nature of the Board's accident hearings.

Since the regulations in Part 440 are procedural in nature, notice and public procedure hereon are not required, and the regulations may be made effective upon publication in the FEDERAL REGISTER.

Accordingly, the National Transportation Safety Board hereby adopts Part 440 of the Procedural Regulations (14 CFR Part 400) effective upon publication in the FEDERAL REGISTER, set forth below.

Sec.

AUTHORITY: The provisions of this Part 440 issued under sections 5(b)(1), 5(d)(4), 5(k), and 5(l), 80 Stat. 935, 936; 49 U.S.C. 1654.

§ 440.1 Applicability.

Unless otherwise specifically ordered by the Board, the provisions of this part shall govern all surface transportation accident investigation hearings conducted under the authority of sections 5(b) and 5(d)(4) of the Department of Transportation Act (49 U.S.C. 1654 (b), (d)(4)).

§ 440.2 Nature of hearing.

Surface transportation accident hearings are convened to assist the Board in determining cause or probable cause of an accident, reporting the facts, conditions, and circumstances of the accident, and ascertaining measures which will tend to prevent accidents and promote transportation safety. Such hearings are factfinding procedures with no formal issues and no adverse parties. These hearings are not subject to the provisions of the Administrative Procedure Act.

INITIAL PROCEDURE

§ 440.10 Determination to hold hearing.

The Chairman of the Board, or his designee, may order a hearing in any surface transportation accident whenever he deems it necessary in the public interest.

§ 440.11 Board of Inquiry.

The Board of Inquiry shall consist of a Member of the Board who shall be Chairman of the Board of Inquiry, a Hearing Officer when assigned, the Director of the Bureau of Surface Transportation Safety or his designee, and, where

appropriate, the General Counsel or his designee. It shall be the duty of the Board of Inquiry to examine witnesses and to secure, in the form of a public record, all known facts pertaining to the accident and surrounding circumstances and conditions from which cause may be determined and recommendations for corrective action may be formulated.

§ 440.12 Technical panel.

The Director, Bureau of Surface Transportation Safety, shall designate members of the Bureau's technical staff who shall participate in the hearing and initially develop the testimony of witnesses.

§ 440.13 Notice of hearing.

The Chairman of the Board of Inquiry shall designate a time and place for the hearing which meets the needs of the Board. Notice to all known interested persons shall be given.

§ 440.14 Designation of parties.

(a) The Chairman of the Board of Inquiry shall designate as parties to the hearing those persons, agencies, companies, and associations whose participation in the hearing is deemed necessary in the public interest and whose special knowledge will contribute to the development of pertinent evidence.

(b) Persons representing claimants or insurers will not be designated as parties to the hearing.

(c) Prior to the prehearing conference, as provided in § 440.21, the Board of Inquiry shall furnish the parties a list of witnesses, including the areas in which they will be examined, and a list of all available exhibits (or copies as available) the Board intends to introduce at the hearing. Following receipt of designation, and no later than the date established by the Chairman of the Board of Inquiry, said parties shall furnish the Board of Inquiry with names of any additional witnesses they desire to examine, a statement of the areas in which such witnesses should be examined, and copies of any additional exhibits they may desire to have offered in evidence.

CONDUCT OF HEARING

§ 440.20 Powers of Chairman of Board of Inquiry.

The Board Member acting as Chairman of the Board of Inquiry, or, in his absence, his designee, shall have the following powers:

(a) To open, continue, or adjourn the hearing;

(b) To issue subpenas;

(c) To administer oaths and affirmations.

(d) To determine the admissibility of and to receive evidence and to regulate the course of the hearing;

(e) To dispose of procedural requests or similar matters; and

(f) To take any other action necessary or incident to the orderly conduct of the hearing.

§ 440.21 Prehearing conference.

(a) The Chairman of the Board of Inquiry shall hold a prehearing conference with the parties to the hearing at a convenient time and place prior to the hearing. At such prehearing conference, the presiding officer shall advise the parties of the witnesses to be called at the hearing, the areas in which they will be examined, and the exhibits which will be offered in evidence.

(b) Parties shall submit at the prehearing conference copies of any additional documentary exhibits they desire to offer. (Copies of all exhibits proposed for admission by the Board of Inquiry and the parties shall be provided to the Board of Inquiry and all parties, insofar as available at that time.)

(c) A party who, at the time of the prehearing conference, fails to advise the presiding officer of additional exhibits he intends to submit or additional witnesses he desires to examine, shall be precluded from introducing such evidence unless the presiding officer determines for good cause shown that such evidence should be admitted.

§ 440.22 Sessions open to public.

(a) All hearings shall normally be open to the public (subject to the provision that the condition of any person present shall not be allowed to interfere with the proper and the orderly function of the Board of Inquiry).

(b) Sessions shall not be open to the public when evidence of a classified nature or which affects national security is to be received.

§ 440.23 Examination of witnesses.

(a) Witnesses shall be initially examined by the Board of Inquiry or its staff. Following such examination, parties to the hearing will be given the opportunity to examine such witnesses.

(b) Materiality, relevancy, and competency of witnesses' testimony, exhibits, or physical evidence shall not be the subject of objections in the legal sense by a party to the hearing or any other person. Such matters shall be controlled by rulings of the officer presiding on his own motion. If the examination of a witness by a party is interrupted by a ruling of the presiding officer, opportunity shall be given to show materiality, relevancy, or competency of the testimony or evidence sought to be elicited from the witness.

§ 440.24 Evidence.

The officer presiding shall receive all testimony and evidence which might be of aid in determining the cause of accident. He may exclude any testimony or exhibits which are not pertinent to the investigation or are merely cumulative as well as testimony which a party is precluded from introducing by § 440.21 (c) unless he determines that for good cause shown such testimony should be admitted.

§ 440.25 Recommendations by parties.

Any party may submit proposed conclusions and recommendations to be drawn from the testimony and exhibits submitted at the hearing. Such recommendations shall be submitted within the time specified by the presiding officer at the close of the hearing, and shall be made a part of the docket. Parties to the hearing shall serve copies of such recommendations on all other parties.

§ 440.26 Stenographic transcript.

A verbatim report of the hearing shall be taken. Copies of the transcript may be obtained by any interested person from the official reporter upon payment of the fees fixed therefor.

§ 440.27 Public docket.

The public docket shall include the transcript, exhibits, briefs, and all other pertinent information concerning the accident. A copy of the docket shall be made available to any person for review at the Washington office of the Board. Photographic copies of exhibits in the public docket may be obtained from the Documents Branch of the Board upon payment of the cost of reproduction.

§ 440.28 Payment of witnesses.

Any witness subpoenaed to attend the hearing under this part shall be paid such fees for his travel and attendance as shall be certified by the Chairman of the Board of Inquiry.

By the National Transportation Safety Board.

[SEAL] JOHN H. REED, *Chairman.*

AUGUST 21, 1970.

[F.R. Doc. 70-11233; Filed, Aug. 25, 1970; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Regarding Standardizing Quantity of Contents Declaration on Pickles and Pickle Products

In the matter of standardizing, in volumetric terms, the declaration of net quantity of contents on pickles and pickle products including relishes but excluding one or two whole pickles in clear plastic bags:

Pursuant to provisions of the Fair Packaging and Labeling Act (secs. 4, 5 (a), 6(a), 80 Stat. 1297–1300; 15 U.S.C. 1453–55) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no

objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 10, 1970 (35 F.R. 8928). Accordingly, the regulation established thereby, § 1.8b(r), shall become effective December 31, 1970.

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11240; Filed, Aug. 25, 1970; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

CYCLIZED RUBBER IN PAPER AND PAPERBOARD COMPONENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2452) filed by Reichhold Chemical Inc., RCI Building, White Plains, N.Y. 10602, and on the basis of an improved analytical procedure indicating that potential residual-free phenol is in the order of 4,000 parts per million in cyclized rubber for use in components of food-contact paper and paperboard, concludes that § 121.2526 should be amended to change from 400 to 4,000 parts per million the maximum residual-free phenol content permitted in such rubber.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(b)(2) is amended by revising the item "Cyclized rubber * * *" to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Cyclized rubber produced when natural pale crepe rubber dissolved in phenol is catalytically cyclized so that the finished cyclized rubber has a melting point of 293° F.–311° F. as determined by ASTM Method E-28-58T and contains no more than 4,000 p.p.m. of residual-free phenol as determined by a gas liquid chromatographic method available upon request from the Commissioner of Food and Drugs.	For use only in coatings for paper and paperboard intended for use in contact with food only of the types identified in paragraph (c) of this section, table 1, under types VIII and IX.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: August 18, 1970.

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

[F.R. Doc. 70-11241; Filed, Aug. 25, 1970; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Methocarbamol; Correction

In F.R. Doc. 70-8939 appearing at page 11232 in the issue of Tuesday, July 14, 1970, in the establishment of new § 135b.17, the word "bisulfate" in the 64th line of the first column on page 11232 should read "bisulfite".

Dated: August 19, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11242; Filed, Aug. 25, 1970; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER M—RULES AND REGULATIONS FOR THE ADMINISTRATION OF GRANTS

PART 53—GRANTS FOR ADVANCEMENT OF HEALTH AND SAFETY IN COAL MINES

Part 53 of Title 30, Code of Federal Regulations, was promulgated under authority contained in the Federal Coal Mine Safety Act, as amended (30 U.S.C. 451). The Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), approved December 30, 1969, repealed the provisions of the earlier Act and provides a new and different authority for similar purposes. The regulations of Part 53 published on February 16, 1967, are therefore revoked and a new Part 53—Grants for the Advancement of Health and Safety in Coal Mines is promulgated. Since these regulations involve matters relating to the making of grants, notice of proposed rulemaking is unnecessary and, therefore, the new, revised Part 53 set forth below shall be effective on the date of publication in the FEDERAL REGISTER.

FRED J. RUSSELL,
Acting Secretary of the Interior.

AUGUST 19, 1970.

Part 53 of Title 30, Code of Federal Regulations, is revised to read as follows:

Subpart A—General

Sec.
53.1 Purpose and scope.
53.2 Definitions.
53.3 Purpose of making, and entities eligible to receive grants.

Subpart B—Applications for Grants

53.4 Manner of submission.
53.5 Information required with applications.

Subpart C—Approval of Applications and Limitations

53.6 Requirements for approval.
53.7 Defective applications and modifications.
53.8 Limitations.
53.9 Appeals.

Subpart D—Fiscal and Accounting

53.10 Procedures for obtaining payments.
53.11 Title to property.
53.12 Accounting records.

Subpart E—Reports

53.13 Reports.
53.14 Acknowledgment of Federal Government participation.

Subpart F—Consultation and Coordination

53.15 Cooperation.

Subpart G—Audits and Inspections

53.16 Audits.
53.17 Inspections.
53.18 Covenants.

AUTHORITY: The provisions of this Part 53 issued under secs. 503 and 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173).

Subpart A—General

§ 53.1 Purpose and scope.

The regulations in this part are issued in order to provide uniform procedures for making grants to States under the provisions of section 503 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173, 83 Stat. 742).

§ 53.2 Definitions.

As used in the regulations in this part and in grant instruments entered into

pursuant to the regulations in this part:

(a) "Government" means the United States of America.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Bureau" means the Bureau of Mines of the U.S. Department of the Interior.

(d) "Director" means the Director of the Bureau of Mines or his authorized representative.

(e) "State" means any State in which coal mining takes place.

(f) "Fiscal Year" means the year period beginning on July 1 and ending on June 30 following.

(g) "Act" means the Federal Coal Mine Health and Safety Act of 1969.

§ 53.3 Purpose of making, and entities eligible to receive grants.

(a) The Secretary (in coordination with the Secretary of Health, Education, and Welfare and the Secretary of Labor) is authorized by section 503(a) of the Act to make grants to any State in which coal mining takes place (1) to assist in developing and enforcing effective coal mine health and safety laws and regulations; (2) to improve State workmen's compensation and occupational disease laws and programs related to coal mine employment; and (3) to promote Federal-State coordination and cooperation in improving the health and safety conditions in the coal mines.

(b) Grants will be made to a State through its official coal mine inspection or safety agency.

Subpart B—Applications for Grants

§ 53.4 Manner of submission.

(a) Applications should be submitted in an original and three copies to the Director, Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20240.

(b) Applications must be submitted through the State's official coal mine inspection or safety agency.

§ 53.5 Information required with applications.

Applications shall be in the form of proposals. Such proposals must:

(a) Set forth the programs, policies, and methods to be followed in carrying out the application in accordance with the purposes of section 503(a) of the Act. An application may provide for the planning of programs for the purposes and objectives of the Act, and the carrying out of programs to train State coal mine inspectors.

(b) Provide for research and planning studies to carry out plans designed to improve State workmen's compensation and occupational disease laws and programs, as they relate to compensation to miners for occupationally caused diseases and injuries and arising out of employment in any coal mine;

(c) Designate the State coal mine inspection or safety agency as the sole agency responsible for administering grants under section 503 of the Act throughout the State, and contain satisfactory evidence that such agency will have the authority to carry out the purposes of section 503 of the Act;

(d) Give assurance that such agency has or will employ an adequate and competent staff of trained inspectors qualified under the laws of such State to make coal mine inspections within such State;

(e) Provide for the extension and improvement of the State program for the improvement of Coal Mine Health and Safety in the State, and provide that no advance notice of an inspection will be provided anyone.

(f) Contain assurances that grants provided under section 503 of the Act will supplement, not supplant, existing State Coal Mine Health and Safety programs.

(g) State the period of time during which each of the program(s) will be pursued.

(h) Contain a financial plan which includes the salient points of the plan involved in pursuing the programs and the relationship of anticipated costs to activity and expected rate of effort. The financial plan shall also include and set forth:

(1) Total cost of the program.

(2) Amounts to be provided from non-Federal funds and the amount from Federal funds for each quarter of the first fiscal year and for each subsequent fiscal year during the proposed life of the program.

(3) The relationship between direct and indirect expenditures for each quarter of the first fiscal year for Federal and for non-Federal funds.

(i) Provide for such fiscal control and fund accounting procedures as may be necessary to comply with the requirements of this part and as may be appropriate to assure proper disbursement and accounting of grants made under this part.

(j) Provide the name and title of the person who will direct the program.

(k) Provide the approximate number and general qualifications of the personnel who will work on the program.

(l) Indicate the location or locations at which the various projects in the program(s) will be pursued.

(m) Provide assurances that, if the grant is made, the required funds from non-Federal sources will be forthcoming.

(n) Indicate whether the programs or any part of the programs has been or will be submitted to other organizations or under other programs for the purpose of obtaining a grant.

(o) Agree that the official coal mine inspection or safety agency designated pursuant to paragraph (c) of this section will make the reports required by 53.13 and that it will abide by all other terms and conditions set forth in this Part 53 and such additional conditions which the Secretary may prescribe in furtherance of, and consistent with, the purposes and objectives of section 503 of the Act.

Subpart C—Approval of Applications and Limitations

§ 53.6 Requirements for approval.

The Secretary shall be obligated to approve only those applications or requests for renewals that meet all of the requirements set forth in § 53.5.

§ 53.7 Defective applications and modifications.

(a) Any application or request for renewal that does not meet all of the requirements of § 53.5 shall be returned promptly and the State shall be requested to modify, amend, or revise the application as necessary in order to meet the requirements and to resubmit the application.

(b) The Secretary will not finally disapprove any State application or modification, amendment or revision thereof without first affording the State agency reasonable notice and opportunity for a public hearing.

§ 53.8 Limitations.

(a) Applications will be considered only for programs that meet the purposes and objectives of section 503 of the Act.

(b) Grants will be made on a fiscal year basis or portion thereof. Grants will be renewed where appropriate, but only upon receipt of a request for renewal in accordance with §§ 53.4 and 53.5.

(c) Each grant shall be covered by a grant instrument between the Government and the State. The grant agreement shall establish the purposes and objectives, and the total estimated cost of the program during the fiscal year for which the grant is to be made and the approved financial plan.

(d) The amount granted to any State for a fiscal year under this section shall not exceed 80 per centum of the amount expended by such State in such year for carrying out the approved programs. (The Secretary may allocate funds between States and may fix the grant at less than 80 per centum, and the percentages may be unequal between programs and between States.)

(e) None of the funds granted by the Government or provided by the State shall be used for any purpose not specifically provided in the grant instrument.

(f) Any State accepting a grant or grants under section 503 of the Act shall agree that neither the Government nor any of its officers, agents, or employees shall be responsible or liable for any loss, expense, damage to property, or for death or bodily injury to persons, which may arise from or be incident to any project or grant coming hereunder and the State shall agree to hold the Government and its officers, agents, or employees harmless from all such claims.

(g) Reimbursement for travel expenses shall be in accordance with the State's regular lawfully established policies and procedures, except they may not exceed those authorized in standardized Government regulations.

(h) The State shall comply with the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance and to the implementing regulations issued by the Secretary of the Interior with the approval of the President (43 CFR Part 17).

(i) Any grant for a project which involves a federally assisted construction contract, as defined in Executive Order 11246, September 24, 1965 (30 F.R. 12319), shall be subject to the conditions that the grantee shall comply with the requirements of the said Executive order and with applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 53.9 Appeals.

(a) The proposed disapproval by the Secretary of any initial State application or modification for grant funds shall be given to the State by the issuance of a notice to that effect setting forth the reasons for the proposed disapproval. The State through its designated coal mine inspection or safety agency may request a public hearing within 30 days after receipt of the notice of proposed disapproval for the purpose of appealing such decision, by the mailing of a notice of appeal to the Director.

(b) Any decision of the Secretary finally disapproving any initial application or modification shall be final and conclusive unless the State within 30 days from the date of such decision shall file a petition in the U.S. Court of Appeals for the District of Columbia stating that such decision should be modified or set aside in whole or in part. The filing of a petition shall not stay the application of the decision of the Secretary except as ordered by the U.S. Court of Appeals for the District of Columbia.

Subpart D—Fiscal and Accounting

§ 53.10 Procedures for obtaining payments.

(a) Payment of grant funds to the State will be made on vouchers prepared, signed, and submitted by the grantee in three copies to the Director. Such vouchers will constitute applications for funds to be paid to the State for expenditures made under an approved financial plan.

(b) The State shall also submit evidence that a proper relationship is being maintained between expenditures of grant and non-Federal funds.

(c) Whenever the Secretary finds there is a failure by the State to expend funds in accordance with the terms and conditions governing the Government's grant, he shall notify the State that further payments will not be made to the State until he is satisfied that there will no longer be any such failure. Until the Secretary is so satisfied, payment of any grant hereunder to the State shall be withheld.

§ 53.11 Title to property.

Title to property purchased with grants made hereunder and/or with matching State funds may be vested in the State upon a finding and determination by the Director that such vesting will further the objectives of the Bureau of Mines.

§ 53.12 Accounting records.

(a) States that receive funds under the Act, shall be responsible for maintaining books of account that accurately, completely and currently reflect the financial transactions involving grants financed under the Act and also transactions financed with matching funds from sources other than the Federal Government. In addition, the State shall maintain files of all papers necessary to explain and prove the validity of the transactions recorded.

(b) Such State records, with all supporting and related documents shall, at all reasonable times, be made available, upon request, for inspection and audit by the Director, the Secretary, and by the Comptroller General of the United States or his authorized representatives.

(c) The States' records relating to each grant shall be retained and made available until the expiration of 3 years after the Government's last payment to the State under each grant.

(d) The State shall include the following provisions in any contract for services, equipment, or supplies that requires payments exceeding $2,500 from funds granted under the Act, and/or from funds used to match such granted funds:

> Representatives of the Secretary of the Interior and of the Comptroller General of the United States shall, until the expiration of 3 years after final payment under this contract, have access to and the right to examine any directly pertinent books, records, documents, papers, and other supporting data relating to this contract.

For the purposes of this requirement, contracts for public utility services at rates established for uniform application to the general public are excluded.

Subpart E—Reports

§ 53.13 Reports.

At such times and in such detail as the Secretary shall require, the State shall furnish to the Secretary a statement capable of being reproduced with respect to each project showing the work done, the benefits derived, the status of the project, expenditures, and amounts obligated, and such other information as may be required.

§ 53.14 Acknowledgement of Federal Government participation.

Appropriate acknowledgement shall be given by the State to the Department of the Interior's participation in financing each project. Such acknowledgement shall be included in all publications, news releases, and other information media developed to publicize, describe, or report on activities and accomplishments carried out in whole or in part with funds received under provisions of the Act.

Subpart F—Consultation and Coordination

§ 53.15 Cooperation.

(a) As contemplated by the Act, the Director will cooperate with the States in accomplishing the purposes of the grant, including but not limited to the furnishing of advice and assistance to promote the objectives of the Act and the coordination of projects.

(b) In addition to cooperating in carrying out the purposes of the grant, the Director shall, separate and apart therefrom, cooperate with such States when feasible and at the discretion of the Director in training Federal and State inspectors jointly, and in establishing a system by which State and Federal inspection reports of coal mines located in the State are exchanged for the purpose of improving health and safety conditions in such mines.

Subpart G—Audits and Inspections

§ 53.16 Audits.

(a) In addition to the provisions of § 53.12, representatives of the Secretary and of the Comptroller General of the United States may conduct on-site audits and inspections of State agencies which have received Federal funds under this Part 53.

(b) Audits conducted at the direction or on behalf of the Secretary may extend to a determination and finding of fact concerning compliance with the provisions of the Act, the grant agreement, the regularity and accuracy of financial transaction and recording, adequacy of internal control, and reliability of financial reporting. As a part of such audits, examinations will be made on a selective basis to determine that matching funds have been received and properly expended by recipients of matching-fund grants under the Act and that the State maintains a proper relationship between the costs paid with funds provided under the Act. Professional audit techniques will be applied, and accepted principles of business administration will be the governing criteria.

§ 53.17 Inspections.

The Director may, with such personnel as he considers qualified and with such procedures he deems suitable, perform inspections of projects. Such inspections may cover acceptability of progress, consistency with approved plans, and other factors the Director deems important to achieve the purposes of the Act and the grant.

§ 53.18 Covenants.

All grant instruments and contracts awarded thereunder by States shall contain the following provisions:

> The payment of any fee, commission or compensation of any kind, or the giving of any gift or gratuity of any kind, either directly or indirectly, by or on behalf of a contractor under this grant, to any officer, employee, or agent of the grantee either as

an inducement for the award of a contract under the grant or as an acknowledgement of a contract previously awarded thereunder or as an inducement or acknowledgement for a determination or any other action favorable to such contractor is prohibited. Upon a showing that a contractor under this grant paid fees, commissions, or compensation, or gave gifts or gratuities to an officer, employee, or agent of the grantee in connection with the contract award or administration under the grant, it shall be conclusively presumed that the cost of such expense was included in the contract and ultimately borne or intended to be borne by the United States, in which case the Government shall withhold from sums otherwise obligated under the grant any amount found to have been paid by a contractor as a fee, commission, or compensation, or as a gift or gratuity to an officer, employee, or agent of the grantee.

[F.R. Doc. 70-11209; Filed, Aug. 25, 1970; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas; Correction

In the amendment to the List of Flood Hazard Areas, § 1915.3, published at 35 F.R. 12601 on August 7, 1970, an incorrect effective date was listed for Massachusetts and New Jersey. The data for the effective dates in the last column of such list, and the column heading, are corrected to read as follows:

State	* * *	* * *	* * *	* * *	* * *	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Massachusetts	* * *	* * *	* * *	* * *	* * *	July 10, 1970.
New Jersey	* * *	* * *	* * *	* * *	* * *	Do.
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(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 26, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-11221; Filed, Aug. 25, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Miscellaneous Amendments

This amendment makes changes in and additions to Subpart 1–15.2. The changes deal with problems that have arisen in connection with contractors' advertising costs considered to be excessive for the recruitment of personnel, high rental costs as compared to costs of ownership, the accrual of income taxes for contingencies which may never materialize, and the allowability of overhead resulting from settlement activities following termination.

The table of contents for Part 1–15 is amended to provide the following revised entry:

Sec.
1–15.205–34 Rental costs (including sale and leaseback of property).

Subpart 1–15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

Sections 1–15.205–41 and 1–15.205–42 are amended; §§ 1–15.205–33 and 1–15.205–34 are revised; and new § 1–15.205–41(a–1) is added, as follows:

§ 1–15.205–33 Recruitment costs.

(a) Subject to paragraphs (b), (c), and (d) of this § 1–15.205–33, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of help-wanted advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the contractor uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(b) Costs of help-wanted advertising are unallowable if the advertising:

(1) Is for other than for personnel required for the performance of obligations under a Government contract, except as provided in § 1–15.205–1(b);

(2) Does not describe specific positions or classes of positions;

(3) Is excessive in relation to the number and importance of the positions, or in relation to the practices of industry;

(4) Includes material that is not relevant for recruitment purposes, such as extensive illustrations or descriptions of the company's products or capabilities;

(5) Is designed to "pirate" personnel from another Government contractor; or

(6) Includes color (in publications).

(c) Costs of excessive salaries, fringe benefits and special emoluments that have been offered to prospective employees, designed to "pirate" personnel from another Government contractor, or in excess of the standard practices in the industry, are unallowable.

(d) Relocation costs incurred incident to recruitment of new employees are subject to § 1–15.205–25. Where such costs have been allowed either as an allocable direct or indirect cost and the newly hired employee resigns for reasons within his control within 12 months after hire, the contractor shall be required to refund or credit such relocation costs to the Government.

§ 1–15.205–34 Rental costs (including sale and leaseback of property).

(a) This § 1–15.205–34 is applicable to the cost of renting or leasing all property, real and personal, except automatic data processing equipment (ADPE)—see § 1–15.205–50.

(b) As used in this section, the words and phrases defined in this paragraph (b) shall have the meanings set forth below.

(1) "Short-term leasing" means leasing where the cumulative term of the use or occupancy (initial term plus additional

terms whether or not pursuant to a renewal option) is 2 years or less for personal property and 5 years or less for real property.

(2) "Long-term leasing" means leasing where the cumulative term of the use or occupancy (initial term plus additional terms whether or not pursuant to a renewal option) is more than 2 years for personal property and more than 5 years for real property. Leasing with initial terms of more than 2 years for personal property and more than 5 years for real property is long-term leasing as of the effective date. Leasing with initial terms of 2 years or less for personal property, and 5 years or less for real property, becomes long-term leasing as of the effective date of the document which extends the cumulative term to more than 2 or 5 years, and will be treated as short-term leasing prior to such date and long-term leasing on such date.

(3) "Anticipated useful life" of property may represent the application life (utility in a given function), technological life (utility before becoming obsolete in whole or in part), or physical life (utility before physically wearing out), depending upon the facts and circumstances and the particular property involved. In estimating anticipated useful life under long-term leasing, the starting date shall be the date that the lease qualifies as long-term leasing. The contractor may use application life if he can clearly demonstrate that the property has utility only in a given function and the duration of the function can be determined. Technological life may be used by the contractor if he can demonstrate that existing property must be replaced because of:

(i) Specific program objectives or contract requirements which cannot be accomplished with the existing facilities;

(ii) Cost reductions which will produce identifiable savings in production or overhead costs;

(iii) Increase in workload volume which cannot be accomplished efficiently by modifying or augmenting existing facilities; or

(iv) Consistent pattern of capacity operation (2½–3 shifts) on existing property.

However, technological advances (affecting technological life), per se, will not justify replacement of existing property before the end of its physical life if such existing property will be able to satisfy future requirements or demands.

(c) Rental costs under short-term leasing are allowable to the extent that:

(1) The rates are reasonable at the time of the decision to lease in light of such factors as rental costs of comparable property, if any, and market conditions in the area, the type, life expectancy, condition, and value of the property leased, alternatives available, and other provisions of the agreement; and

(2) They do not give rise to a material equity in the property (such as an option to renew or purchase at a bargain rental or price) other than that normally given to industry at large, but represent charges only for the current use of the property including, but not limited to, any incidental service costs such as maintenance, insurance, and applicable taxes.

(d) (1) Rental costs under long-term leasing are allowable only up to the amount the contractor would be allowed had he purchased the property, unless he can demonstrate on the basis of facts existent at the time of the decision to lease on a long-term basis, documented in accordance with paragraph (e) of this § 1–15.205–34, that long-term leasing will result in less cost to the Government over the anticipated useful life of the property. If the contractor can demonstrate that long-term leasing will result in less cost to the Government, the rental costs for the term of the lease shall be subject to the same criteria set forth in paragraph (c) of this § 1–15.205–34 for short-term leasing. However, if the contractor subsequently renews the lease, he must again demonstrate that leasing will result in less cost to the Government if he wishes to continue having rental costs evaluated by the criteria in paragraph (c) of this § 1–15.205–34.

(2) In estimating the least cost to the Government for the anticipated useful life, the cumulative costs that would be allowed if the contractor owned the property should be compared with cumulative costs that would be allowed under the leasing arrangement. For the purposes of this comparison, the costs of property include, but are not limited to, the costs of operation, maintenance, insurance; taxes, depreciation, leasehold improvements, and rental as applicable; and exclude interest, in the case of ownership costs, and other unallowable costs pursuant to this Part 1–15 in either case.

(3) In those situations where leasing was formerly classified as short-term leasing, the purchase cost for purposes of cost comparison in such paragraph (2) of this paragraph will be the price at which the property could be acquired on the date that the agreement meets the qualifications for long-term leasing. If purchase is determined to be the method of acquisition which would result in least cost to the Government, such determination shall not be applied to the years when the leasing was classified as short-term leasing.

(e) Contractor's justifications, under paragraph (d) of this § 1–15.205–34, of his long-term leasing decisions shall consist of, but are not limited to, the following supporting data, prepared prior to leasing:

(1) Analysis of utilization of existing property;

(2) Application of comparative cost criteria in paragraph (d) of this § 1–15.205–34;

(3) Specific objectives or requirements;

(4) Solicitation of proposals from available sources; and

(5) Proposals received in response to the solicitation, and reasons for selection of the property chosen and for the decision to lease.

(f) Rental costs under a sale and leaseback arrangement shall be allowable only up to that amount the contractor would be allowed had he retained title to the property, except that rental cost may be allowed:

(1) In accordance with paragraphs (b), (c), and (d) of this § 1–15.205–34 where the sale and leaseback immediately followed purchase of the property; or

(2) The sale and leaseback is otherwise in the best interests of the Government and specifically authorized in the contract.

(g) Charges in the nature of rent between any division, subsidiary, or organization under a common control are allowable to the extent such charges do not exceed the normal costs of ownership, such as depreciation, taxes, insurance, and maintenance (excluding interest or other unallowable costs pursuant to this Part 1–15): *Provided*, That no part of such costs shall duplicate any other allowed costs. However, rental cost of personal property, which is leased from any division, subsidiary, or affiliate of the contractor under common control, which has an established practice of leasing the same or similar property to unaffiliated lessees shall be allowed in accordance with paragraphs (b), (c), and (d) of this § 1–15.205–34. In addition, where the lessor is also the manufacturer of the personal property, the purchase price for the purposes of paragraph (d)(1) of this § 1–15.205–34, and the cost of ownership for the purposes of paragraph (d)(2) of this § 1–15.205–34, shall be determined in accordance with § 1–15.205–22(e).

(h) Rental costs under long-term leasing entered into prior to the effective date of this § 1–15.205–34 are allowable for the remaining term of the lease (excluding unexercised options) to the extent they would have been allowable under this § 1–15.205–34 in effect January 1, 1969.

(i) The allowability of rental costs under unexpired leases in connection with terminations is subject to § 1–15.205–42(e).

(j) Allowable rental costs shall not be adjusted by the amount of any investment credit accruing to the contractor by reason of an election, made by a lessor of new "section 38" property, to treat the contractor as the purchaser of such property pursuant to section 48(d) of the Revenue Act of 1962, as amended.

§ 1–15.205–41 Taxes.

(a) Taxes are charges levied by Federal, State, or local governments. They do not include fines and penalties except as otherwise provided herein. In general, taxes (including State and local income taxes, except as provided in paragraph (a–1) of this § 1–15.205–41), which the contractor is required to pay and which are paid or accrued in accordance with generally accepted accounting principles are allowable, except for:

* * * * *

(a–1) Income tax accruals, designed to account for the tax effects of differences between taxable income and pretax income as reflected by the books of account and financial statements, are unallowable.

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§ 1–15.205–42 Termination costs.

* * * * *

(f) *Settlement expenses.* Settlement expenses, including the following, are generally allowable:

(1) Accounting, legal, clerical, and similar costs reasonably necessary for—

(i) The preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract, unless the termination is for the default of the contractor (see § 1–8.604(b)(1) of this chapter); and

(ii) The termination and settlement of subcontracts.

(2) Reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the contract; and

(3) Indirect costs related to salary and wages incurred as settlement expenses in subparagraphs (1) and (2) of this paragraph; normally, such indirect costs shall be limited to payroll taxes, fringe benefits, occupancy cost, and immediate supervision.

(g) *Subcontractor claims.* Subcontractor claims, including the allocable portion of claims which are common to the contract and to other work of the contractor, are generally allowable. An appropriate share of the contractor's indirect expense may be allocated to the amount of settlements with subcontractors; provided, that the amount allocated is otherwise consistent with §§ 1–15.201–4 and 1–15.203(c). The indirect expense so allocated shall exclude the same and similar costs claimed directly or indirectly as settlement expenses.

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

Effective date. This amendment is effective October 1, 1970, but may be observed earlier.

Dated: August 19, 1970.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 70–11208; Filed, Aug. 25, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

ST. VINCENT NATIONAL WILDLIFE REFUGE, FLA.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR Part 32 by the addition of St. Vincent National Wildlife Refuge, Fla., to the list of areas open to the hunting of big game as legislatively permitted.

It has been determined that regulated hunting of big game may be permitted as designated on the St. Vincent National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

FLORIDA

St. Vincent National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1970.

[F.R. Doc. 70-11213; Filed, Aug. 25, 1970; 8:45 a.m.]

[50 CFR Part 32]

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE, N. MEX.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR Part 32 by the addition of Bosque del Apache National Wildlife Refuge, N. Mex., to the list of areas open to the hunting of big game as legislatively permitted.

It has been determined that regulated hunting of big game may be permitted as designated on the Bosque del Apache National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

NEW MEXICO

Bosque del Apache National Wildlife Refuge.

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JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1970.

[F.R. Doc. 70-11211; Filed, Aug. 25, 1970; 8:45 a.m.]

[50 CFR Part 32]

PUNGO NATIONAL WILDLIFE REFUGE, N.C.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR Part 32 by the addition of Pungo National Wildlife Refuge, N.C., to the list of areas open to the hunting of big game as legislatively permitted.

It has been determined that regulated hunting of big game may be permitted as designated on the Pungo National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

NORTH CAROLINA

Pungo National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1970.

[F.R. Doc. 70-11212; Filed, Aug. 25, 1970; 8:45 a.m.]

[50 CFR Parts 32, 33]

MUSCATATUCK NATIONAL WILDLIFE REFUGE, IND.

Hunting and Sport Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR Parts 32 and 33 by the addition of Muscatatuck National Wildlife Refuge, Ind., to the list of areas open to the hunting of upland game and sport fishing as legislatively permitted.

It has been determined that regulated hunting of upland game and sport fishing may be permitted as designated on the Muscatatuck National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

INDIANA

Muscatatuck National Wildlife Refuge.

* * * * *

2. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

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INDIANA

Muscatatuck National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1970.

[F.R. Doc. 70-11214; Filed, Aug. 25, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

INSECTICIDE MIXTURE

Proposed Clarification of Pesticide Tolerances

Based on consideration given the data submitted by the Chevron Chemical Co., 940 Hensley Street, Richmond, Calif. 94804, and other relevant material, § 120.255 was established (Feb. 1, 1969; 34 F.R. 1588) to provide for negligible residues of the insecticide mixture described below in or on the raw agricultural commodities corn grain and corn fodder and forage at 0.05 part per million.

The term corn grain applies to field corn harvested in a dry condition approximately 30 to 60 days after the normal harvest period for the vegetable sweet corn. To clarify the tolerances for this insecticide mixture and because the Chevron Chemical Co., submitted material on residues in whole corn plants at the time of harvest for sweet corn, the Commissioner of Food and Drugs concludes that the regulation should be revised as proposed below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 120.255 be revised to read as follows:

§ 120.255 *m*-(1-Methylbutyl)phenyl methylcarbamate and *m*-(1-ethylpropyl)phenyl methylcarbamate; tolerances for residues.

Tolerances are established for negligible residues of an insecticide that is a mixture consisting of 75 percent *m*-(1-methylbutyl)phenyl methylcarbamate and 25 percent *m*-(1-ethylpropyl) phenyl methylcarbamate in or on the raw agricultural commodities corn grain, fresh corn including sweet corn (kernels plus cob with husk removed), and corn fodder and forage at 0.05 part per million (such tolerances to cover residues of both components).

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the subject insecticide may request, within 30 days after publication hereof in the FEDERAL REGISTER, referral of this proposal to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 18, 1970.

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

[F.R. Doc. 70-11239; Filed, Aug. 25, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

National Highway Safety Bureau

[49 CFR Part 575]

[Docket No. 70-19; Notice 1]

MOTOR VEHICLE SAFETY REGULATIONS

Consumer Information; Acceleration and Passing Ability

The Consumer Information requirement concerning acceleration and passing ability, 49 CFR 575.106, was published in its final form on May 23, 1969 (34 F.R. 8112), with minor amendments on July 16, 1969 (34 F.R. 11974), and April 30, 1970 (35 F.R. 6867). This notice proposes the extension of that requirement to multipurpose passenger vehicles, trucks and buses.

Adequate vehicle power is an especially important safety factor where larger vehicles are concerned. It is recognized that a large proportion of trucks and buses are produced by multistage manufacture, with the basic automotive manufacturer delivering an incomplete vehicle to subsequent processors for completion, usually by addition of a body. This has been an obstacle, up to now, to the production of consumer information concerning the operational capabilities of the vehicles, since the final-stage manufacturer cannot in most cases be expected to generate such information concerning the incomplete vehicles as delivered to him. Under the proposed amendment, the incomplete vehicle manufacturer would be required to produce this information, based on stated assumptions concerning the final equipment of the vehicle, and include the data in the document that would be required to be furnished with the incomplete vehicle under the proposed Part 568, Vehicles Manufactured in Two or More Stages (35 F.R. 4639, Mar. 17, 1970). Fixed values for assumed air resistance are also set forth in the proposed regulation.

The description of the vehicle test conditions would be simplified by substituting the terms "gross axle weight rating" and "gross vehicle weight rating" for the more particularized existing description of the loading conditions. Instead of itemizing the accessories and equipment to be operated during the testing, the procedures would specify that all accessories and equipment whose operation affects engine performance are operating in the maximum power-consuming condition. The test procedures would also be amended to make explicit that gear changes during acceleration are permitted.

Truck tractors present problems for performance information, since the characteristics of the towed trailer strongly affect the results. It is proposed that these vehicles, like other trucks, be tested at gross vehicle weight rating, distributed according to gross axle weight ratings. This would result in less expensive test procedures than utilizing a "standard" semitrailer. While the data obtained would not precisely reflect the performance while towing a trailer, it should be more reproducible and more directly comparable from one vehicle to another.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendment. Comments should identify the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on November 23, 1970, will be considered, and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Bureau. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: October 1, 1971.

This notice of proposed rule making is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on August 18, 1970.

RODOLFO A. DIAZ,
Acting Associate Director, Motor Vehicle Programs.

§ 375.106 Acceleration and passing ability.

(a) *Purpose and scope.* This section requires manufacturers of motor vehicles to provide information on vehicle acceleration and passing ability under low- and high-speed conditions.

(b) *Application.* This section applies to passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles.

(c) *Definitions.* "Gross axle weight rating" (GAWR) means the value specified by the vehicle manufacturer as the loaded weight on a single axle measured at the tire-ground interfaces.

"Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

(d) *Required information.* (1) Each manufacturer of completed vehicles shall furnish the information specified in subdivisions (i) through (iii) of this subparagraph, in the form illustrated in Figure 1. Each vehicle in the group to which the information applies shall be capable, under the conditions and procedures specified in this section, of performing at least as well as the table indicates.

(i) *Vehicle description.* The group of vehicles to which the table applies, identified in the terms by which they are described to the public by the manufacturer.

(ii) *Passing time and distance.* The time in seconds and the distance in feet hypothetically required to pass a vehicle 55 feet long traveling at 20 and 50 miles per hour (m.p.h.), under the conditions of paragraph (e) of this section. If the vehicle for which information is provided would be unable to perform a passing maneuver because it cannot exceed 20 or 50 m.p.h., the notation "not capable" shall be entered.

(iii) *Notice.* The following notice, placed in proximity to the figure: "The information presented represents results obtainable by skilled drivers under controlled road and vehicle conditions, and the information may not be correct under other conditions."

(2) Each incomplete vehicle manufacturer shall, for each incomplete vehicle with which a document must be furnished under § 568.4 of this chapter, include in the document the passing time and distance information specified in subparagraph (1) (ii) of this paragraph, under the conditions and procedures specified in this section. The information shall also contain a description of the power-consuming equipment and accessories assumed to be included in the vehicle, including as a minimum all equipment necessary for operation or required by law. The following additional assumptions shall be made:

(i) *Passenger cars.* The vehicle as completed has a frontal area of 34 square feet.

(ii) *Multipurpose passenger vehicles, trucks and buses.* The vehicle as completed has a frontal area of 102 square feet.

(e) *Conditions and procedures*—(1) *Vehicle, road and ambient conditions.* The data provided in the format of Figure 1 shall represent a level of performance that can be equaled or exceeded by each vehicle in the group to which the table applies, under the following conditions:

(i) The vehicle is loaded to its gross vehicle weight rating, distributed proportionally to its gross axle weight ratings.

(ii) Fuel and lubricants are selected and adjustments are made according to the manufacturer's recommendations.

(iii) Break-in period is completed according to the manufacturer's recommendations.

(iv) Engine is at normal operating temperature.

(v) All accessories and equipment that affect engine performance, and that may be operated while the vehicle is in motion, are operating in the maximum power-consuming condition.

(vi) Ambient temperature is between 59° F. and 85° F., ambient dry barometric pressure is between 28.50 and 29.50 inches of mercury, and relative humidity is between 30 percent and 60 percent.

(vii) The roadway lane has a grade of zero percent, and the road surface has a skid number of 75.

(viii) Wind velocity is zero.

(2) *Hypothetical maneuvers.* The data provided shall represent the performance capability of the vehicle in performing the two hypothetical maneuvers described below. The passing distances are the distances traveled by the passing vehicle during the maneuvers described in subdivisions (i) and (ii) of this subparagraph. The passing times are the times required to travel the passing distances.

(i) The vehicle for which the information is provided ("passing vehicle") follows another vehicle ("pace vehicle") that is 55 feet long, with the leading edge of the passing vehicle 40 feet behind the trailing edge of the pace vehicle, and both vehicles traveling 20 m.p.h. The pace vehicle travels at constant speed throughout. The passing vehicle or combination is in a different lane from the pace vehicle. The passing maneuver begins when the passing vehicle accelerates at its maximum rate up to a limiting speed of 35 m.p.h., or to its maximum speed if less than 35 m.p.h. It maintains that speed, or maximum acceleration if unable to reach either the limiting or maximum speed, until the end of the maneuver, which occurs when its trailing edge is 40 feet ahead of the leading edge of the pace vehicle.

(ii) Same as subdivision (i) of this subparagraph, with the substitution of an initial speed of 50 m.p.h. (instead of 20 m.p.h.), a limiting speed of 80 m.p.h. (instead of 35 m.p.h.), and beginning and ending separation of 100 feet (instead of 40 feet).

(3) *Performance determination.* The determination of the vehicle's passing times and distances in performing the hypothetical maneuvers described in subparagraph (2) of this paragraph shall be based on the vehicle's actual performance capability in a maximum-rate acceleration, with transmission in gear and without use of clutch or brake before beginning the acceleration, but with gear changes as appropriate during the maneuver, as follows:

(i) Accelerate the vehicle as rapidly as possible from a constant speed of 20 m.p.h. to at least 35 m.p.h. or to the maximum speed if it is lower than 35 m.p.h.

(ii) Accelerate the vehicle as rapidly as possible from a constant speed of 50 m.p.h. to at least 80 m.p.h. or to the maximum speed if it is lower than 80 m.p.h.

(iii) Record the distance traveled (D) as a function of time (T) as determined in accordance with both subdivisions (i) and (ii) of this subparagraph.

(4) *Graphic determination of passing time and distance.* Ascertain the vehicle's capability to perform the hypothetical maneuvers by the following method.

Symbols: (All times are in seconds and all distances in feet. For the purposes of the determination speeds must be converted to feet per second.)

I = Separation between passing and pace vehicles at beginning and end of the maneuver: 40 feet for the low-speed pass and 100 feet for the high-speed pass;
L = Length of the passing vehicle;
V = Speed of the pace vehicle: 20 m.p.h. for the low-speed pass and 50 m.p.h. for the high-speed pass;
D = Distance;
T = Time.

(i) Plot a straight line having a slope equal to the speed (V) of the pace vehicle, starting at point $T=0$, $D=2I+L+55$, as illustrated in Figure 2.

(ii) Using the data obtained in subparagraph (3) (iii) of this paragraph, plot the distance vs. time curve for the passing vehicle at maximum acceleration, with starting point at $T=0$, $D=0$, and stopping at the point where the vehicle reaches the limiting speed (35 or 80 m.p.h. respectively) or its maximum speed if lower. If this curve intersects the curve for the pace vehicle plotted in subdivision (i) of this subparagraph before the point where the passing vehicle reaches the limiting or maximum speed, it need not be plotted beyond the point of intersection.

(iii) If the curve plotted in subdivision (ii) of this subparagraph does not intersect the curve for the pace vehicle before the point where the passing vehicle reaches the limiting or maximum speed, extend the passing vehicle's curve from that point with a straight line whose slope equals either the limiting or maximum speed respectively.

(iv) The intersections of the curves for the pace vehicle and passing vehicle obtained in either subdivision (ii) or (iii) of this subparagraph, plotted for both the low-speed and the high-speed pass, represent the passing times and distances to be provided in the form of Figure 1.

FIGURE 1

THIS FIGURE INDICATES PASSING TIMES AND DISTANCES THAT CAN BE MET OR EXCEEDED BY THE VEHICLES TO WHICH IT APPLIES, IN THE SITUATIONS DIAGRAMMED BELOW.

THE LOW-SPEED PASS ASSUMES AN INITIAL SPEED OF 20 MPH AND A LIMITING SPEED OF 35 MPH. THE HIGH-SPEED PASS ASSUMES AN INITIAL SPEED OF 50 MPH AND A LIMITING SPEED OF 80 MPH.

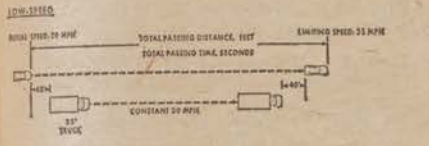
NOTICE: THE INFORMATION PRESENTED REPRESENTS RESULTS OBTAINABLE BY SKILLED DRIVERS UNDER CONTROLLED ROAD AND VEHICLE CONDITIONS, AND THE INFORMATION MAY NOT BE CORRECT UNDER OTHER CONDITIONS.

DESCRIPTION OF VEHICLES TO WHICH THIS TABLE APPLIES: _____

SUMMARY TABLE:

LOW-SPEED PASS.... ____FEET; ____SECONDS

HIGH-SPEED PASS.... ____FEET; ____SECONDS



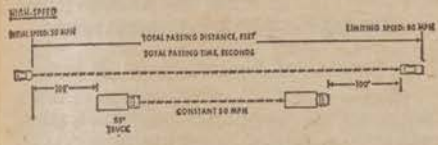
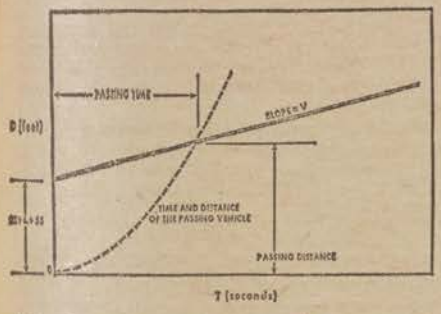


FIGURE 2

GRAPHIC DETERMINATION OF PASSING TIME AND DISTANCE



[F.R. Doc. 70-11174; Filed, Aug. 25, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18877]

INCLUSION OF CODED INFORMATION IN TRANSMISSIONS OF RADIO AND TV STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations to permit the inclusion of coded information in the aural transmissions of radio and TV stations for the purpose of program identification, RM—1589.

1. Comments in this proceeding, begun by notice of proposed rule making released June 12, 1970 (FCC 70-615) (35 F.R. 10031) are now due August 21 and October 1, 1970, respectively. Petitions requesting extensions of time have been filed by Audicom, Inc., the rule-making petitioner, on August 13, and International Digisonics Corp. (IDC), on August 14. Audicom requests until November 20, 1970, or approximately 3 months; IDC requests at least 120 days. Counsel for Audicom has stated that this party does not object to the longer period requested by IDC. Both petitions assert the need for more time to make tests and gather data concerning the Audicom proposed system of including coded information in aural broadcast signals; IDC has entered into a contract with a research firm to study the question of listener perception of audio tones.

2. Under the circumstances, it appears that the public interest would be served by extending the time for comments as requested by IDC. *Accordingly, it is ordered,* That the time for filing comments and reply comments in this proceeding is extended, to and including December 14, 1970, and January 18, 1971, respectively. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: August 19, 1970.

Released: August 20, 1970.

[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-11224; Filed, Aug. 25, 1970; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-389A]

INITIAL RATES FOR FUTURE SALES OF NATURAL GAS FOR ALL AREAS

Notice of Extension of Time

AUGUST 21, 1970.

Upon consideration of the requests filed by Pan American Petroleum Corp. and Independent Natural Gas Association of America, notice is hereby given that the time is extended to and including August 26, 1970, within which answers may be filed to the petition filed by "People Organized to Win Effective Regulation (POWER)" on July 30, 1970 (35 F.R. 13139).

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11342; Filed, Aug. 25, 1970; 8:52 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

TOMATO PRODUCTS FROM GREECE

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appears to indicate that certain payments, bestowals, rebates, or refunds granted by Greece on the exportation of tomato products constitute the payment or bestowal or a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates, or refunds apply.

The available information indicates that the approximate amount of the payments or bestowals ranges from $38.27 to $84.86 per metric ton on tomato paste, depending on the concentration and packing. The payments or bestowals on tomato juice appear to be $13.31 per metric ton and on peeled tomatoes appear to be $29.95 per metric ton.

Available information also indicates that rebates, refunds (or payments equalling) of certain bank charges, in the amount of $13.31 per metric ton of exported tomato products, and of social security taxes, in the amount of § 2.61 per metric ton of exported tomato products, are being made. There also appears to be rebate or refund of income taxes in an amount undetermined at this time.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 16.24 of the Customs Regulations (19 CFR 16.24).

Before a determination is made consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount of a bounty or grant. Such submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

This notice is published pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

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

Approved: August 21, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-11271; Filed, Aug. 25, 1970; 8:50 a.m.]

Internal Revenue Service

CLARENCE EATON

Notice of Granting of Relief

Notice is hereby given that Clarence Eaton, 6410 Alaska, Detroit, Mich. 48204, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about May 12, 1949, in the Recorder's Court, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Eaton because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Eaton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Clarence Eaton's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Mr. Clarence Eaton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of August 1970.

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

[F.R. Doc. 70-11274; Filed, Aug. 25, 1970; 8:51 a.m.]

DEWEY PLEASANT NEWMAN

Notice of Granting of Relief

Notice is hereby given that Dewey Pleasant Newman, Route 3, Bassett, Va. 24055, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 1, 1950, in the U.S. District Court in Danville, Va. 24055, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dewey Pleasant Newman, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Newman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dewey Pleasant Newman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Dewey Pleasant Newman be, and he hereby is,

granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of August 1970.

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

[F.R. Doc. 70-11272; Filed, Aug. 25, 1970; 8:51 a.m.]

MICHAEL C. VILLA

Notice of Granting of Relief

Notice is hereby given that Michael C. Villa, 506 Warren, Boise, Idaho 83706, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 3, 1965, in the District Court, County of Weld, Greeley, Colo., of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for Michael C. Villa because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Villa to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Michael C. Villa's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Michael C. Villa be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of August 1970.

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

[F.R. Doc. 70-11273; Filed, Aug. 25, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-4419]

NEVADA

Notice of Offering of Land for Sale

AUGUST 18, 1970.

Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, and pursuant to an application from the city of Elko, Nev., the Secretary of the Interior will offer for sale the following tract of land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 34 N., R. 55 E.,
Sec. 24, W½NE¼, NW¼.

The area described contains 240 acres.

It is the intention of the Secretary to enter into an agreement with the city of Elko to permit the city to purchase the land at its appraised market value, $24,000. The city will also be required to pay for the publication of notice of this offering.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Any adverse claimants to the above-described land should file their claims or objections with the undersigned within thirty days of the filing of this notice.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-11210; Filed, Aug. 25, 1970; 8:45 a.m.]

[New Mexico 10622]

NEW MEXICO

Notice of Classification of Public Lands for Multiple-Use Management

AUGUST 19, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriations, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. As a result of comments received following publication of the notice of proposed classification (35 F.R. 5128-5129), and at a public hearing held in Roswell, N. Mex., on May 26, 1970, the land described as lots 2, 3, SW¼NE¼ and SE¼NW¼ sec. 2, T. 9 S., R. 24 E., N. Mex. Principal Meridian, is eliminated from this classification notice. At 10 a.m. on August 28, 1970, the land described as lots 2, 3, SW¼NE¼ and SE¼NW¼ sec. 2, T. 9 S., R. 24 E., shall be relieved of its segregative effect. The record showing the comments received and other information is on file and can be examined in the Roswell District Office, Roswell, N. Mex. The public lands affected by this classification are located within the following described areas and are shown on map designated Roswell District Planning Unit No. 06-11 on file in the Roswell District Office, Bureau of Land Management, 1902 South Main Street, Roswell, N. Mex. 88201, and at the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

NEW MEXICO PRINCIPAL MERIDIAN

T. 4 S., R. 23 E.,
Sec. 33.
T. 5 S., R. 23 E.,
Sec. 3, lot 3, and S½SW¼;
Sec. 4, S½N½, NW¼SW¼, and S½S½;
Sec. 9, N½ and SE¼;
Sec. 10, NE¼NE¼, W½E½, W½, and E½SE¼;
Sec. 11, NE¼, E½NW¼, NW¼NW¼, SW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 12, S½;
Sec. 13, N½NE¼;
Sec. 14, NE¼NE¼, NW¼NW¼, and S½SW¼;
Secs. 15, 22, and 23;
Sec. 24, S½S½;
Secs. 25 and 26.
T. 5 S., R. 24 E.,
Sec. 9, SW¼;
Sec. 10, S½;
Sec. 11, W½SW¼;
Sec. 13, E½;
Sec. 14, E½, NW¼NW¼, SE¼NW¼, and SW¼SW¼;
Sec. 15, N½, N½SW¼, and NW¼SE¼;
Sec. 22, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 23, N½NE¼ and W½;
Sec. 24, N½N½;
Sec. 25, SE¼NE¼ and S½;
Sec. 26, NW¼NW¼ and S½;
Secs. 27, 28, 29, 30, 31, and 34;
Sec. 35, E½, N½NW¼, SW¼NW¼, and SW¼.
T. 6 S., R. 24 E.,
Sec. 1, lots 9, 10, 11, and 12;
Sec. 12, N½ and SE¼;
Sec. 13, N½, N½S½, and SW¼SW¼.
T. 7 S., R. 24 E.,
Sec. 23, SE¼;
Sec. 24, S½;
Sec. 25;
Sec. 26, E½;
Sec. 35, E½.
T. 8 S., R. 24 E.,
Sec. 1, lot 4, SW¼NW¼, and S½;
Sec. 3, SW¼ and E½SE¼;
Sec. 10, N½, N½SW¼, and SE¼;
Secs. 11, 12, 13, and 14;
Sec. 15, NE¼ and NE¼SE¼;
Sec. 24, N½, N½S½, and SE¼SW¼.
T. 9 S., R. 24 E.,
Sec. 1, SE¼;
Sec. 11, SE¼NE¼ and E½SE¼;
Sec. 12, E½, S½NW¼, and SW¼;
Sec. 13;

Sec. 14, E½E½ and W½W½;
Sec. 15, W½NE¼, NW¼, and W½SW¼;
Sec. 22, NE¼NW¼, S½N½, SW¼, and E½SE¼;
Sec. 23, E½NE¼, W½NW¼, and S½;
Sec. 24;
Sec. 25, NW¼, N½SW¼, and SE¼SW¼;
Sec. 26, SE¼SE¼SW¼NE¼, S½SE¼NE¼, SE¼NW¼SE¼NE¼, S½NE¼SE¼NE¼, NE¼NE¼SE¼NE¼, NW¼ diagonal one-half of NW¼SE¼SW¼, and NW¼SE¼;
Sec. 27, NE¼NE¼, S½NE¼, and W½;
Sec. 35, N½NE¼ and SW¼NE¼.

T. 5 S., R. 25 E.,
Sec. 13, E½E½ and W½SE¼;
Sec. 14, W½NW¼ and NW¼SW¼;
Sec. 15, NE¼, N½NW¼, SW¼NW¼, and NW¼SW¼;
Secs. 19 and 20;
Sec. 21, N½N½ and SW¼SW¼;
Sec. 22, E½, NW¼, and N½SW¼;
Sec. 23, S½NE¼, W½NW¼, NE¼SW¼, and N½SE¼;
Sec. 24, SE¼NW¼ and SW¼;
Sec. 25, NW¼ and S½;
Sec. 27, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 28, S½NE¼, NW¼, N½S½, SE¼SW¼, and S½SE¼;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 33, NE¼NE¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 34, N½ and SW¼SW¼;
Sec. 35, SW¼NW¼ and SW¼.

T. 6 S., R. 25 E.,
Sec. 1, lots 1, 2, 3, and 4;
Sec. 3, lots 1, 2, 3, and 4;
Sec. 4, lots 1, 2, 3, and 4;
Sec. 5, lots 1, 2, 3, and 4;
Sec. 6, lots 1, 2, 3, and 4;
Sec. 7, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Secs. 8, 9, and 10;
Sec. 12, N½NW¼ and N½SE¼;
Sec. 13, N½NW¼ and S½;
Sec. 14, S½S½;
Sec. 15;
Sec. 17, NE¼NE¼, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 21, E½, E½W½, and W½SW¼;
Sec. 22, NE¼, W½, and N½SE¼;
Sec. 23, N½;
Sec. 26;
Sec. 27, NW¼, N½SW¼, and S½SE¼;
Sec. 28, E½;
Sec. 33, NE¼NE¼, W½E½, and E½SE¼.

T. 7 S., R. 25 E.,
Sec. 1, lots 3, 4, and S½NW¼;
Secs. 3 and 4;
Sec. 9, S½SW¼ and SE¼;
Secs. 10, 15, 19, and 20;
Sec. 21, W½;
Sec. 22, N½, W½SW¼, and NW¼SE¼;
Sec. 24, E½SE¼;
Sec. 25, N½ and SE¼;
Sec. 26, N½;
Sec. 27, NW¼NW¼, S½N½, SW¼, and W½SE¼;
Secs. 28, 29, 30, 31, 33, and 34;
Sec. 35, E½ and SW¼.

T. 8 S., R. 25 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½S½, N½SW¼SE¼, and SE¼SE¼;
Secs. 3 and 4;
Sec. 5, E½, E½W½, and W½SW¼;
Sec. 6, lots 3, 4, E½SW¼, and SE¼;
Sec. 7;
Sec. 8, E½SW¼;
Sec. 9, NE¼ and E½NW¼;
Secs. 10 and 11;
Sec. 12, E½NE¼, S½NW¼NE¼, SW¼NE¼, W½, and SE¼;
Sec. 13, E½ and NW¼;
Sec. 14, N½;
Sec. 15, N½;
Sec. 18, lots 1, 2, 3, 4, NE¼, and E½W½;
Sec. 24, E½;
Sec. 25, NE¼.

T. 9 S., R. 25 E.,
Sec. 1, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 2, NE¼SW¼, N½SE¼SW¼, and SW¼SE¼;
Sec. 4, lot 2, SW¼NE¼, and W½SE¼;
Sec. 5, lots 1, 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 6, lots 1, 2, 6, 7, S½NE¼, E½SW¼, and SE¼;
Sec. 7;
Sec. 8, SW¼NE¼ and S½NW¼;
Sec. 9, W½NE¼ and SW¼SE¼;
Sec. 10, S½NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 11, E½E½ and SW¼SE¼;
Sec. 12;
Sec. 13, NW¼;
Sec. 14, E½E½, S½NW¼, SW¼, NW¼SE¼, and N½SW¼SE¼;
Sec. 15, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 18, lots 1, 2, 3, 4, and E½W½;
Sec. 19;
Sec. 20, E½;
Sec. 21, N½, W½SW¼, and E½SE¼;
Sec. 22, S½NE¼, W½, N½SE¼, S½SW¼SE¼, and SE¼SE¼;
Sec. 23;
Sec. 24, S½N½ and S½;
Sec. 25;
Sec. 26, E½ and N½NW¼;
Sec. 27, N½N½;
Sec. 28, N½NE¼;
Sec. 29, N½NW¼ and SW¼NW¼;
Sec. 30, N½NE¼ and S½SE¼;
Sec. 31, lots 1, 2, E½NE¼, NW¼NE¼, NE¼NW¼, and SE¼SW¼;
Sec. 35, E½.

T. 5 S., R. 26 E.,
Sec. 30, lots 3, 4, E¼SW¼, and SE¼;
Sec. 31.

T. 6 S., R. 26 E.,
Sec. 1, lots 1, 2, 3, and 4;
Sec. 3, lots 1, 3, and 4;
Sec. 4, lots 1, 2, and 4;
Sec. 5, lots 1, 2, 3, and 4;
Sec. 6, lots 1, 2, 3, and 4;
Sec. 7, lot 3, NE¼SW¼, and N½SE¼;
Sec. 8, E½NE¼ and SE¼;
Sec. 9, W½E½ and SW¼NW¼;
Sec. 10, E½NE¼ and W½SE¼;
Sec. 11, W½NW¼;
Sec. 12;
Sec. 13, E½W½;
Sec. 14, N½SW¼ and NW¼SE¼;
Sec. 15, W½E½, S½NW¼, and SW¼;
Sec. 17, W½NE¼, SE¼SW¼, and SE¼SE¼;
Sec. 18, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 19, E½;
Sec. 20, E½E½, S½NW¼, and SW¼;
Sec. 21, E½E½, W½NW¼, and NW¼SW¼;
Sec. 22, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 23, E½, S½NW¼, and SW¼;
Sec. 24, NW¼NW¼;
Sec. 25, E½NE¼, NW¼NE¼, W½, and S½SE¼;
Sec. 26;
Sec. 27, E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 28, NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 29, E½NE¼, SW¼NE¼, W½, and SE¼;
Sec. 30, lots 1, 2, NE¼, and E½NW¼;
Sec. 31;
Sec. 32, NW¼NE¼ and E½NW¼;
Sec. 33, E½NE¼, NW¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 34, N½NE¼, W½SW¼, and SE¼SW¼;
Sec. 35.

T. 7 S., R. 26 E.,
Sec. 1, E½SE¼;
Sec. 3, lots 2, 3, 4, SW¼NE¼, and SE¼;
Sec. 4, lots 1, 2, and 3;
Sec. 6, lots 3 and 4;
Sec. 7, E½SW¼;
Sec. 10, E½E½ and SW¼NE¼;
Sec. 12, S½;
Sec. 13, NE¼NE¼, W½NE¼, and NW¼;
Sec. 14, S½;
Sec. 15, S½;
Sec. 17, SE¼SW¼;
Sec. 18, lot 2, S½NE¼, and E½NW¼;
Sec. 19, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 20, NE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 21, E½ and NE¼NW¼;
Sec. 22, N½;
Sec. 25;
Sec. 26, E½ and NW¼;
Sec. 27, SW¼;
Sec. 29, SE¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, and SE¼;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½NW¼, and NE¼SW¼;
Sec. 31, lots 3, 4, NE¼SW¼, and SE¼SE¼;
Sec. 33, E½ and S½SW¼;
Sec. 34, S½.

T. 8 S., R. 26 E.,
Sec. 1;
Sec. 4, lot 4, SW¼NE¼, S½NW¼, and S½;
Sec. 5;
Sec. 6, lots 1, 4, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 7, lot 4, E½ and SE¼SW¼;
Secs. 8, 9, 11, 12, 15, and 17;
Sec. 18, E½;
Sec. 19, lots 1, 2, 3, 4, NE¼, and E½W½;
Sec. 24, E½;
Secs 25 and 26;
Sec. 27, E½;
Sec. 30, lot 3;
Sec. 31, lots 3, 4, NE¼, and NE¼SW¼;
Sec. 33, E½, S½NW¼, and SW¼;
Secs. 34 and 35.

T. 9 S., R. 26 E.,
Sec. 3, lots 1, 2, S½NE¼, and SE¼;
Sec. 4, lots 3, 4, S½NW¼, and SW¼;
Sec. 5, lot 1 and S½S½;
Sec. 6, lot 4 and S½SE¼;
Sec. 7, lots 2, 3, 4, E½, and E½SW¼;
Sec. 8;
Sec. 9, E½, NW¼, E½SW¼, and SW¼SW¼;
Sec. 19, lots 1, 2, 3, 4, and E½W½;
Sec. 29, S½;
Sec. 30, lots 1, 2, 3, 4, and E½W½;
Sec. 31.

T. 6 S., R. 27 E.,
Sec. 5, lots 1, 2, 3, and 4;
Sec. 6, lots 1, 2, 3, and 4;
Sec. 7, lots 1, 2, 3, 4, NE¼NE¼, E½W½, W½SE¼, and SE¼SE¼;
Sec. 8, S½SW¼;
Sec. 9, E½, S½NW¼, and SW¼;
Sec. 10, W½;
Sec. 15, NW¼;
Sec. 19, lots 2, 3, 4, E½, and E½W½;
Sec. 20;
Sec. 21, N½NE¼ and W½;
Secs. 28, 29, and 30;
Sec. 33, N½, N½SW¼, and SE¼SW¼.

T. 7 S., R. 27 E.,
Sec. 5, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
Secs. 6 and 7;
Sec. 8, W½;
Sec. 17, W½;
Sec. 18, lot 4, E½, and SE¼SW¼;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, and W½SE¼;
Sec. 20, N½NW¼;
Sec. 30, lots 1, 2, 3, 4, and E½W½;
Sec. 31, lots 1, 2, 3, 4, and E½W½.

The areas described aggregate 113,595.33 acres more or less.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the

exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-11219; Filed, Aug. 25, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 7 of the Disaster Relief Act of 1969 (42 U.S.C. 1855fff), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Aransas.	Nueces.
Bee.	Refugio.
Jim Wells.	San Patricio.
Live Oak.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of August 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-11268; Filed, Aug. 25, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 0130NV]

BENZATHINE PENICILLIN G

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Bicillin Long-Acting; contains 200,000 units of benzathine penicillin G per cubic centimeter; by Wyeth Laboratories Inc., Box 8299, Philadelphia, Pa. 19101.

The Academy evaluated this product as probably effective for treating infections in cattle, sheep, swine, dogs and turkeys when such infections are caused by pathogens sensitive to benzathine penicillin G. The Academy states that: (1) The dosage directions should be on the basis of body weight and species (units per pound or kilogram); in small animals, the recommended dosage should provide blood levels equivalent to a minimum daily dose of 10,000 units of procaine penicillin G per pound of body weight; in large animals, the recommended dosage should provide blood levels equivalent to a minimum daily dose of 3,000 units procaine penicillin G per pound of body weight; in some instances, because of decreasing bacterial sensitivity higher doses may be necessary; (2) treatment for hypersensitivity reactions to penicillin should be stated on the label; (3) the clinical use of penicillin products in treating staphylococcal infections should be proceeded by sensitivity testing of the causative organism; (4) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease cannot be so qualified, the claim must be dropped; and (5) the effectiveness of the labeling recommendation, to increase the dose if the infection is severe or if the animal does not respond in 24 hours, should be documented.

The Food and Drug Administration concurs in the Academy's findings.

In accordance with § 3.25 *Antibiotics used in food-producing animals*, an order published in the FEDERAL REGISTER of May 17, 1969 (34 F.R. 7849), amended § 146a.77 *Benzathine penicillin G for aqueous injection* to require the statement "Warning—Not for use in animals which are raised for food production."

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

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11243; Filed, Aug. 25, 1970; 8:48 a.m.]

[DESI 0135NV]

OXYTETRACYCLINE-VITAMIN MIXTURE FOR USE IN DRINKING WATER

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Gland-O-Lac Gol-A-Cin; each pound contains oxytetracycline fermentation solubles and meals and oxytetracycline quaternary salts equivalent to 25 grams of oxytetracycline hydrochloride, 1,600,000 U.S.P. units vitamin A, 1,300,000 I.C. units vitamin D_3, 4,500 micrograms of vitamin B_{12} activity, 1,300 milligrams of riboflavin, 5,500 milligrams niacin, 1,196 milligrams of *d*-pantothenic acid, 750 milligrams of menadione sodium bisulfite; by The Gland-O-Lac Co., Subsidiary of E. R. Squibb & Sons, Inc., Agricultural Research Center, Three Bridges, N.J. 08887.

The Academy classified this product as probably not effective for use in water to reduce, treat, and prevent infection in turkeys and chickens, stimulate feed intake or help maintain high egg production. The report also stated: (1) Each disease should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified the claim must be dropped; (2) claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of"; (3) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination; and (4) the label should warn that treated animals must actually consume enough medicated water to provide a therapeutic dose under the conditions that prevail, and as a precaution the label should

state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water.

The Food and Drug Administration concurs with the Academy's findings.

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

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

Manufacturers of the subject drug are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11244; Filed, Aug. 25, 1970; 8:48 a.m.]

[DESI 0141 NV]

OXYTETRACYCLINE SOLUBLE POWDER WITH VITAMINS AND NUX VOMICA EXTRACT

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Vit-a-Cin; each pound contains oxytetracycline fermentation solubles and oxytetracycline quaternary salt representing 4 grams of oxytetracycline hydrochloride activity, 0.8 milligram of vitamin B_{12} activity, 200,000 U.S.P. units of vitamin A palmitate, 160,000 I.C. units of vitamin D_3, 33.76 milligrams of menadione sodium bisulfite (source of vitamin K activity), 832 milligrams of niacin, 208 milligrams of riboflavin, 4 grams of choline chloride, 191 milligrams of *d* pantothenic acid, and 1.0 percent nux vomica extract (furnishing 5 grains of strychnine); by The Gland-O-Lac Co., Subsidiary of E. R. Squibb & Sons, Inc., Agricultural Research Center, Three Bridges, N.J. 08887.

The Academy classified this product as probably not effective for use in poultry drinking water for treatment and prevention of bacterial infections and increased rate of growth in chickens and turkeys. The Academy stated:

1. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)" and if the disease claim cannot be so qualified the claim must be dropped.

2. The label should warn that treated animals must actually consume enough medicated water to provide a therapeutic dose under the conditions that prevail and as a precaution the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water.

3. Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of."

4. Claims for growth promotion or stimulation are disallowed and claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions."

5. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

6. The statement that the product may aid in maintaining egg production and hatchability should be revised to include "under appropriate conditions by controlling pathogenic micro-organisms."

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

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

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

Manufacturers of the subject drug are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11245; Filed, Aug. 25, 1970; 8:48 a.m.]

[DESI 3402]

VASOPRESSIN TANNATE IN OIL

Drugs for Human Use; Drug Efficacy Study Implementation

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

Pitressin Tannate in Oil Ampoules containing vasopressin tannate; marketed by Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 3-402).

The drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that the drug is effective for the control or prevention of the symptoms of complications of diabetes insipidus due to a deficiency of endogenous posterior pituitary antidiuretic hormone.

B. *Form of drug.* Vasopressin tannate preparations are in sterile oleaginous form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

Pitressin Tannate in oil is indicated for the control or prevention of the symptoms and complications of diabetes insipidus due to a deficiency of endogenous posterior pituitary antidiuretic hormone.

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

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

b. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

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

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

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

E. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1) and (2), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

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

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

b. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

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

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

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 3402 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

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

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

Dated: July 30, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11246; Filed Aug. 25, 1970; 8:48 a.m.]

[DESI 4837]

CERTAIN ANTIFUNGAL DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Cerosal Ointment containing salicylic acid, cerium salicylate, butylparaben, thymol, chlorobutanol, dioctyl sodium sulfosuccinate; marketed by Kahlenberg Laboratories, Inc., Post Office Box 3318, Sarasota, Fla. 33578 (NDA 4-837).

2. Sporostacin Solution containing chlordantoin and benzalkonium chloride; marketed by Ortho Pharmaceutical Corp., Raritan, N.J. 08869 (NDA 12-569).

3. Keralac, nail lacquer, containing chloranil; marketed by Philip T. Paul, doing business as Salem Pharmacal, 23 Summit Road, Naugatuck, Conn. 06770 (NDA 11-379).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that the drugs are possibly effective for all labeled indications as antifungal drugs.

B. *Marketing status.* 1. Holders of previously approved new drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially-controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above named holders of the new-drug applications for these drugs have been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 4837 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

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

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

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

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

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

Dated: July 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11247; Filed, Aug. 25, 1970; 8:48 a.m.]

[DESI 5657]

[Docket No. FDC–D–226; NDA 5–657, etc.]

CERTAIN DRUGS USED AS ADJUNCTS TO ANESTHESIA TO INDUCE SKELETAL MUSCLE RELAXATION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following anesthetic drugs use for skeletal muscular relaxation:

1. Metubine Iodide Injection containing dimethyl tubocurarine iodide, marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6–632).

2. Mecostrin Injection containing dimethyl tubocurarine chloride, marketed by E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. (NDA 7–371).

3. Tubarine Injection containing tubocurarine chloride, marketed by Burroughs Wellcome and Co., Inc., 1 Scarsdale Road, Tuckahoe, N.Y. 10707 (NDA 6–283).

4. Tubocurarine Chloride Injection, marketed by Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11533 (NDA 6–505).

5. Tubocurarine Chloride Injection, marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 6–095).

6. Tubocurarine Chloride Injection, marketed by Eli Lilly & Co. (NDA 6–325).

7. Tubocurarine Chloride Injection, marketed by E. R. Squibb & Sons (NDA 5–657).

8. Anectine Sterile Powder for Injection and Sterile Solution containing succinylcholine chloride, marketed by Burroughs-Wellcome and Co., Inc. (NDA 8–453).

9. Quelicin Chloride Injection containing succinycholine chloride, marketed by Abbott Laboratories (NDA 8–845).

10. Sucostrin Injection containing succinylcholine chloride, marketed by E. R. Squibb & Sons, Inc. (NDA 8–847).

11. Syncurine Injection containing decamethonium bromide, marketed by Burroughs-Wellcome & Co. (NDA 6–931).

12. Flaxedil Injection containing gallamine triethiodide, marketed by Davis and Geck, Division of American Cyanamid Co., 1 Casper Street, Danbury, Conn. 06810 (NDA 7–842).

13. Mylaxen Injection containing hexafluorenium bromide, marketed by Neisler Laboratories, Division of Mallinckrodt Chemical Works, Post Office Box 5439, St. Louis, Mo. 63160 (NDA 9–789).

The drugs are regarded as new drugs. (21 U.S.C. 321 (p).) Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described in this announcement.

I. *Dimethyl tubocurarine iodide*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that dimethyl tubocurarine iodide injection is effective for the indications stated in the labeling conditions set forth in I. B.

B. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request.)

INDICATIONS

Dimethyl tubocurarine iodide is indicated as an adjunct to anesthesia to induce skeletal muscle relaxation. It may be employed to reduce the intensity of muscle contraction of pharmacologically or electrically induced convulsion. It may be used as a diagnostic agent for myasthenia gravis where the results of tests with neostigmine or edrophonium are inconclusive.

II. *Dimethyl tubocurarine chloride*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that dimethyl tubocurarine chloride injection is effective for the indications stated in the labeling conditions set forth in II. B.

B. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the

drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request.)

INDICATIONS

Dimethyl tubocurarine chloride is indicated an as adjunct to anesthesia to induce skeletal muscle relation. It may be employed to reduce the intensity of muscle contractions of pharmacologically or electrically induced convulsions. It may be used as a diagnostic agent for myasthenia gravis where the results of the tests with neostigmine or edrophonium are inconclusive.

III. *Tubocurarine chloride*—A. *Effectiveness classification.* The Food and Drug Administration has considered the reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that tubocurarine chloride injection:

1. Is effective for the indications stated in the labeling conditions set forth in III. B.

2. Lacks substantial evidence of effectiveness for use in treating spasticity of central nervous system origin and to provide relief in various types of muscle spasm.

B. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uninform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request.)

INDICATIONS

Tubocurarine chloride is indicated as an adjunct to anesthesia to induce skeletal muscle relaxation. It may be employed to reduce the intensity of muscle contraction or pharmacologically or electrically induced convulsions. It may be used as a diagnostic agent for myasthenia gravis where the results of tests with neostigmine or edrophonium are inconclusive.

IV. *Succinylcholine chloride injection*—A. *Effectiveness classification.* The Food and Drug Administration has considered reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that succinylcholine chloride injection:

1. Is effective for the indications stated in the labeling conditions set forth in IV. B.

2. Is possibly effective for use toward the end of an operation when effect of another longer-acting relaxant has begun to wear off.

B. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request.)

INDICATIONS

Succinylcholine chloride is indicated as an adjunct to anesthesia to induce skeletal muscle relaxation. It may be employed to reduce the intensity of muscle contractions of pharmacologically or electrically induced convulsions.

V. *Decamethonium bromide*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that decamethonium bromide injection is effective for the indications stated in the labeling conditions set forth in V.B.

B. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. (Labeling guidelines for the drug are available from the Administration on request.) The "Indications" section is as follows:

INDICATIONS

Decamethonium bromide is indicated as an adjunct to anesthesia to induce skeletal muscle relaxation. It may be employed to reduce the intensity of muscle contractions of pharmacologically or electrically induced convulsions.

VI. *Gallamine triethiodide*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that gallamine triethiodide injection is effective for the indications stated in the labeling conditions set forth in VI.B.

B. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispenisng without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. (Labeling guidelines for the drug are available from the Administration on request.) The "Indications" section is as follows:

INDICATIONS

Gallamine triethiodide is indicated as an adjunct to anesthesia to induce skeletal muscle relaxation.

VII. *Hexafluorenium bromide*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, as well as other available evidence, and concludes that hexafluorenium bromide is effective for the indications stated in the labeling conditions set forth in VII.B.

B. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. (Labeling guidelines for the drug are available from the Administration on request.) The "Indications" section is as follows:

INDICATIONS

Hexafluorenium bromide is indicated as an adjunct for use with succinylcholine to prolong the neuromuscular blockade and obviate the muscular fasciculations sometimes seen when succinylcholine is administered.

VIII. *Form of drug.* Preparations containing dimethyl tubocurarine iodide, dimethyl tubocurarine chloride, tubocurarine chloride, succinylcholine chloride, decamethonium bromide, gallamine triethiodide, or hexafluorenium bromide are sterile solutions or sterile powders for dilution and are suitable for parenteral administration.

IX. *Marketing status.* Marketing of the drugs may continue under the conditions described in paragraphs XI and XII of this announcement except that those indications referenced in paragraph X may continue to be used as described therein.

X. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which succinylcholine chloride is described in paragraph IV.A. above as possibly effective (not included in the labeling conditions in paragraph IV.B.) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

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

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

2. Updating information as needed to make the application current in regard

to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new drug application form FD–356H to the extent described for abbreviated new drug applications, § 130.4 (f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

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

1. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

2. 60 days for updating information.

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

XII. *New applications.* A. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has shown to be effective, as described above, should submit an abbreviated new drug application meeting the conditions specified in § 130.4(f) (1) and (2), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

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

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

2. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new drug application to the Food and Drug Administration.

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

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

XIII. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use containing the same components and offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130, the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7252). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 5657 and be directed to the attention of the appropriate office listed below and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for NAS–NRC report: Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Supplements: Office of Marketed Drugs (BD–200), Bureau of Drugs.

Original abbreviated new drug applications: Office of Marketed Drugs (BD–200), Bureau of Drugs.

Request for Hearing (Identify with Docket number), Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn.

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

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

Dated: August 5, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11248; Filed, Aug. 25, 1970; 8:48 a.m.]

[DESI 5856]

[Docket No. FDC–D–187; NDA 5–856 etc.]

CERTAIN ANTICONVULSANT DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following anticonvulsant drugs for parenteral or oral use:

1. Dilantin Powder for Injection containing sodium diphenylhydantoin, marketed by Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 10–151).

2. Zarontin Capsules containing ethosuximide, marketed by Parke, Davis and Co. (NDA 12–380).

3. Dilantin (Oral) Suspension containing diphenylhydantoin, marketed by Parke, Davis and Co. (NDA 8–762).

4. Mysoline Tablets containing primidone, marketed by Ayerst Laboratories, 685 Third Avenue, New York, N.Y. 10017 (NDA 9–170).

5. Milontin Kapseals containing phensuximide, marketed by Parke, Davis and Co. (NDA 8–855).

6. Milontin (Oral) Suspension containing phensuximide, marketed by Parke, Davis and Co. (NDA 8–855).

7. Celontin Kapseals containing methsuximide, marketed by Parke, Davis and Co. (NDA 10–596).

8. Perganone Tablets containing ethotoin, marketed by Abbott Laboratories,

14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 10–841).

9. Tridione Tablets containing trimethadione, marketed by Abbott Laboratories (NDA 5–856).

10. Tridione Capsules containing trimethadione, marketed by Abbott Laboratories (NDA 5–856).

11. Tridione Oral Solution containing trimethadione, marketed by Abbott Laboratories (NDA 5–856).

12. Paradione Capsules containing paramethadione, marketed by Abbott Laboratories (NDA 6–800).

13. Paradione Oral Solution containing paramethadione, marketed by Abbott Laboratories (NDA 6–800).

14. Mysoline (Oral) Suspension containing primidone, marketed by Ayerst Laboratories (NDA 10–401).

15. Mesantoin Tablets containing mephenytoin, marketed by Sandoz Pharmaceuticals, Division of Sandoz, Inc., Route 10, Hanover, N.J. 07936 (NDA 6–008).

16. Gemonil Tablets containing metharbital, marketed by Abbott Laboratories (NDA 8–322).

17. Phenurone Tablets containing phenacemide, marketed by Abbott Laboratories (NDA 7–707).

The drugs are regarded as new drugs (21 U.S.C. 320(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

DIPHENYLHYDANTOIN; ETHOSUXIMIDE; ETHOTOIN; MEPHENYTOIN; METHARBITAL; METHSUXIMIDE; PARAMETHADIONE; PHENACEMIDE; PHENSUXIMIDE; PRIMIDONE; SODIUM DIPHENYLHYDANTOIN; TRIMETHADIONE

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

1. These drugs are effective or probably effective for the indications which appear in the "Indications" section of this announcement. The probably effective indication is for oral diphenylhydantoin for symptomatic relief of vascular headache, i.e., migraine, and of trigeminal neuralgia.

2. Methsuximide for oral use is possibly effective as an anticonvulsant for treatment of patients with psychomotor epilepsy.

3. Ethotoin for oral use is possibly effective for control of petit mal and petit mal variants.

4. Diphenylhydantoin in oral dosage form lacks substantial evidence of effectiveness for its recommended use in convulsive states other than idiopathic epilepsy, as in chorea or Parkinson's syndrome, to improve control of voluntary movements and in the treatment of certain psychoses.

B. *Form of drug.* These drug preparations are in a form suitable for oral administration. Sodium diphenylhydantoin is also in powder form suitable for preparation of a solution for parenteral administration.

C. *Labeling conditions.* 1. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use of the drugs and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

a. Sodium Diphenylhydantoin (parenteral):

INDICATIONS

For control of status epilepticus and of seizures occurring during neurosurgery.

b. Ethosuximide (oral):

INDICATIONS

For the control of petit mal seizures.

c. Diphenylhydantoin (oral):

INDICATIONS

For the control of grand mal and psychomotor seizures, and for symptomatic relief of vascular headache, i.e., migraine, and of trigeminal neuralgia.

d. Primidone (oral):

INDICATIONS

For control of grand mal, psychomotor, or focal seizure.

e. Phensuximide (oral):

INDICATIONS

For the control of petit mal seizures.

f. Methsuximide (oral):

INDICATIONS

For the control of petit mal seizures that are refractory to other drugs.

g. Ethotoin (oral):

INDICATIONS

For the control of grand mal and psychomotor seizures.

h. Trimethadione (oral):

INDICATIONS

For the control of petit mal seizures that are refractory to other drugs.

i. Paramethadione (oral):

INDICATIONS

For the control of petit mal seizures that are refractory to other drugs.

j. Mephenytoin (oral):

INDICATIONS

For the control of grand mal, focal, Jacksonian, and psychomotor seizures that are refractory to other drugs.

k. Metharbital (oral):

INDICATIONS

For the control of grand mal, petit mal, myoclonic, and mixed type of seizures.

l. Phenacemide (oral):

INDICATIONS

For the control of severe epilepsy, particularly mixed forms of psychomotor seizures, refractory to other drugs.

D. *Indications permitted during extended period for obtaining substantial evidence.* 1. Those indications for which diphenylhydantoin is described in paragraph A above as probably effective are included in the labeling conditions in paragraph C and may continue to be used for 12 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

2. Those indications for which ethotoin and methsuximide are described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing such drugs without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Marketing status.* Marketing of the drugs may continue under the conditions described in paragraphs F and G of this announcement except that those indications referenced in paragraph D may continue to be used as described therein.

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

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

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD–356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

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

a. 60 days for revised labeling—the supplement should be submitted under

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

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the period stated.)

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

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

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

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

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

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

H. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use containing the same components and offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigation data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 5856 and directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

Request for hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn Building.

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

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

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

Dated: July 30, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11249; Filed, Aug. 25, 1970; 8:48 a.m.]

[DESI 6134]

METHADONE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs for oral or parenteral use containing methadone hydrochloride:

1.a. Dolophine Hydrochloride Syrup;

b. Dolophine Hydrochloride Tablets;

c. Dolophine Hydrochloride Ampoules; all marketed by Eli Lilly and Company, Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6–134).

2. Methadone Hydrochloride Injection; marketed by the Upjohn Company, 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 6–311).

3. Methadone Hydrochloride Steri-Vial; marketed by Parke, Davis & Company, Joseph Campau at the River, Detroit, Mich. 48232 (NDA 6–310).

4. Methadone Hydrochloride Injection; marketed by The Wm. S. Merrell Company, Division of Richardson-Merrell, Inc., Lockland Station, Cincinnati, Ohio 45215 (NDA 6–370).

5. Methadone Hydrochloride Injection; marketed by S. E. Massengill Co., 527 Fifth Street, Bristol, Tenn. 37620 (NDA 6–345).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under

conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that methadone hydrochloride is effective for the relief of moderate to severe pain; for the control of cough in those patients in whom antitussives with less abuse liability have proven inadequate; and for suppressing the narcotic abstinence syndrome in the course of withdrawal therapy for narcotic dependence.

B. *Form of drug.* Methadone hydrochloride preparations are in syrup, tablet, or sterile solution form suitable for oral or parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

DESCRIPTION

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

ACTIONS

Methadone hydrochloride is a synthetic narcotic analgesic with multiple actions quantitatively similar to those of morphine; the most prominent of these actions involve the central nervous system and organs composed of smooth muscle. The principal actions of therapeutic value are analgesia and sedation. Methadone also possesses significant antitussive activity. The methadone abstinence syndrome, while qualitatively similar to that of morphine, differs in that the onset is slower, the course is more prolonged and the symptoms are less severe.

Methadone, in 8 to 10 mg parenteral doses, is approximately equivalent in analgesic effect to 10 mg of morphine; with single dose administration, the onset and duration of analgesic action of the two drugs are similar.

When administered orally, methadone is approximately one-half as potent as with parenteral administration; oral administration results in a delay of the onset, a lowering of the peak and an increase in the duration of analgesic effect.

INDICATIONS

For the relief of moderate to severe pain.

For suppressing the narcotic abstinence syndrome in the course of withdrawal therapy for narcotic dependence.

For the control of cough in those patients in whom antitussives with less abuse liability have proven inadequate.

CONTRAINDICATIONS

Hypersensitivity of methadone.

WARNINGS

Drug dependence. Methadone can produce drug dependence of the morphine type and therefore has the potential for being abused. Psychic dependence, physical dependence and tolerance may develop upon repeated administration of methadone, and it should be prescribed and administered with the same degree of caution appropriate to the use of morphine. Like other narcotics, methadone is subject to the provisions of the Federal narcotic laws.

Interaction with other central nervous system depressants. Methadone should be used with great caution and in reduced dosage in patients who are concurrently receiving other narcotic analgesics, general anesthetics, phenothiazines, other tranquilizers, sedative-hypnotics, tricyclic antidepressants and other CNS depressants (including alcohol). Respiratory depression, hypotension and profound sedation or coma may result.

Head injury and increased intracranial pressure. The respiratory depressant effects of methadone and its capacity to elevate cerebrospinal fluid pressure may be markedly exaggerated in the presence of increased intracranial pressure. Furthermore, narcotics produce side effects which may obscure the clinical course of patients with head injuries. In such patients, methadone must be used with extreme caution and only if its use is deemed essential.

Asthma and other respiratory conditions. Methadone should be used with extreme caution in patients having an acute asthmatic attack, patients with chronic obstructive pulmonary disease or cor pulmonale, patients with a substantially decreased respiratory reserve, and patients with preexisting respiratory depression, hypoxia or hypercapnia. In such patients, even usual therapeutic doses of narcotics may decrease respiratory drive while simultaneously increasing airway resistance to the point of apnea.

Hypotensive effect. The administration of methadone may result in severe hypotension in an individual whose ability to maintain his blood pressure has already been compromised by a depleted blood volume or concurrent administration of drugs such as the phenothiazines or certain anesthetics.

Usage in ambulatory patients. Methadone may impair the mental and/or physical abilities required for the performance of potentially hazardous tasks such as driving a car or operating machinery. The patient should be cautioned accordingly.

Methadone, like other narcotics, may produce orthostatic hypotension in ambulatory patients.

Usage in pregnancy. Safe use in pregnancy has not been established relative to possible adverse effects on fetal development. Therefore, methadone should not be used in pregnant women unless, in the judgment of the physician, the potential benefits outweigh the possible hazards.

Methadone is not recommended for obstetrical analgesia because its long duration of action increases the probability of respiratory depression in the newborn.

Use in children. Methadone is not recommended for use as an analgesic in children because documented clinical experience has been insufficient to establish a suitable dosage regimen for the pediatric age group.

PRECAUTIONS

Acute abdominal conditions. The administration of methadone or other narcotics may obscure the diagnosis or clinical course in patients with acute abdominal conditions.

Interaction with monoamine oxidase inhibitors (MAOI). Therapeutic doses of meperidine have precipitated severe reactions in patients concurrently receiving monoamine oxidase inhibitors, or those who have received such agents within 14 days. Similar reactions have not thus far been reported with methadone, but should the use of methadone be necessary in such patients, a sensitivity test should be performed in which repeated, small, incremental doses are administered over the course of several hours while the patient's condition and vital signs are under careful observation.

Special risk patients. Methadone should be given with caution and the initial dose should be reduced in certain patients such as the elderly or debilitated, and those with severe impairment of hepatic or renal function, hypothyroidism, Addison's disease, and prostatic hypertrophy, or urethral stricture.

ADVERSE REACTIONS

The major hazards of methadone, as with other narcotic analgesics, are respiratory depression and, to a lesser degree, circulatory depression; respiratory arrest, shock and cardiac arrest have occurred.

The most frequently observed adverse reactions include light headedness, dizziness, sedation, nausea, vomiting, and sweating. These effects seem to be more prominent in ambulatory patients and in those who are not suffering severe pain. In such individuals, lower doses are advisable. Some adverse reactions in ambulatory patients may be alleviated if the patient lies down.

Other adverse reactions include:

Central nervous system: Euphoria, dysphoria, weakness, headache, agitation, disorientation, visual disturbances.

Gastrointestinal: Dry mouth, constipation, biliary tract spasm.

Cardiovascular: Flushing of the face, bradycardia, palpitation, faintness, syncope.

Genitourinary: Urinary retention.

Allergic: Pruritus, urticaria, other skin rashes, and rarely hemorrahic urticaria.

Other: Pain at injection site; local tissue irritation and induration following subcutaneous injection, particularly when repeated; antidiuretic effect.

DOSAGE AND ADMINISTRATION

For relief of pain. Dosage should be adjusted according to the severity of the pain and the response of the patient. It may occasionally be necessary to exceed the usual dosage recommended below in cases of exceptionally severe pain or in those patients who have become tolerant to the analgesic effect of narcotics. While subcutaneous administration is suitable for occasional use, intramuscular administration is preferred when repeated doses are required.

Usual adult dosage: 2.5–10 mg I.M., S.C. or oral, every 3 or 4 hours as necessary.

For suppressing the narcotic abstinence syndrome. The narcotic upon which the patient is dependent is replaced by methadone (preferably administered orally two or four times a day) in a dosage sufficient to suppress the abstinence syndrome. After a satisfactory stabilization dose has been found, the total daily dose is reduced by approximately 20 percent each day. The majority of patients can be completely withdrawn in 10 days or less.

As an antitussive: (with appropriate formulation)

Usual adult dosage: 1 to 2 mg every 4–6 hours

Usual children's dosage 3 to 12 years: 0.5 to 1 mg every 4–6 hours

Overdosage. Symptoms: Serious overdosage with methadone is characterized by respiratory depression (a decrease in respiratory rate and/or tidal volume, Cheyne-Stokes respiration, cyanosis), extreme somnolence progressing to stupor or coma, maximally constricted pupils, skeletal muscle flaccidity, cold and clammy skin, and sometimes bradycardia and hypotension. In severe overdosage, particularly in the intravenous route, apnea, circulatory collapse, cardiac arrest and death may occur.

Treatment: Primary attention should be given to the re-establishment of adequate respiratory exchange through provision of a

patient airway and institution of assisted or controlled ventilation. The narcotic antagonists, nalorphine hydrochloride and levallorphan tartrate, are specific antidotes against respiratory depression which may result from overdosage or unusual sensitivity to narcotics, including methadone. Therefore, an appropriate dose of one or these antagonists should be administered, preferably by the intravenous route, simultaneously with efforts at respiratory resuscitation.

An antagonist should not be administered in the absence of clinically significant respiratory or cardiovascular depression.

Oxygen, intravenous fluids, vasopressors and other supportive measures should be employed as indicated.

NOTE: In an individual physically dependent on narcotics, the administration of the usual dose of a narcotic antagonist will precipitate an acute withdrawal syndrome. The severity of this syndrome will depend on the degree of physical dependence and the dose of antagonist administered. The use of a narcotic antagonist in such individuals should be avoided if possible. If a narcotic antagonist must be used to treat serious respiratory depression in the physically dependent patient, the antagonist should be administered with extreme care and only one-fifth to one-tenth the usual initial dose administered.

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

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

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

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new drug application form FD-356H to the extent described for abbreviated new drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

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

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

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

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

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

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

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

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

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

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

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

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Marketed Drug (BD-200), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 6134 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

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

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

Dated: August 5, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11250; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 6472]

CERTAIN PARENTERAL ELECTROLYTE SOLUTIONS: LACTATED POTASSIC SALINE INJECTION; AND AMMONIUM CHLORIDE INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Ammonium Chloride in Distilled Water containing ammonium chloride 0.9 percent (NDA 6-580); and

2. Lactated Potassic Saline Injection; containing potassium chloride, sodium chloride, and sodium lactate (NDA 6-472), both marketed by Don Baxter, Inc., 1015 Grandview Avenue, Glendale, Calif. 91201.

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports and concludes that:

1. Lactated potassic saline injection is possibly effective as a replacement solution for parenteral use in infants with dehydration due to diarrhea.

2. Ammonium chloride injection, 0.9 percent, is possibly effective in the treatment of chloride loss due to vomiting, gastric fistula drainage, gastric suction, excessive alkalinizing medication, or overuse of organomercurial diuretics.

B. *Marketing status.* 1. Holders of previously approved new drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially-controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above named holders of the new-drug applications for these drugs have been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6472 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

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

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

Dated: July 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11251; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 6580]

CERTAIN PARENTERAL ELECTROLYTE SOLUTIONS: POTASSIUM CHLORIDE INJECTION; AND AMMONIUM CHLORIDE IN SODIUM CHLORIDE INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Potassium Chloride Injection, 15 percent, marketed by Eli Lilly and Company, P.O. Box 618, Indianapolis, Ind., 46206 (NDA 7–865).

2. Ammonium Chloride, 0.9 percent, in Normal Saline Injection, containing ammonium chloride and sodium chloride, marketed by Don Baxter, Inc., 1015 Grandview Avenue, Glendale, Calif., 91201 (NDA 6–580).

The drugs are regarded as new drugs (21 U.S.C. 321 (p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described in this announcement.

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

1. Potassium chloride injection, 15 percent, is effective for treatment of potassium deficiency when oral replacement therapy is not feasible.

2. Ammonium chloride 0.9 percent in sodium chloride injection is effective for treatment of chloride loss due to vomiting, gastric fistula drainage, gastric suction, excessive alkalinizing medication, or overuse of organomercurial diuretics.

B. *Form of drug.* These preparations are in sterile solution form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use of the drugs and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

Potassium Chloride Injection:

INDICATION

This drug is indicated in the treatment of potassium deficiency states when oral replacement therapy is not feasible.

Ammonium Chloride 0.9 percent in Sodium Chloride Injection:

INDICATION

Ammonium chloride may be indicated in the treatment of patients with: (1) hypochloremic states and (2) metabolic alkalosis.

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

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

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

b. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 9 (methods, facilities, and controls) of the new drug application form FD–356H to the extent described for abbreviated new drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

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

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

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

preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new drug application meeting the conditions specified in § 130.4(f) (1) and (2), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

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

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

b. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new drug application to the Food and Drug Administration.

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

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

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 6580 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

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

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

Dated: July 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11252; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 6602V]

CERTAIN DRUG PRODUCTS CONTAINING DOXYLAMINE SUCCINATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 520 West 21st Street, Kansas City, Mo. 64141:

1. Jen-Sal A–H Tablets; tablets containing 25 or 100 milligrams of doxylamine succinate.

2. Jen-Sal A–H Solution; each cubic centimeter contains 11.36 milligrams of doxylamine succinate.

The Academy report stated that A–H Tablets for small animals (25 milligrams of drug) are probably effective as an oral antihistaminic for urticaria, allergic dermatitis, and other allergic syndromes. A–H Tablets for large animals (100 milligrams of drug), are probably effective as an oral antihistaminic for equine and bovine laminitis, equine pulmonary emphysema, and other allergic syndromes. The A–H Solution is probably effective as an antihistaminic for the same conditions of use as annotated for the A–H Tablets. The Academy's report also stated:

1. Documentation consists of case reports with no controlled studies to indicate the efficacy of doxylamine succinate for the conditions of use indicated.

2. Extensive literature attests to the fact that doxylamine succinate is an antihistaminic agent. Literature available does not, however, indicate that histamine release occurs in adequate levels to be a clinical problem in septic metritis, gangrenous mastitis, toxic engorgement, and mycotic stomatitis. The use of antihistaminics in treating these conditions is questionable; documentation does not support the claim for use of the drug as an adjuvant for toxemias. The use of the drug in treating selected allergic disorders is more justifiable but still not adequately documented. The role of histamine as a causative agent in laminitis and pulmonary emphysema could also be questioned, but there is evidence that antihistaminic therapy is rational.

3. It is suggested that the label and/or package insert include dosage recommendations based on a pound of weight basis and that the indications for use be limited to those conditions in which antihistaminic therapy may be expected to lead to alleviation of some signs of disease. Efficacy is not well established except in the case of exposure to an antigen to which the animal has a preexisting sensitivity. The sedative and antiemetic actions of antihistaminic drugs on the central nervous system may have prophylactic or therapeutic value in selected situations.

4. The labeling should include information on side effects such as: (a) Depression of the central nervous system and the incoordination that may occur at therapeutic dose levels; (b) disturbances in gastrointestinal functions that may occur; and (c) overdosage that may give rise to excitement, ataxia, and convulsions.

5. Evidence must be provided that the tablets disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

The Food and Drug Administration concurs with the Academy's findings.

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

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

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food

and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS–NRC reports. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11253; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 6813]

CERTAIN ANTIPARKINSON DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Artane Sequels, containing 5 milligrams trihexyphenidyl hydrochloride per sustained-release capsule; Lederle Laboratories, Division of American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 12–947).

2. Panparnit Tablets, containing 12.5 or 50 milligrams caramiphen hydrochloride; Geigy Chemical Corp., Saw Mill River Road, Ardsley, N.Y. 10502 (NDA 6–813).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

I. *Trihexyphenidyl hydrochloride, sustained-release capsules*—A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report and concludes that trihexyphenidyl hydrochloride in sustained-release form is probably effective as an adjunct in the therapy of all forms of parkinsonism (postencephalitic, arteriosclerotic, and idiophatic), and for use in the prevention or control of extrapyramidal disorders due to central nervous system drugs such as reserpine and phenothiazines.

B. *Marketing status.* 1. Those indication for which the drug is described in paragraph A above as probably effective may continue to be used for 12 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially-controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 12-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drugs on the market to be new drugs for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER, persons marketing the drug without approval should revise labeling as needed and the holder of any approved new drug application for such drug should submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74) and recommends use of the drug for the probably effective indications as follows:

INDICATIONS

This drug is indicated as an adjunct in the therapy of all forms of parkinsonism (postencephalitic, arteriosclerotic, and idiopathic). It is useful in the prevention or control of extrapyramidal disorders due to central nervous system drugs such as reserpine and phenothiazines.

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. (Labeling guidelines for the drug are available from the Administration on request.)

II. *Caramiphen hydrochloride tablets*—A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report and concludes that caramiphen hydrochloride tablets are possibly effective for the relief of rigidity and tremor in Parkinson's syndrome.

B. *Marketing status.* 1. Holders of previously approved new drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6813 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

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

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

Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11254; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 7501]

CERTAIN POLYMYXIN B SULFATE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Aerosporin Sterile Powder for preparation of solutions (NDA 7-501) and,
2. Aerosporin Compressed Tablets (NDA 7-934), marketed by Burroughs Wellcome & Co., Inc., 1 Scarsdale Road, Tuckahoe, N.Y. 10707.
3. Polymyxin B Sulfate Sterile, powder for preparation of solutions (NDA 7-570 and 8-136) and
4. Polymyxin B Sulfate Soluble Tablets (NDA 8-318), marketed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The Food and Drug Administration has concluded that polymyxin B sulfate sterile powder is effective for the treatment of infections of the urinary tract, meninges, blood stream and eye caused by susceptible strains of *Pseudomonas aeruginosa*. It may also be effective in certain serious infections caused by susceptible strains of *H. influenzae, E. coli, Aerobacter aerogenes* and *Klebsiella pneumoniae* when less potentially toxic drugs are ineffective or contraindicated.

It is also concluded that oral preparations of polymyxin B sulfate are probably effective for infections of the gastrointestinal tract caused by Shigella and for diarrhea in infants due to enteropathogenic *E. coli*.

Preparations containing polymyxin B sulfate are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Requests for certification of the drugs in the dosage forms described above should provide for labeling information in accord with labeling guidelines developed on the basis of this reevaluation of the drug and published in this announcement.

Batches of the drug which bear labeling with indications evaluated as probably effective and are otherwise in accord with the labeling conditions herein will be accepted for release or certification by the Food and Drug Administration for a period of 12 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in those conditions.

The above-named firms and any other holders of applications approved for a drug of the kind described above are requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling. Separate labeling should be submitted for sterile and tablet forms of the drug and those parts of the labeling indicated below should be substantially as follows (optional additional information applicable to the drug may be proposed under other appropriate paragraph headings and should follow the information given below):

POLYMYXIN B SULFATE FOR PARENTERAL AND/OR OPHTHALMIC ADMINISTRATION

WARNING

(Should be in boldface type and enclosed in a box)

CAUTION: When This Drug Is Given Intramuscularly and/or Intrathecally, It Should Be Given Only to Hospitalized Patients, So As To Provide Constant Supervision by a Physician.

Renal Function Should Be Carefully Determined and Patients With Renal Damage and Nitrogen Retention Should Have Reduced Dosage. Patients With Nephrotoxicity Due to Polymyxin B Sulfate Usually Show Albuminuria, Cellular Casts and Azotemia. Diminishing Urine Output and a Rising Bun Are Indications for Discontinuing Therapy With This Drug.

Neurotoxic Reactions May Be Manifested by Irritability, Weakness, Drowsiness, Ataxia, Perioral Paresthesia, Numbness of the Extremities and Blurring of Vision. These Are Usually Associated With High Serum Levels Found in Patients With Impaired Renal Function and/or Nephrotoxicity. The Concurrent Use of Other Nephrotoxic and Neurotoxic Drugs, Particularly Kanamycin, Streptomycin, Polymyxin E (Colistin), Neomycin, and Viomycin Should Be Avoided.

The Neurotoxicity of Polymyxin B Sulfate Can Result in Respiratory Paralysis From Neuromuscular Blockade, Especially When the Drug Is Given Soon After Anesthesia and/or Muscle Relaxants.

DESCRIPTION

500,000 units (equivalent of 50 mg. Polymyxin B Sulfate U.S.P. reference standard) powder for preparation of solutions for intramuscular, intravenous drip, intrathecal, and/or ophthalmic use. (Other descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Polymyxin B sulfate is one of a group of basic polypeptide antibiotics derived from *B. polymyxa* (*B. aerosporus*) and has a bactericidal action against almost all gram-negative bacilli except the Proteus group. Polymyxins increase the permeability of bacterial cell wall membranes. All gram-positive bacteria, fungi, and the gram-negative cocci, *N. gonorrhoeae* and *N. meningitidis*, are resistant.

Sensitivity plate testing: If the Kirby-Bauer method of disc sensitivity is used, a 300-unit polymyxin B disc should give a zone of over 11 mm. when tested against a polymyxin B-sensitive bacterial strain.

Polymyxin B sulfate is not absorbed from the normal alimentary tract. Since the drug loses 50 percent of its activity in the presence of serum, blood levels are low 2-4 mg./kg. parenterally in adults gives a range of 1-8 mcg./ml. serum level over a 6-hour period). Repeated injections may give a cumulative effect. Levels tend to be higher in infants and children. The drug is excreted slowly by the kidneys. Tissue diffusion is poor and the drug does not pass the blood brain barrier into the cerebrospinal fluid. In therapeutic dosage, polymyxin B sulfate causes some nephrotoxicity with tubule damage to a very slight degree. With prior kidney damage of considerable degree, the nephrotoxicity of the drug may preclude its therapeutic use.

INDICATIONS

Acute Infections Caused by Susceptible Strains of *Pseudomonas aeruginosa*. Polymyxin B sulfate is a drug of choice in the treatment of infections of the urinary tract, meninges, and blood stream caused by susceptible strains of *Ps. aeruginosa*. It may also be used topically and subconjunctivally in the treatment of infections of the eye caused by susceptible strains of *Ps. aeruginosa*.

It may be indicated in serious infections caused by susceptible strains of the following organisms, when less potentially toxic drugs are ineffective or contraindicated:

H. influenzae, specifically meningeal infections.

Escherichia coli, specifically urinary tract infections.

Aerobacter aerogenes, specifically bacteremia.

Klebsiella pneumoniae, specifically bacteremia.

NOTE. In Meningeal Infections, Polymyxin B Sulfate Should Be Administered Only by the Intrathecal Route.

CONTRAINDICATIONS

This drug is contraindicated in persons with a prior history of hypersensitivity reactions to the polymyxins.

PRECAUTIONS

See "Warning" box.

Baseline renal function should be done prior to therapy, with frequent monitoring of renal function and blood levels of the drug during parenteral therapy. Blood levels should be maintained at approximately 3-5 mcg./ml. with proper adjustment of dosage and interval of administration.

Avoid concurrent use of a curariform muscle relaxant and other neurotoxic drugs (ether, tubocurarine, succinylcholine, gallamine, decamethonium and sodium citrate) which may precipitate respiratory depression. If signs of respiratory paralysis appear, respiration should be assisted as required, and the drug discontinued.

Concomitant use of other nephrotoxic drugs should be avoided or used with extreme caution.

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

Usage in Pregnancy:

The safety of this drug in human pregnancy has not been established.

ADVERSE REACTIONS

See "Warning" box.

Nephrotoxic reactions:

Albuminuria.
Cylinduria.
Azotemia.

Rising blood levels without any increase in dosage.

Neurotoxic reactions:
Facial flushing.
Dizziness progressing to ataxia.
Drowsiness.
Peripheral paresthesias-circumoral and stocking-glove.
Apnea due to concurrent use of curariform muscle relaxants, other neurotoxic drugs or inadvertent overdosage.
Signs of meningeal irritation with intrathecal administration, e.g., fever, headache, stiff neck and increased cell count and protein in cerebrospinal fluid.

Other reactions occasionally reported:
Drug fever.
Urticarial rash.
Pain (severe) at intramuscular injection sites.
Thrombophlebitis at intravenous injection sites.

ADMINISTRATION AND DOSAGE

Intravenous. Dissolve 50 mg. polymyxin B sulfate in 300–500 cc. of 5 percent dextrose in water for continuous intravenous drip.

Adults and Children. 1.5–2.5 mg./Kg. body weight/day in individuals with normal kidney function. This amount should be reduced from 1.5 mg./Kg. downward for individuals with kidney impairment. Infusions may be given every 12 hours; however, the total daily dose must not exceed 2.5 mg./Kg./day.

Infants. Infants with normal kidney function may receive up to 4 mg./Kg./day without adverse effects.

Intramuscular. Not recommended routinely because of severe pain at injection sites, particularly in infants and children. Dissolve 50 mg. polymyxin B sulfate in 2 cc. sterile distilled water (Water for Injection, U.S.P.) or sterile physiologic saline (Sodium Chloride Injection, U.S.P.) or 1 percent procaine hydrochloride solution.

Adults and children. 2.5–3 mg./Kg./day. This should be reduced in the presence of renal impairment. The dosage may be divided and given at either 4- or 6-hour intervals.

Infants. Infants with normal kidney function may receive up to 4 mg./Kg./day without adverse effects.

NOTE. Doses as high as 4.5 mg./Kg./day have been used in limited clinical studies in treating prematures and newborn infants for *Pseudomonas sepsis.*

Intrathecal—A treatment of choice for Ps. aeruginosa meningitis. Dissolve 50 mg. polymyxin B sulfate in 10 cc. of sterile physiologic saline (Sodium Chloride Injection, U.S.P.) for 5 mg. per ml. dosage unit.

Adults and children over 2 years of age. Dosage is 5 mg. once daily intrathecally for 3–4 days, then 5 mg. once every other day for at least 2 weeks after cultures of the cerebrospinal fluid are negative and sugar content has returned to normal.

Children under 2 years of age. 2 mg. once daily, intrathecally for 3–4 days or 2.5 mg. once every other day. Continue with a dose of 2.5 mg. once every other day for at least 2 weeks after cultures of the cerebrospinal fluid are negative and sugar content has returned to normal.

Ophthalmic. Dissolve 50 mg. polymyxin B sulfate in 20–50 cc. sterile distilled water (Water for Injection, U.S.P.) or sterile physiologic saline (Sodium Chloride Injection, U.S.P.) for a 1–2.5 mg. per cc. concentration.

For the treatment of *Ps. aeruginosa* infections of the eye, a concentration of 0.1 percent to 0.25 percent (1 mg. to 2.5 mg. per cc.) is administered 1–3 drops every hour, increasing the intervals as response indicates.

Subconjunctival injection of up to 10 mg./day may be used for the treatment of *Ps. aeruginosa* infections of the cornea and conjunctiva.

NOTE. Avoid total systemic and ophthalmic instillation over 2.5 mg./Kg./day.

POLYMYXIN B SULFATE FOR ORAL ADMINISTRATION

DESCRIPTION

(To be supplied by the manufacturer: This is to be confined to an appropriate description of the physical and chemical properties of the drug, and the formulation.)

ACTIONS

Polymyxin B sulfate is one of a group of basic polypeptide antibiotics derived from *B. polymyxa* (*B. aerosporus*) and has a bactericidal action against almost all gram-negative bacilli except the Proteus group. Polymyxins increase the permeability of bacterial cell wall membranes. All gram positive bacteria, fungi, and the gram-negative cocci, *N. gonorrhoea* and *N. meningitidis*, are resistant.

Sensitivity plate testing: If the Kirby-Bauer method of disc sensitivity is used, a 300 unit polymyxin B sulfate disc should give a zone of over 11 mm. when tested against a polymyxin B sensitive bacterial strain.

The drug is not absorbed in the normal alimentary tract; however, with partial or complete intestinal obstruction or with inflamed or ulcerated intestinal tract mucosa there may be considerable absorption.

INDICATIONS

1. Infections of the gastrointestinal tract caused by Shigella.
2. Diarrhea in infants due to enteropathogenic *E. coli.*

CONTRAINDICATIONS

This drug is contraindicated in individuals with a history of hypersensitivity reaction to the polymyxins.

PRECAUTIONS

Although absorption of polymyxin B from the normal intestinal tract is negligible, under certain circumstances of bowel disease or obstruction the absorption may be considerable. This factor should be taken into consideration in individuals with known or suspected kidney disease and decreased kidney function to avoid nephrotoxic and neurotoxic reactions. If symptoms of these reactions occur the drug should be discontinued. As with other antibiotics, use of this drug may result in overgrowth of nonsusceptible organisms, including fungi. If superinfection occurs, appropriate therapy should be instituted.

Usage in Pregnancy:

The safety of this drug in human pregnancy has not been established.

ADVERSE REACTIONS

Adverse reactions to oral polymyxin B are not usually encountered except under circumstances where there is considerable absorption through diseased intestine and in the presence of diminished kidney function. When this occurs, nephrotoxic and neurotoxic symptoms may occur.

DOSAGE AND ADMINISTRATION

Infants and children up to 2 years of age: 25–50 mg. t.i.d.

Children ages 2–5 years: 50–75 mg. t.i.d.

Older children and adults: 75–100 mg. q.i.d.

The Food and Drug Administration regards oral forms of polymyxin B sulfate as lacking substantial evidence of effectiveness for their claimed indications: in the treatment of infections of the gastrointestinal tract caused by *Pseudomonas aeruginosa*, Proteus species, Salmonella and *Aerobacter aerogenes*, and for preoperative preparation of the intestine. Oral preparations of the drug with labeling bearing these claims will no longer be acceptable for certification or release after the publication date of this announcement.

The Food and Drug Administration further concludes that polymyxin B sulfate in any of the dosage forms referred to above is possibly effective for other labeled indications. Batches of the drug which bear labeling with those indications and are otherwise in accord with the labeling conditions herein will be acceptable for release or certification by the Food and Drug Administration for a period of 6 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in those conditions.

Any person who would be adversely affected by deletion of the claims for which oral forms of the drug lack substantial evidence of effectiveness, as described in this announcement, may within 30 days following the publication date of the announcement submit comments or pertinent data bearing on the effectiveness of the drug for such use.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Division of Anti-Infective Drugs (BD–140), at the address given below, within 30 days after publication of this notice in the FEDERAL REGISTER.

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 7501 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (Identify with NDA number): Division of Anti-Infective Drugs (BD–140), Office of New Drugs, Bureau of Drugs.

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

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

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

Dated: August 5, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11255; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 8021]

CERTAIN DRUGS CONTAINING MEPARFYNOL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated the reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Dormison Capsules containing meparfynol, marketed by Schering Corp., 1011 Morris Avenue, Union, N.J. 07083 (NDA's 8–021 and 8–895).

This drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports and concludes that meparfynol is possibly effective for its labeled indications as a sedative-hypnotic agent.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC reports. Any interested person may obtain a copy of the reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8021 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

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

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

Dated: July 24, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11256; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 8836]

CERTAIN TOPICAL ANTI-INFECTIVE DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following anti-infective drugs for topical use.

1. Sterosan Cream and Ointment; containing chlorquinaldol, marketed by Geigy Chemical Corp., Ardsley, N.Y. 10502 (NDA 8–836).

2. Triburon Cream (NDA 11–925); and

3. Triburon Ointment (NDA 11–675); both containing triclobisonium chloride and marketed by Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110.

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

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

1. Chlorquinaldol is possibly effective for its recommended uses, i.e., the treatment of athlete's foot, folliculitis, furunculosis (to minimize spread of infection), impetigo contagiosa, infected dermatitides, infected seborrhea, pyoderma, and sycosis barbae.

2. Triclobisonium chloride is possibly effective for its recommended uses, i.e., the treatment of primary pyodermas and secondarily infected dermatoses; for the control of infections in burns and surgical and traumatic wounds; and in preventing infection in skin grafting.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8836 and directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

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

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

Dated: July 24, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11257; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 9130]

[Docket No. FDC–D–221; NDA 9–130 etc.]

CERTAIN HYDROCORTISONE OR HYDROCORTISONE ACETATE OPHTHALMIC DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Hydrin-2, ophthalmic suspension containing 2 percent hydrocortisone acetate, marketed by Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109 (NDA 10–231).

2. Optef Drops, eye drops containing 0.2 percent hydrocortisone, marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 10–645).

3. Cortril, ophthalmic ointment containing 0.5 percent or 2.5 percent hydrocortisone acetate, marketed by Charles Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 9–130).

4. Isopto, eye drops containing 0.5 percent or 2.5 percent hydrocortisone with 0.5 percent hydroxypropyl methylcellulose, marketed by Alcon Laboratories, Inc., 6201 South Freeway, Fort Worth, Tex. 76134 (NDA 9–825).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence on ophthalmic preparations of hydrocortisone and hydrocortisone acetate, and concludes that these drugs:

1. Are effective for the indications listed in the "Indications" section of this announcement.

2. Are possibly effective for their recommended uses in the treatment of afflictions of the uveal tract, including chorioretinitis due to Boeck's sarcoid, syphilis, toxoplasmosis, nonspecific chorioretinitis; and for nonpurulent blepharitis.

3. Lack substantial evidence of effectiveness for use in the treatment of spastic entropion.

B. *Form of drug.* These preparations are in suspension, solution, or ointment form suitable for ophthalmic administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription." The label of liquid preparations indicates that the product is sterile. The label of ointments contains a statement that the product is or is not sterile.

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate directions for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

Inflammation of the palpebral and bulbar conjunctiva, cornea, and anterior segment of the globe.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drug is described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Marketing status.* Marketing of the drugs may continue under the conditions described in paragraphs F and G of this announcement except that those indications referenced in paragraph D may continue to be used as described therein.

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

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

b. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new drug application form FD–356H to the extent described for abbreviated new drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

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

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

c. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon: *Provided,* That within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the period stated.)

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new drug application meeting the conditions specified in § 130.4(f) (1) and (2) published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

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

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indication referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 60

days from the date of this publication, a new drug application to the Food and Drug Administration.

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

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

H. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A3 of this announcement. An order withdrawing approval of the application will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use containing the same components and offered for the indications for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 9130 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

Request for Hearing (Identify with Docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn.

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

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

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

Dated: July 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11258; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 10092V]

DRUG PRODUCT CONTAINING ERYTHROMYCIN THIOCYANATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Gallimycin; each pound of this water soluble poultry product contains 25 grams of erythromycin thiocyanate; by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

The Academy evaluated this product as probably effective for use as an aid in the management of diseases of chickens and turkeys when such diseases are caused by pathogens sensitive to erythromycin thiocyanate. The Academy stated:

1. Documentation is needed to support the systemic effect and claimed therapeutic efficacy of the recommended dosages.

2. The label should warn that treated animals must actually consume enough medicated water to provide a therapeutic dose under the conditions that prevail and as a precaution the label should state the desired oral dose per unit of animal weight per day for each specie as a guide to effective use of the preparation in drinking water.

3. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified the claim must be dropped.

4. Claim made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

The Food and Drug Administration concurs with the Academy's findings.

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

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

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 18, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11259; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 10971]

CONJUGATED ESTROGENS WITH MEPROBAMATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated two reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs containing conjugated estrogens with meprobamate:

PMB–200 and PMB–400 tablets, marketed by Ayerst Laboratories, Division of American Home Products Corporation, 685 Third Avenue, New York, N.Y. 10017 (NDA 10–971).

Milprem–200 and Milprem–400 tablets, marketed by Wallace Laboratories, Division of Carter-Wallace, Inc., Half Acre Road, Cranbury, N.J. 08512 (NDA 11–045).

The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that such fixed combination drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of the combination drug contributes to the total effects claimed for such drug.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new-drug applications.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for these drugs and any interested person who might be adversely affected by their removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

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

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of the report by writing to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10971 and be directed to the attention of the following appropriate office:

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

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

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

Dated: July 30, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11260; Filed, Aug. 25, 1970; 8:49 a.m.]

[DESI 11738]

OXYMORPHONE HYDROCHLORIDE RECTAL SUPPOSITORIES

Drugs for Human Use; Drug Efficacy Study Implementation

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

Numorphan Hydrochloride Rectal Suppositories; containing oxymorphone hydrochloride; marketed by Endo Laboratories Inc., 1000 Stewart Avenue, Garden City, N.Y. 11533 (NDA 11–738).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report and other available evidence and concludes that oxymorphone hydrochloride in suppository form is possibly effective for the relief of moderate to severe pain.

B. *Marketing status.* 1. Holders of previously approved new drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new drug application data to provide substantial evidence of effectiveness for the indication for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug applications for such drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drug on the market to be a new drug for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of the report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11738 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

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

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

Dated: July 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11261; Filed, Aug. 25, 1970; 8:50 a.m.]

[DESI 11836]

[Docket No. FDC–D–219; NDA 11–836, etc.]

ANTIDEPRESSANT DRUGS: AMITRIPTYLINE HYDROCHLORIDE, IMIPRAMINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Injection Elavil HCl, containing 10 milligrams amitriptyline hydrochloride per milliliter (NDA 12–704), and

2. Elavil HCl Film Coated Tablets, containing 10 milligrams, 25 milligrams or 50 milligrams amitriptyline hydrochloride per tablet (NDA 12–703); marketed by Merck Sharp and Dohme, Division of Merck and Co., Inc., West Point, Pa. 19486.

3. Tofranil Ampuls containing 25 milligrams imipramine hydrochloride per 2 milliliters (NDA 11–838), and

4. Tofranil Tablets, containing 10 milligrams or 25 milligrams imipramine hydrochloride per tablet (NDA 11–836); marketed by Geigy Pharmaceuticals Division of Geigy Chemical Corp., Saw Mill Road, Ardsley, N.Y. 10502.

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described in this announcement.

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

1. Amitriptyline hydrochloride is effective for the relief of symptoms of depression; endogenous depression is more likely to be alleviated than are other depressive states.

2. This drug is regarded as possibly effective for the following labeled indications: Amitriptyline hydrochloride has a tranquilizing component to its action which is particularly helpful in alleviating the anxiety that often accompanies depression; amitriptyline hydrochloride is indicated in Schizo-Affective Depressions; and, when the injection of amitriptyline hydrochloride is administered intramuscularly, patients may show rapid, marked reaction, with reduction of anxiety and agitation prior to the elevation of mood.

3. This drug lacks substantial evidence of effectiveness for its indication for relief of headache.

II. *Imipramine hydrochloride*—A. *Effectiveness classification.* The Food and Drug Administration has considered the reports of the Academy, as well as other available evidence, and concludes that:

1. Imipramine hydrochloride is effective for the relief of symptoms of depression; endogenous depression is more likely to be alleviated than are other depressive states.

2. The drug is regarded as possibly effective for the following labeled indications: For senile depression and depression associated with organic lesions (cerebral arteriosclerosis, parkinsonism); and for the depression associated with other psychiatric disorders (schizophrenia, alcoholism, mental deficiency).

3. There is a lack of substantial evidence of effectiveness of the drug for the indication enuresis.

III. *Form of drug.* Amitriptyline hydrochloride and imipramine hydrochloride preparations are in tablet form suitable for oral use or in solution form suitable for intramuscular injection.

IV. *Labeling conditions.* 1. The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use of the drugs and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

Labeling guidelines for the drugs are available from the Administration on request.

INDICATIONS

For the relief of symptoms of depression. Endogenous depression is more likely to be alleviated than are other depressive states.

V. *Marketing Status.* Marketing of the drugs may continue under conditions described in items VII and VIII of this announcement except those claims referenced in item VI below may continue to be included in the labeling for the period stated.

VI. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drugs are described in paragraphs I.A and II.A above as possibly effective (not included in the labeling conditions in section IV above) may continue to be used for 6 months following publication hereof in the FEDERAL REGISTER to allow additional time for holders of previously approved applications, or persons marketing the drug without approval, to obtain and submit to the Food and Drug Administration data providing substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

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

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

2. Adequate data to assure the biologic availability of the drug in the formulation which is marketed; if such data are already included in the application, specific reference thereto may be made.

3. Updating information as needed to make the application current.

B. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER.

1. 60 days for revised labeling—the supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

2. 180 days for biologic availability data.

3. 60 days for updating information.

C. Marketing of the drugs may continue until the supplemental applications submitted in accord with the preceding subparagraphs A and B are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph VI for the period stated.)

VIII. *New applications.* A. Any other person who distributes or intends to distribute such drugs which are intended for the conditions of use for which they

have been shown to be effective, as described under paragraph I.A above for amitriptyline hydrochloride and paragraph II.A above for imipramine hydrochloride, should submit a new drug application containing full information required by the new drug application form FD-356H (21 CFR 130.4(c)). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

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

1. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph VI for the period stated.)

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

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

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

IX. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for these drugs solely for the conditions of use for which the drugs are regarded as effective as described herein.

X. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraphs I.A and II.A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use containing the same components and offered for the indications for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 11836 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

Request for hearing: (Identify with Docket Number) Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn.

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

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

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

Dated: August 4, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11262; Filed, Aug. 25, 1970; 8:50 a.m.]

[DESI 12258V]

TRIAMCINOLINE ACETONIDE-NEOMYCIN SULFATE-THIOSTREPTON NYSTATIN OINTMENT

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Panolog Ointment; each cubic centimeter contains 1 milligram of triamcinolone acetonide, neomycin sulfate equivalent to 2.5 milligrams of neomycin base, 2500 units of thiostrepton, and 100,000 units of nystatin; by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

The Academy stated that this product is probably effective for cutaneous disorders of bacterial or monilial infection in cats and dogs. The Academy further stated: (1) Documentation is needed to support the broad antifungal claim as only specific effects against *Monilia albicans* are substantiated; and (2) each ingredient in a preparation containing more than one drug must be effective, or contribute to the effectiveness of the preparation, to warrant acceptance as a therapeutic ingredient.

The Food and Drug Administration concurs with the Academy's findings.

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

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11263; Filed, Aug. 25, 1970; 8:50 a.m.]

[DESI 12486]

CHLORPROTHIXENE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following chlorprothixene-containing products, marketed by Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110.

1. Taractan Tablets (NDA 12–486).
2. Taractan Injection (NDA 12–487).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

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

1. Chlorprothixene is probably effective for the control of moderate to severe agitation, anxiety, and tension when such symptoms are manifestations of schizophrenia.

2. This drug is possibly effective in agitated states associated with psychotic depression; as an antiemetic for the management of nausea and vomiting associated with radiation therapy or following surgery; and in potentiating analgesics and anesthetics.

3. This drug lacks substantial evidence of effectiveness for its recommended use in moderate to severe emotional disorders, especially agitated states associated with neuroses; for the relief of mild agitation, unrest, and sleeplessness in simple neuroses and psychoneurotic disorders; in alcoholic psychosis to control withdrawal symptoms; or as an adjunct to antiepileptic medication.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug applications for a drug described in paragraph A. 3. above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which such drug has been classified as lacking substantial evidence of effectiveness and which contains an "Indications" section in accord with that described below. Such supplements should be submitted under the provisions of § 130.9(d) and (e) of the new-drugs regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised to delete any claim for which substantial evidence of effectiveness is lacking as described in paragraph A. 3. above and to be in accord with the "Indications" section described below. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Indications for the drug described in paragraph A above as probably effective may continue to be used for 12 months, and indications described as possibly effective may continue to be used for 6 months, following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drug on the market to be a new drug for which an approval is not in effect.

5. Labeling revised pursuant to this notice should take into account the comments of the Academy, furnish adequate information for safe and effective use of the drug, and be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommend use of the drug (for the probably effective indication) as follows: (The possibly effective indications may also be included for six months.)

INDICATIONS

Chlorprothixene is indicated for the control of moderate to severe agitation, anxiety, and tension when such symptoms are manifestations of schizophrenia.

The above-named holder of the new-drug applications for this drug has been mailed a copy of the NAS–NRC reports. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12486 and directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

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

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

Dated: July 30, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11264; Filed, Aug. 25, 1970; 8:50 a.m.]

[DESI 12612V]

FURACIN-MICOFUR EAR SOLUTION VETERINARY

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Furacin-Micofur Ear Solution Veterinary with anesthetic; contains 0.2 percent nitrofurazone, 0.375 percent nifuroxime, and 2.0 percent diperodon hydrochloride; by Eaton Laboratories, Division of The Norwich Pharmacal Co., Post Office Box 191, Scientific Department, Norwich, N.Y. 13815.

The Academy report stated that this product is probably effective for treatment of bacterial ear infections in dogs when such infections are caused by organisms sensitive to the drug. The Academy report stated that documentation is needed regarding the effect of nifuroxime and that the label should state that sensitivity may develop. The Food and Drug Administration concurs with the Academy's findings.

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

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11265; Filed, Aug. 25, 1970; 8:50 a.m.]

[DESI 12939]

PENICILLINASE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Neutrapen containing 800,000 units penicillinase per vial, marketed by Riker Laboratories, 19901 Nordhoff Street, Northridge, Calif. 91326 (NDA 12-939).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report and concludes that penicillinase is possibly effective for the treatment of allergic reactions to penicillin G.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for the indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such use. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be a new drug for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of this report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12939 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.
Requests for NAS-NRC Reports: Press Relations Staff (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

Dated: July 30, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11266; Filed, Aug. 25, 1970; 8:50 a.m.]

LeGEAR LABORATORIES, INC.

Neomycin in Animal Feed

An announcement was published in the FEDERAL REGISTER of June 10, 1970 (35 F.R. 8955), concerning the product Neomycin Crumbles Fortified, which contains neomycin sulfate and vitamins A, D_3, and E, and is marketed by LeGear Laboratories, Inc., 4161 Beck Avenue, St. Louis, Mo. 63116.

Among other things the announcement stated that all stocks of neomycin intended for use in animal feed, and all animal feeds bearing or containing neomycin, within the jurisdiction of the Federal Food, Drug, and Cosmetic Act are deemed to be adulterated within the meaning of section 501(a) (5) or (6) of the Act and are subject to appropriate regulatory action.

Since publication of the announcement, the Food and Drug Administration has received comment from interested parties and the Administration has further evaluated the status of animal feeds containing neomycin. Based on the comment received and reevaluation of available information, the Commissioner of Food and Drugs concludes that the above cited findings regarding neomycin

products should be amended so as to apply only to (1) Neomycin Crumbles Fortified and similar products, and (2) neomycin intended for use in such products. Therefore, the last sentence in the penultimate paragraph of the announcement is amended to read as follows: "Therefore, notice is given to LeGear Laboratories, Inc., and to all interested persons, that Neomycin Crumbles Fortified, all products similar in composition and labeling to Neomycin Crumbles Fortified, and all stocks of neomycin intended for use in such products, within the jurisdiction of the Federal Food, Drug, and Cosmetic Act are deemed to be adulterated within the meaning of section 501(a) (5) or (6) of the Act and are subject to appropriate regulatory action."

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a) (5), (6), 512(a), 52 Stat. 1049, as amended, 82 Stat. 343; 21 U.S.C. 351(a), (5), (6), 360b(a)).

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11237; Filed, Aug. 25, 1970; 8:47 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0998) has been filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide 2-(4-chloro-6-ethylamino-*s*-triazin-2-ylamino) - 2 - methylpropionitrile in or on the raw agricultural commodities forage and fodder of corn (field, sweet and popcorn), sweet corn (kernels plus cob with husk removed), and the grain of field corn and popcorn at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure with an electron-capture detector.

Dated: August 18, 1970.

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

[F.R. Doc. 70-11236; Filed, Aug. 25, 1970; 8:47 a.m.]

O,O-DIETHYL O-3,5,6-TRICHLORO-2-PYRIDYL PHOSPHOROTHIOATE

Notice of Extension of Temporary Tolerances

The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, was granted temporary tolerances for residues of the insecticide *O,O*-diethyl *O*-3,5,6-trichloro-2-pyridyl phosphorothioate in or on the raw agricultural commodities meat and fat of turkeys at 0.05 part per million on July 25, 1969 (notice was published in the FEDERAL REGISTER of August 1, 1969 (34 F.R. 12600)), which will expire July 25, 1970.

The firm has requested a 1-year extension for obtaining additional experimental data. The Commissioner of Food and Drugs concludes that such extension will protect the public health. A condition under which these temporary tolerances are extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under The Dow Chemical Co. name.

As extended, these temporary tolerances expire July 25, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 18, 1970.

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

[F.R. Doc. 70-11238; Filed, Aug. 25, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22381]

EAST AFRICAN AIRWAYS CORP.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 9, 1970, at 10 a.m., d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 20, 1970.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 70-11276; Filed, Aug. 25, 1970; 8:51 a.m.]

[Docket No. 20993; Order 70-8-79]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Issued under delegated authority August 19, 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement would specify, for application on routes operated by Cia. Mexicana de Aviacion, S.A., between the United States and Mexico, where not presently IATA-agreed, a limited number of general cargo rates, specific commodity rates, and minimum charges for air freight. These rates, which stem from the recent entry of this carrier into IATA, will result in both increases and decreases from rates previously in effect.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, incorporated in the above-described agreement, are adverse to the public interest or in violation of the Act:

C.A.B. agreement	*IATA resolutions*
21923:	
R-1	100(Mail 857)501
R-2	100(Mail 857)551
R-3	100(Mail 857)590

Accordingly, it is ordered, That:

Action on Agreement C.A.B. 21923, R-1 through R-3, be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11285; Filed, Aug. 25, 1970; 8:52 a.m.]

[Docket No. 22384]

LINEAS AEREAS COSTARRICENSES, S.A. (LACSA)

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 29, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 20, 1970.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 70-11275; Filed, Aug. 25 1970; 8:51 a.m.]

[Docket No. 22441; Order 70-8-80]

ROSS AVIATION, INC.

Order To Show Cause

Issued under delegated authority August 19, 1970.

A final service mail rate for the transportation of mail by aircraft, established by Order 69-4-40, April 8, 1970, in Docket 20769, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Riverton, Wyo., and Denver, Colo., via Worland, Casper, and Cheyenne, Wyo.

The Postmaster General filed a petition on August 5, 1970, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 51.21 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue and order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after August 5, 1970, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 51.21 cents per great circle aircraft mile between Riverton, Wyo., and Denver, Colo., via Worland, Casper, and Cheyenne, Wyo.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Beechcraft E-185 aircraft equipped for all-weather operation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Western Air Lines, Inc., Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Western Air Lines, Inc., and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11283; Filed, Aug. 25, 1970; 8:52 a.m.]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 22440; Order 70-8-81]

ROSS AVIATION, INC.

Order To Show Cause

Issued under delegated authority August 19, 1970.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-1-32, January 7, 1970, in Docket 19993, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Cheyenne and Rock Springs, via Rawlins, Wyo.

The Postmaster General filed a petition on August 5, 1970, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 51.14 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after August 5, 1970, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 51.14 cents per great circle aircraft mile between Cheyenne and Rock Springs, via Rawlins, Wyo.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper Aztec twin-engine aircraft equipped for all-weather operation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, and Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, and Frontier Airlines, Inc.

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11284; Filed, Aug. 25, 1970; 8:52 a.m.]

[Docket No. 22157]

UNITED AIR LINES, INC.

Notice of Hearing Regarding Specific Commodity Rates on Periodicals, Floral Products, and Seafood

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 31, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved, interested persons are referred to the Board's Order 70-5-2, May 1, 1970, instituting the investigation.

Dated at Washington, D.C., August 20, 1970.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[F.R. Doc. 70-11277; Filed, Aug. 25, 1970; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18941, 18942; FCC 70-850]

CHARLES W. DOWDY (WROA) AND SUMTER BROADCASTING CO., INC. (WISK)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Charles W. Dowdy (WROA), Gulfport, Miss., has: 1390 kc., 1 kw., Day, Class III, requests: 1390 kc., 5 kw., DA-2, U, Class III, File No. BP-17910; and Sumter Broadcasting Co., Inc. (WISK), Americus, Ga., has: 1390 kc., 5 kw., Day, Class III, requests: 1390 kc., 1 kw., 5 kw.-LS, DA-N, U, Class III, File No. BP-18224; for construction permits.

1. The Commission has under consideration the above-captioned applications which are mutually exclusive in that the proposed operation of station WISK would preclude the WROA proposal from providing a first primary nighttime service to 25 percent of the area or population of the proposed service area as required by § 73.24(b)(3) of the rules. Emerald Broadcasting Co. (KTHO), 8 FCC 2d 443, 10 RR 2d 267 (1967).

2. The proposed operation of WROA fails to meet the requirements of § 73.188 (a)(1) of the rules, in that the proposed nighttime interference-free contour (10.8 mv/m) does not cover all of the city of Gulfport, Miss. In support of a request for waiver of the rule, the applicant claims that the proposed operation will provide a first primary service to 14,199 persons or 36.4 percent of the population of Gulfport; provide a first primary service to 6,476 persons or 14.7 percent of the persons residing in Biloxi, Miss.; bring a second service to 42,563 persons; and a third service to 22,490 persons. In addition, applicant has submitted a study indicating that no other frequency could be used to provide primary service to the unserved areas in Gulfport and Biloxi. Although the foregoing considerations would tend to support a waiver, the mutually exclusive proposal of WISK would substantially aggravate the coverage problem and would preclude the WROA proposal from providing the requisite unserved area coverage.[1] Accordingly, instead of ruling on the request at this stage, an issue will be specified to give both applicants the opportunity of submitting data in support of or in opposition to the waiver.

3. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the appliactions must be designated for hearing on the issues set forth below.

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of stations WROA and WISK and the availability of other primary aural service to such areas and populations (1 mv/m or greater in the case of FM).

(2) To determine whether the proposal of Charles W. Dowdy would provide coverage of the city sought to be served, as required by § 73.188(a)(1) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

(3) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(4) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered,* That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 5, 1970.

Released: August 18, 1970.

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

[F.R. Doc. 70-11222; Filed, Aug. 25, 1970; 8:46 a.m.]

[1] The proposed WISK operation would cause a substantial increase in the nighttime RSS limitation of the proposed WROA operation.

[Dockets Nos. 18936, 18937; FCC 70-849]

AL G. STANLEY (KATO) AND TRI-COUNTY BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Al G. Stanley (KATO), Safford, Ariz., has: 1230 kc., 250 w., U, requests: 1380 kc., 500 w., 5 kw.-LS, DA-N, U, File No. BP-16980; and Marshall Darris, Jr., Frank Carl Hancock, and Zenos J. Howard, doing business as Tri-County Broadcasting Co., Safford, Ariz., requests: 1380 kc., 500 w., 5 kw.-LS, DA-N, U, File No. BP-17378; for construction permits.

1. The Commission has before it the above-captioned and described mutually exclusive applications; correspondence with reference to the applications; and a series of pleadings listed below.

2. The KATO application was filed by Willard Shoecraft who, at the time of the filing of the application, was the licensee of KATO. During the pendency of the application, Shoecraft was granted authority to assign the KATO license to Al G. Stanley on November 29, 1968 (BAL-6488), and the assignment was consummated on January 1, 1969. On February 12, 1969, the KATO application was amended to reflect the change in ownership of KATO. It was while Shoecraft was the licensee of KATO that the correspondence and pleadings under consideration were received. During the exchange of correspondence and pleadings both Shoecraft and Tri-County Broadcasting Co. (Tri-County) sought the dismissal of the other's application, and each has sought the dismissal of various pleadings filed by the other. Although Stanley has not specifically adopted the contentions made by Shoecraft, and the number of pleadings filed exceeds the number contemplated by § 1.45(c) of the Commission's rules, the Commission

deems it necessary to dispose of all the contentions, charges and countercharges which have been made in order to dispose of the substantive questions which have been raised. For reasons indicated hereinafter, the requests to dismiss the applications will be denied. The pleadings and other requests will be dismissed, but the questions raised will be considered on the Commission's own motion.

3. Neither application was acceptable under the Commission's criteria when tendered. As a result of amendments and other considerations to be noted below, the Commission has found both applications acceptable and not subject to dismissal.

4. In requesting the dismissal of the KATO application, Tri-County alleges that the KATO proposal would cause nighttime interference to XEKT, Tecate, Baja California, Mexico, and that the KATO proposal shows only slightly less than objectionable radiation toward station KTSM, El Paso, Tex., with no maximum expected value of radiation specified on the proposed radiation pattern. With respect to the interference to XEKT, Commission studies indicate that adequate protection to XEKT will be afforded. Regarding protection to KTSM, the Commission's rules do not require maximum expected operating values in a case such as KATO's, especially since the radiation proposed is not seriously restricted in the direction of KTSM.

5. Shoecraft, during the time he was applicant for improved KATO facilities, urged the dismissal of the Tri-County application on the ground, among others, that, if the signal of Station KWK, St. Louis, Mo. (1380 kc., 5 kw., DA–N, U), is excluded from computations to determine nighttime interference to Station KOTA, Rapid City, S. Dak. (1380 kc., 5 kw., DA–N, U), the proposed Tri-County operation would cause interference at night to KOTA. This question was first raised by the Commission under the following circumstances: On May 29, 1963, the Commission ordered the revocation of the license of Station KWK, KWK Radio, Inc., 34 FCC 1039, 25 RR 577; reconsideration denied, 35 FCC 561, 1 RR 2d 457; affirmed, KWK Radio, Inc. v. Federal Communications Commission, 119 U.S. App. D.C. 144, 337 F. 2d 540, 2 RR 2d 2071 (1964); cert. denied, KWK Radio, Inc. v. Federal Communications Commission, 380 U.S. 910 (1965). The former licensee of KWK was permitted to continue operation during the period when the Commission's revocation order was under judicial review. While some consideration was being given to the adoption of procedures to permit the possible continuation of service by KWK under new management, the Tri-County application was nevertheless processed with the possibility in view that the KWK service might not be continued. However, in the meantime, the Commission authorized an interim operation of KWK and has granted an application proposing permanent operation of KWK on a regular basis. Great River Broadcasting, Inc., et al., 18 FCC 2d 212, 16 RR 2d 669 (1969). Following the Great River decision, the Commission advised Tri-County that it would be necessary to restudy its engineering proposal to determine if adequate protection is afforded to all existing stations. On April 8, 1970, Tri-County's application was amended as a result of which it appears that adequate protection to all existing stations will be achieved. Therefore, the Tri-County application need not be dismissed on the ground of alleged interference to KOTA.

6. Other grounds urged by Shoecraft in support of his request to dismiss the Tri-County application concern two of Tri-County's partners, Marshall Darris, Jr., and Frank Carl Hancock, who were formerly employed by Shoecraft as KATO manager and chief engineer, respectively. Shoecraft charges Tri-County with "underhanded" tactics in preparing its application while Darris and Hancock were still employed at KATO; with making false statements in denying rumors that Tri-County's principals were preparing the application during the time it was actually in preparation; with soliciting an ex parte communication concerning the merits of its application, and with defrauding KATO by converting station funds to Darris' and Hancock's own use by receiving cash, goods, and services in return for advertising on KATO. Shoecraft also charged Darris with attempting to involve Shoecraft in the violation of rules of the Commission. Tri-County countered by accusing Shoecraft of conducting "rigged contests", falsification of logs and other violations of the Commission's rules, and of conducting a campaign of harassment, malicious prosecution and defamation against Tri-County's principals.

7. The contention between the former KATO licensee and his former employees appears to have arisen as a result of the preparation and filing of the Tri-County application which conflicts with the KATO proposal. Apparently, a substantial part of the preparation of the Tri-County application was done while Darris and Hancock were KATO staff members. While there is evidence that Darris and Hancock may have been less than forthright in making their intentions known, there is nothing to prevent them from competing with a former employer—or his successor—for a standard broadcast assignment in Safford. Many of the charges and countercharges exchanged by Shoecraft and the Tri-County principals lack factual support and are the subject of a civil suit in the Superior Court of Arizona, Pima County, Shoecraft, et al. v. Valley National Bank, et al., No. 91957. Therefore, the Commission will not dismiss the Tri-County application on the various grounds urged nor will issues be specified with respect to some of the charges, principally for the reason that much that is alleged is without adequate factual support. The Commission does, however, expect to be advised of the developments in the Shoecraft litigation. See § 1.65 of the Commission's rules. It may be that matters proved in the court action may require the enlargement of issues in this proceeding. In any event, should the litigation in the Arizona court not be concluded upon the termination of this proceeding, any grant to Tri-County will be without prejudice to any action the Commission may deem necessary as a result of the court action.

8. One allegation of Shoecraft concerning the solicitation by Tri-County's principals of an ex parte communication in connection with its application requires comment. This allegation is based on a letter of August 23, 1966, from a Congressman addressed to a former Chairman of the Commission, in which it is stated that the writer is a friend of Tri-County's principals and that the Congressman had been contacted because it seemed that the "opposition radio owners" (presumably Shoecraft) were friends of the Congressman from that area and that the author of the letter "might be of assistance in balancing Congressional interest."

9. Tri-County defends the communication on the ground that Tri-County's principals had no knowledge of the prohibition against soliciting ex parte communications, had no "evil intent," and sought no preferential treatment. Tri-County further argues that the occurrence does not merit the sanction of disqualification from further participation in this proceeding provided by § 1.1251 of the Commission's rules.

10. Tri-County does not deny that it either solicited or encouraged a presentation in connection with its pending application. Accordingly, the Commission finds that the matter should be explored in hearing to determine its effect on Tri-County's requisite and comparative qualification.

11. A review of the financial data submitted by Tri-County indicates that it is not entirely clear what the current financial plan is. The original material showed reliance on credit from an equipment supplier, a bank loan, and apparently capital contributions from each of the partners. On the basis of the first showing, it appeared that Tri-County would require approximately $65,000 to meet construction costs and 1-year's operating expenses. In March of this year, two of the original partners entered into an agreement with a new partner, Zenos J. Howard, and the new partnership submitted additional financial material on April 8, 1970. The new material seems to imply that two of the partners, Darris and Hancock, will acquire interests of one-third each in the partnership in return for personal services. Howard, it seems, is to furnish an unspecified amount for construction and initial operating costs. Howard is to be repaid out of operating revenue at interest of not less than 7 percent nor more than 9½ percent at some unspecified time. It may be assumed that, due to rising costs since the original financial information was filed, Tri-County will now require something in excess of $65,000. Howard's balance sheet, furnished by Tri-County, does not show liquid assets in excess of current liabilities in a sufficient amount to meet whatever may be Tri-County's cash requirements, and there is no indication of the

availability of additional funds from other sources. Accordingly, Tri-County will be required to establish its financial qualification at the hearing, and an appropriate issue will be specified for that purpose.

12. At various times during the pendency of the Tri-County application, statements have been filed concerning the policy of the proposed station with respect to program service. Tri-County mentions personal knowledge and broadcast experience of the partners, contacts with unspecified citizens and representatives of various organizations, local residence, and participation in local organizations. Tri-County states that it intends to provide local news coverage and to cooperate with educational institutions, government agencies and departments, charitable and civic organizations and agricultural agencies. In the application is a general statement regarding the nature of some of its programs. More recently, Tri-County filed a number of copies of a questionnaire entitled "Community Survey" reflecting the views of residents of Safford, Thatcher, Tucson, and Globe, Ariz., and states that the needs, interests and problems of the area are substantially the same as indicated in previous surveys. Upon examination of all the material on file, it is not clear whether the applicant has consulted a representative cross section of the economic, social, political, cultural and other elements in its proposed service area or whether the applicant has complied with other requirements in ascertaining community problems. See "Primer on Ascertainment of Community Problems by Broadcast Applicants," 34 F.R. 20282, 20 FCC 2d 880, Pike and Fischer R.R., Current Service, page 53:273 (1969). Therefore, an issue will be specified which will permit Tri-County to adduce evidence on its efforts to ascertain the community needs and interests of the area to be served.

13. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

14. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposal of the Tri-County Broadcasting Co. and the availability of other primary aural service (1 mv/m or greater in the case of FM) to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of station KATO and the availability of other primary aural service (1 mv/m or greater in the case of FM) to such areas and populations.

(3) To determine whether the principals of the Tri-County Broadcasting Co. have engaged in conduct prohibited by §§ 1.1221 and 1.1225 of the Commission's rules, and, if so, what effect such conduct has on the applicant's requisite and comparative qualifications.

(4) To determine whether the Tri-County Broadcasting Co., is financially qualified to construct and operate its proposed station.

(5) To determine the efforts made by the Tri-County Broadcasting Co., to ascertain the community needs and interests of the area to be served and the means by which it proposes to meet those needs.

(6) To determine which of the proposals would better serve the public interest.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

15. *It is further ordered,* That the requests to dismiss the applications are denied and all other requests and the petitions are dismissed.

16. *It is further ordered,* That in the event of a grant of the application of the Tri-County Broadcasting Co., the construction permit shall include the following condition: This authorization is without prejudice to any action the Commission may deem necessary as a result of the final judgment in the case of Shoecraft, et al. v. Valley National Bank, et al., No. 91957, Superior Court of Arizona, Pima County.

17. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

18. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 5, 1970.

Released: August 18, 1970.

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

Chronological list of pleadings, all received in October, November, and December of 1966:

October 10,[1] Shoecraft Petition for Reconsideration of Acceptance of Application and for Dismissal of Application of Tri-County Broadcasting Co. (Tri-County).

October 18, Shoecraft Petition to Dismiss Application of Tri-County.

October 24, Tri-County Motion to Dismiss Petition for Reconsideration of Acceptance of Application and for Dismissal of Application of Tri-County.

October 31, Tri-County Opposition to Petition to Dismiss Application of Tri-County.

November 9, Shoecraft Reply to Opposition to Petition to Dismiss Application of Tri-County.

November 14, Shoecraft Reply to Motion to Dismiss Petition for Reconsideration of Acceptance of Application and for Dismissal of Application of Tri-County.

November 16, Tri-County Answer to Reply to Opposition to Petition to Dismiss Application of Tri-County.

November 17, Shoecraft Motion to Dismiss Answer to Reply to Opposition to Petition to Dismiss Application of Tri-County.

November 22, Tri-County Answer to Reply to Motion to Dismiss Petition for Reconsideration of Acceptance of Application and for Dismissal of Application of Tri-County.

November 23, Tri-County Answer to Motion to Dismiss Answer to Reply to Opposition to Petition to Dismiss Application.

November 30, Shoecraft Opposition to Request to Accept an Additional Pleading (This document was in opposition to Tri-County's foregoing "answer" in which Tri-County requested the Commission to consider its pleading filed on November 16 notwithstanding the limitation imposed on the filing of pleadings by section 1.45 of the Commission's rules.)

December 19, Shoecraft Response to Reply to Motion to Dismiss Petition for Reconsideration of Acceptance of Application and for Dismissal of Application.

[1] Dates indicate the day on which the respective documents were received by the Commission.

[F.R. Doc. 70-11223; Filed, Aug. 25, 1970; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4905]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding

AUGUST 19, 1970.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50 million principal amount of ____ percent debentures, series due October 1995. The interest rate of the debentures (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which will be not less than 98½ percent nor more than 101½ percent of the

principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an Indenture between Columbia and Morgan Guaranty Trust Co. of New York, Trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a fifteenth supplemental indenture to be dated as of October 1, 1970. Columbia will not have the right to redeem any of the debentures prior to October 1, 1975, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and together with funds then available and funds to be generated from operations, will be used by Columbia to finance, among other things, part of the cost of its subsidiary companies' 1970 construction program, estimated at $200 million.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commissions, and expenses related to the proposed transaction is to be filed by amendment.

Notice is further given that any interested person may, not later than September 10, 1970, 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 its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-11234; Filed, Aug. 25, 1970; 8:47 a.m.]

[70-4881]

OHIO POWER CO. AND CAMBRIDGE HOUSING, INC.

Notice of Proposed Acquisition of Capital Stock and Notes of Newly Organized Housing Company

AUGUST 19, 1970.

Notice is hereby given that Ohio Power Co. (Ohio Power), a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, and its wholly owned subsidiary company, Cambridge Housing, Inc. (Cambridge), 310 Cleveland Avenue, Canton, Ohio 44701, a nonutility company recently organized under Ohio law, have filed an application-declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9(a)(1), 9(c)(3), 10, 11, and 12 and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Power distributes electric energy at retail in various cities and towns in the State of Ohio, including the city of Cambridge. Cambridge was organized for the purpose of constructing, owning, and operating low- and moderate-income housing projects under section 236 of the National Housing Act, as amended. It is stated that Cambridge is a "limited distribution" corporation under regulations issued by the Federal Housing Administration (FHA), which would qualify that company for mortgage financing assistance therefrom such as to reduce the effective interest rate to be paid thereon by Cambridge to 1 percent per annum.

It is stated that the city of Cambridge has experienced stagnation in the construction of new housing (despite recent significant industrial and commercial growth) which has most acutely affected the low- and moderate-income groups. It is further stated that Ohio Power desires to participate, through Cambridge, in the construction of low- and moderate-income housing projects to assist in the alleviation of the housing shortage. As an initial project, Cambridge proposes to construct approximately 100 housing units on 12 acres of land in Cambridge. The total cost of the project will be approximately $2,500,000, of which approximately 90 percent will be financed by a mortgage loan insured by the FHA.

Ohio Power proposes to acquire, and Cambridge proposes to issue, up to 500 shares of common stock, par value $1,000, to provide equity capital as required. Cambridge further proposes to obtain funds of up to $2,500,000 for preoperating and construction expenditures (1) by obtaining construction advances approved by the FHA, (2) by conventional borrowings from local banks (to be guaranteed by Ohio Power if required), or (3) by borrowing from Ohio Power, depending on the availability and attractiveness of each alternative.

Any bank borrowings will be evidenced by short-term notes, to mature not more than 1 year from the date of issue, to bear interest at the prime rate, and to be prepayable by Cambridge at any time without premium or penalty. In order to make the prime rate available to Cambridge, Ohio Power may be required by banks to guarantee the notes. Ohio Power requests authorization to make such guarantees, if required.

Any borrowings from Ohio Power will be evidenced by short-term notes, to mature not later than 1 year from the date of issue and to bear interest at an annual rate equal to the effective annual interest cost to Ohio Power, from time to time, of short-term borrowings, or in the absence of such borrowings by Ohio Power at the time of such loans to Cambridge, at the prime commercial rate in effect, from time to time, at Manufacturers Hanover Trust Company of New York.

It is stated that Cambridge will retire all such notes from the proceeds of the aforementioned permanent mortgage loan.

The filing also states that, since Cambridge will take accelerated depreciation for Federal income tax purposes on depreciable property and will have substantial interest payments which are deductible expenses for tax purposes, it is anticipated that Cambridge will have tax losses each year during the period it owns the properties to be constructed. It is requested that an exception to the Commission's Rule 45(b)(6) be granted which will permit the allocation of such tax losses to Ohio Power.

The application-declaration states that no approval or consent of any regulatory body, other than this Commission, is necessary for the proposed transactions. No fees or expenses are expected to be incurred by Ohio Power or Cambridge in connection with the proposed transactions except miscellaneous expenses estimated at not to exceed $500.

The Division advises that the record in this proceeding appears to be complete. The applicants-declarants request that, if no interested person requests a hearing, the matter be considered by the Commission on the basis of the present record as it now stands.

Notice is further given that any interested person may, not later than September 2, 1970, 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 the filing 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 applicants-declarants 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. 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.

By the Commission.

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

[F.R. Doc. 70-11235; Filed, Aug. 25, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 784]

GEORGIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Chatham County, Ga.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on August 8 and 9, 1970, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 1401 Peachtree Street NE., Atlanta, Ga. 30309

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1971.

Dated: August 13, 1970.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 70-11220; Filed, Aug. 25, 1970; 8:46 a.m.]

[Declaration of Disaster Loan Area 776; Amdt. 1]

PUERTO RICO

Declaration of Disaster Loan Area

Declaration of Disaster Loan Area 776, dated June 19, 1970, for Puerto Rico, is hereby amended as follows:

By changing the period in paragraph 1 thereof to a comma, and adding "and August 8, 1970", and substituting "February 28, 1971" for "December 31, 1970" in paragraph 2 thereof.

Dated: August 13, 1970.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 70-11217; Filed, Aug. 25, 1970; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Avellone Pharmacy, Inc., drugstore; 27251 Wolf Road, Bay Village, Ohio; 6-18-71.

Badt's Pharmacy, Inc., drugstore; 248 North Paw Paw Street, Coloma, Mich.; 5-25-71.

Bethania Hospital, hospital; 1600 11th Street, Wichita Falls, Tex.; 6-8-71.

Richard W. Bishop, agriculture; 8995 Peterson Road, Whitehall, Mich.; 5-21-71.

C. H. Block & Co., Inc., agriculture; Tunica, Miss.; 6-15-71.

Walt Boe's Super Market, Inc., foodstore; 57 North Broadway, Pelican Rapids, Minn.; 6-9-71.

Bonson's Shop Rite, foodstore; Eagle River, Wis.; 5-30-71.

Bristol County Agricultural High School, agriculture; Segreganset, Mass.; 5-31-71.

Andrew Buist, Sr., agriculture; 1055 Chippawa Street, Jenison, Mich.; 6-4-71.

Cary Plantation, agriculture; Cary, Miss.; 6-4-71.

Central Community Hospital, hospital; Elkader, Iowa; 6-12-70 to 5-22-71.

Ceo Music Co., Inc., music store; 1004 Main Street, Wheeling, W. Va.; 5-12-71.

Covey & Dayton, agriculture; Cokeville, Wyo.; 5-25-71.

Dalton Grocery, foodstore; 3408 North Whitehall Road, North Muskegon, Mich.; 5-20-71.

Dick's Super Market, foodstores, 5-25-71: Wells Street, Darlington, Wis.; 255 McGregor Plaza, Platteville, Wis.

Dickson's, furniture store; 201 East Chambers Street, Cleburne, Tex.; 6-7-71.

Dill's, variety-department store; Public Square, Dover, Tenn.; 5-31-71.

Eagle Stores Co., Inc., variety-department store; 102 East Broadway, Maryville, Tenn.; 6-11-71.

Eisenberg Department Store, Inc., apparel store; 401 Schoonmaker Avenue, Monessen, Pa.; 6-18-71.

Anthony Euser Greenhouses, agriculture; Route 1, Broomfield, Colo.; 5-28-70 to 4-8-71.

Evanna Plantation, Inc., agriculture; Cary, Miss.; 6-4-71.

Faisonia Plantation, agriculture; Route 2, Indianola, Miss.; 6-11-71.

Fantle's, Inc., variety-department store; 100 South Main Avenue, Sioux Falls, S. Dak.; 6-5-71.

Fisher Brothers, agriculture; 846 Oak Avenue, Muskegon, Mich.; 6-15-71.

Food Giant Super Markets, Inc., foodstores, 5-23-71: Nos. 1 and 2, Tucson, Ariz.

Garrett Drug Co., drugstores, 6-17-71: Nos. 1, 3, and 4, Nashville, Tenn.

Gilmore-Puckett Lumber Co., hardware store; Armory, Miss.; 5-19-71.

Goldblatt Bros., Inc., variety-department stores, 5-31-71: 14 Country Fair Shopping Center, Champaign, Ill.; 333 State Street, Chicago, Ill.

Golob Super Market, foodstore; Arma, Kans.; 6-14-71.

W. T. Grant Co., variety-department store; No. 494, Leominster, Mass.; 6-15-71.

Hack's, Inc., furniture and appliance store; 3390 West Green Bay Avenue, Milwaukee, Wis.; 4-20-71.

Harrys Market, foodstore; Main Street, Somerset, Ky.; 5-21-71.

Hart-Albin Co., variety-department store; Billings, Mont.; 5-20-71.

Herbst Variety, Inc., variety-department store; 108-110 North Main Street, Washington, Ill.; 5-28-71.

L. D. Holmes & Sons, agriculture; Route 1, Johnston, S.C.; 6-14-71.

Hornbeak Grocery, foodstore; Ridgely, Tenn.; 5-28-71.

Host International, Inc., restaurants, 4-20-71: Nos. 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, and 718, Indiana Toll Road, Indiana.

C. A. House, Co., Inc., music store; 10th and Main Streets, Wheeling, W. Va.; 5-12-71.

Ideal Poultry Breeding Farms, Inc., agriculture; Cameron, Tex.; 6-16-71.

Jackson County Hospital & Nursing Home, hospital; Scottsboro, Ala.; 6-14-71.

K & K 5c-10c Store, variety-department store; 7342 Granby Street, Norfolk, Va.; 6-7-71.

Kaufman's, apparel store; 1301 11th Avenue, Altoona, Pa.; 6-18-71.

S. S. Kresge Co., variety-department stores: No. 303, Arlington Heights, Ill., 6-5-71; No. 4560, Kansas City, Kans., 5-28-71; No. 689, Grandview, Mo., 6-19-71; No. 704, Dallas, Tex., 6-3-71.

S. H. Kress & Co., variety-department store; 201 West California Street, Gainesville, Tex.; 5-23-71.

Kuhn's Variety Store, variety-department store; Waldron Street and Public Square, Corinth, Miss.; 6-3-71.

Lenger Super Market, Inc., foodstore; 16 West Burton Street, Grand Rapids, Mich.; 6-11-71.

Frank Lockage's Store for Men, apparel store; 2761 Peck Street, Muskegon Heights, Mich.; 5-20-71.

Low Cost Drug Center, Inc., drugstore; 101 North Main, Logan, Utah; 6–9–71.

Mansfield General Hospital, hospital; 335 Giessner Avenue, Mansfield, Ohio; 5–6–71.

Maplecrest Center, Inc., nursing home; 174 Main Street, Madison, Maine; 6–9–71.

Maymore Leader Drug, drugstore; 4503 Mayfield Road, South Euclid, Ohio; 6–18–71.

W. O. McCurdy & Sons, agriculture; Fremont, Iowa; 6–1–71.

McDonald's Hamburgers, restaurant; 9783A St. Charles Rock Road, St. Louis, Mo.; 6–9–71.

McIlhenny Co., agriculture; Avery Island, La.; 5–24–71.

McVille Friendship Manor, nursing home; McVille, N. Dak.; 6–14–71.

Michael's, variety-department store; Pontotoc, Miss.; 6–15–71.

Mid-Nebraska Lutheran Home, nursing home; Newman Grove, Nebr.; 5–28–70 to 5–8–71.

Mr. Z's IGA Foodliner, foodstore; 1417 West Sixth, Emporia, Kans.; 6–11–71.

Morgan & Lindsey, Inc., variety-department store; No. 3036, Pascagoula, Miss.; 5–26–71.

Mother of Mercy Nursing Home, nursing home; Albany, Minn.; 6–17–71.

G. C. Murphy Co., variety-department store; No. 87, Pittsburgh, Pa.; 6–16–71.

The Music Center, music store; 46 Fourth Street SW., Huron, S. Dak.; 5–28–71.

Olson's Grocery, foodstore; Bagley, Minn.; 5–13–71.

The Orme School and Orme Ranch, agriculture; Mayer, Ariz.; 5–31–71.

Powers Co., Inc., agriculture; Cary, Miss.; 5–23–71.

Rhea's, Inc., foodstores, 6–9–71: 441 Market Street, Pittsburgh, Pa.; 536 Smithfield Street, Pittsburgh, Pa.

Rivin's IGA, foodstore; Wagner, S. Dak.; 5–26–71.

Robie's Food Center, Inc., foodstores, 6–11–71: 604 South State Street, Abbeville, La.; 1001 East Main Street, Jeanerette, La.

Stevens, apparel store; 221 East Capitol Street, Jackson, Miss.; 6–6–71.

Sward Kemp Drug, drugstore; 207 South Washington, Redwood Falls, Minn.; 6–9–71.

T.G. & Y. Stores Co., variety-department stores: No. 129, Kansas City, Mo., 6–5–71; No. 39, Oklahoma City, Okla., 5–26–71; No. 56, Oklahoma City, Okla., 5–31–71; No. 14, Watonga, Okla., 6–4–71; No. 172, Memphis, Tenn., 6–1–71.

The Tankard Nurseries, agriculture; Exmore, Va.; 5–31–71.

Tate's Supermarket, Inc., foodstore; 58 Franklin Street, Clymer, Pa.; 5–22–71.

Thigpen Hardware Co., hardware store; 107–11 South Harvey Avenue, Picayune, Miss.; 6–15–71.

Timberville Department Store; foodstore; Timberville, Va.; 6–8–71.

Tomlinson's, Inc., variety-department store; 1212 Carolina Avenue, Hartsville, S.C.; 5–31–71.

Vann Brothers, agriculture; Trenton, S.C.; 6–4–71.

Van Solkema Farms, Inc., agriculture; 8513 Harlow Avenue, Byron Center, Mich.; 5–27–71.

B. Weille & Son, Inc., apparel store; 409–13 Broadway, Paducah, Ky.; 5–24–71.

Western Auto Store, variety-department store; 201 East Panoal, Carthage, Tex.; 6–8–71.

West Side Market, foodstore; 133 North Walker, Montgomery City, Mo.; 5–28–71.

Willie's Super Market, Inc., foodstore; 2422 Second Avenue North, Birmingham, Ala.; 5–26–71.

Willis Nursery Co., agriculture; Ottawa, Kans.; 6–14–71.

Wood's 5 & 10c Stores, Inc., variety-department store; Whiteville, N.C.; 6–13–71.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Bishop Cafeteria Co., restaurants, for the occupations of tray carrier, counter server, bus help, 0 to 20 percent, 6–18–71: College Square Shopping Center, Cedar Falls, Iowa; Crossroads Shopping Center, Waterloo, Iowa.

Browdy's Fine Foods, foodstore; 2807 Cahaba Road, Mountain Brook, Ala.; carry out, bus boy (girl); 15 percent; 6–11–71.

Charlie's Red & White Food Store, foodstore; 632 East Buena Visita Avenue, North Augusta, S.C.; stock clerk, bagger; 15 to 20 percent; 6–2–71.

Dick's Super Market, foodstore; 138 South Iowa, Dodgeville, Wis.; bagger, stock clerk, clean up; 17 to 23 percent; 6–9–71.

The Dillon Co., Inc., foodstores, for the occupations of cashier, checker, carry out, wrapper, clerk, maintenance, 11 to 32 percent, 6–8–71; No. 44, Junction City, Kans.; No. 43, Lawrence, Kans.; No. 46 Manhattan, Kans.; No. 47, Topeka, Kans.

Donenfeld's, Inc., variety-department stores, for the occupations of display clerk, salesclerk, gift wrapper, cashier, checker, sales writer, office clerk, stock clerk, receiving clerk, shipping clerk, fur-storage clerk, switchboard operator, 4 to 16 percent, 5–13–71: 2700 Miamisburg-Centerville Road, Dayton, Ohio; 5200 Salem Avenue, Dayton, Ohio.

Duckwall Stores Co., variety-department store; No. 55, Topeka, Kans.; salesclerk, stock clerk; 16 to 28 percent; 6–2–71.

Egg-A-Day Farm Store, foodstore; 1575 Center Point Road, Birmingham, Ala.; salesclerk, stock clerk, cashier, janitorial; 21 to 44 percent; 6–3–71.

Elgin West Pharmacy, drugstore; 575 North McLean Boulevard, Elgin, Ill.; pharmacy clerk, stock clerk, office clerk; 4 to 17 percent; 6–5–71.

Emporia Foods Distributors East, Inc., foodstore; 12th and Sylvan, Emporia, Kans.; packager, meat trimmer, cashier, carryout, store clerk; 11 to 16 percent; 6–14–71.

Food Fair, Inc., foodstores, 4 to 21 percent: Corbin, Ky., stock clerk, carryout, bagger, cleanup, 6–14–71; Somerset, Ky., bagger, carryout, cleanup, pricing clerk, tagging clerk, stock clerk, 5–26–71.

Food Giant Super Markets, Inc., food store; No. 5, Tucson, Ariz.; carryout; 13 to 45 percent; 5–23–71.

Garrett Drug Co., drugstore; No. 5, Nashville, Tenn.; drugstore worker; 21 to 25 percent; 6–17–71.

Gerald's IGA, foodstore; Tribune, Kans.; stock clerk, sacker, carryout, janitorial; 14 to 53 percent; 6–18–71.

W. T. Grant Co., variety-department stores, for the occupations of salesclerk, stock clerk, 4 to 18 percent, 5–30–71, except as otherwise indicated: No. 873, Fontana, Calif.; No. 301, Fresno, Calif. (5–31–71); No. 224, Garden Grove, Calif. (6–16–71); No. 424, Inglewood, Calif. (4 to 14 percent, 6–16–71); No. 694, Riverside, Calif.; 1826 19th Avenue, Lewiston, Idaho (salesclerk, 2 to 14 percent, 5–31–71); No. 1066, Niles, Mich. (salesclerk, stock clerk, office clerk, cashier, 3 to 22 percent, 5–20–71); No. 963, New Kensington, Pa. (salesclerk, 6 to 20 percent).

Guerin's IGA Foodliner, foodstore; Morgan City, La.; bagger, stock clerk, carryout, cleanup; 13 to 17 percent; 6–14–71.

H. E. B. Food Store, foodstores, for the occupations of bottler, packager, sacker, 10 percent, 6–16–71: No. 110, Georgetown, Tex.; No. 109, Marble Falls, Tex.

H & L, Inc., foodstore; 6704 Main, Caseville, Mich.; carryout, stock clerk; 13 to 20 percent; 6–12–71.

Hack's, Inc., furniture and appliance store; 7833 West Capitol Drive, Milwaukee, Wis.; general office work; 20 to 44 percent; 4–20–71.

Handy-Andy, Inc., foodstore; No. 175, Austin, Tex.; packager, sacker, salesclerk, porter, sorter, cashier, checker; 18 to 30 percent; 6–6–71.

Harvey's, Inc., variety-department stores, for the occupation of salesclerk, 11 to 25 percent: 3838 Broadway, Gary, Inc., 6–8–71; 152 West Lincolnway, Valparaiso, Ind., 6–17–71.

Robert Hoffman IGA Foodliner, foodstore; Third and Allen Streets, Montgomery City, Mo.; salesclerk, stock clerk, carryout, cleanup; 20 percent; 6–17–71.

Import Plaza, variety-department store; One Northwest Couch, Portland, Oreg.; pricing clerk, stock clerk, dusting clerk, cashier; 69 percent; 5–31–71.

Kopper Kettle Restaurant, restaurants, for the occupations of busboy (girl), dishwasher, general help, 22 to 41 percent, 6–14–71; 1–80 and Minden Inter-Change, Minden, Iowa; 1–29 and U.S. Highway 30, Missouri Valley, Iowa; 1–80 and U.S. Highway 81, York, Nebr.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, checker-cashier, office clerk, except as otherwise indicated: No. 4600, Chicago, Ill., 21 to 26 percent, 6–2–71; No. 4227, Des Plaines, Ill., 11 to 20 percent, 5–22–71; No. 4148, Hammond, Ind., 10 percent, 5–24–71; No. 4152; Mishawaka, Ind., 10 percent, 6–7–71; 109 East Second Street, Muscatine, Iowa, 3 to 10 percent, 6–8–71 (salesclerk, stock clerk, checker-cashier); 609 Commercial Street, Atchison, Kans., 5 to 35 percent, 6–9–71; No. 4006, Louisville, Ky., 11 to 16 percent, 6–11–71 (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service); No. 4180, Louisville, Ky., 11 to 25 percent, 6–11–71 (salesclerk, stock clerk, maintenance, checker-cashier, office clerk, customer service); No. 279, St. Paul, Minn., 18 to 30 percent, 6–8–71; No. 585, Lincoln, Nebr., 3 to 10 percent, 6–16–71; No. 4130, Omaha, Nebr., 3 to 10 percent, 6–17–71; No. 4233, Youngstown, Ohio, 10 percent, 6–12–71 (stock clerk, maintenance, office clerk, food preparation, food sales, cashier, salesclerk, customer service); No. 4202, Greenville, S.C., 11 to 22 percent, 6–8–71 (salesclerk).

L & K Food Market, foodstore; Highway 75 at Wortham, Willis, Tex.; carry out, sacker; 20 to 22 percent; 5–31–71.

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk, 10 to 28 percent, 6–12–71, except as otherwise indicated: Nos. 403, 470, 477, and 479, Phoenix, Ariz. (15 percent, 5–22–71); No. 437, Colorado Springs, Colo.; Nos. 411, 452, and 462, Denver, Colo.; No. 463, Lakewood, Colo.; No. 406, Pueblo, Colo.; No. 460, Westminster, Colo.; No. 203, Berwyn, Ill. (15 to 32 percent); Nos. 201, 226, 229, 230, 241, and 247, Chicago, Ill. (15 to 32 percent); No. 275, Melrose Park, Ill. (15 to 32 percent); No. 161, Portland, Maine (3 to 40 percent, 5–31–71); No. 179, Marlow Heights, Md. (11 to 34 percent, 5–31–71); No. 220, Flint, Mich. (4 to 10 percent, 5–22–71); No. 249, Grand Rapids, Mich. (4 to 10 percent, 5–22–71); No. 235, Jackson, Mich. (4 to 10 percent, 5–22–71); No. 246, Kalamazoo, Mich. (4 to 10 percent, 5–22–71); Nos. 219, 268, and 305, St. Louis, Mo. (10 to 17 percent, 5–31–71); No. 240, Omaha, Nebr. (10 to 17 percent, 5–31–71); No. 421, Reno, Nev. (2 to 14 percent, 5–31–71); No. 447, Provo, Utah (2 to 14 percent, 5–31–71); No.

407, Salt Lake City, Utah (2 to 14 percent, 5-31-71); Nos. 77 and 306, Norfolk, Va. (11 to 20 percent, 5-27-71); Nos. 40, 52, and 76, Richmond, Va. (11 to 20 percent, 5-27-71); No. 53, Seven Corners, Va. (11 to 20 percent, 5-27-71).

Lofton's variety-department store; Brookhaven, Miss.; salesclerk, gift wrapper; 6 to 26 percent, 6-16-71.

Magic Mart—Parham, Inc., variety-department store; 105 North Rodney Parham Road, Little Rock, Ark.; salesclerk, stock clerk, janitorial; 6 to 17 percent; 6-15-71.

May's Drug Stores, drug stores, for the occupations of salesclerk, stock clerk, 5 to 8 percent, 6-13-71; No. 186, Bloomington, Ill.; No. 185, Crystal Lake, Ill.; No. 182, Freeport, Ill.; No. 200, McHenry, Ill.; No. 187, Mundelein, Ill.; Nos. 188 and 196, Rockford, Ill.; No. 173, Round Lake, Ill.; Nos. 183 and 195, Waukegan, Ill.; No. 199, Woodstock, Ill.; No. 180, Beloit, Wis.; No. 176, Janesville, Wis.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk; No. 376, Freehold, N.J., 14 to 30 percent, 6-5-71; No. 1071, Allentown, Pa., 2 to 10 percent; 6-13-71.

Midlothian Pharmacy, drugstore; 4047 West 147th Street, Midlothian, Ill.; pharmacy clerk, stock clerk, office clerk; 11 to 19 percent; 6-5-71.

Morgan & Lindsey, Inc., variety-department store; No. 3089, New Orleans, La.; salesclerk, stock clerk; 6 to 31 percent; 5-20-71.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, janitorial, 9 to 15 percent, 6-1-71, except as otherwise indicated: No. 296, Decatur, Ala.; No. 297, Gadsden, Ala.; No. 306, Huntsville, Ala.; No. 440, Frankfort, Ind. (8 to 19 percent, 6-2-71); No. 26, Marion, Ohio (9 to 24 percent, 6-15-71); No. 150, New Castle, Pa. (18 to 21 percent, 6-5-71).

Newman Pharmacy, drugstore; 3458 West 111th Street, Chicago, Ill., pharmacy clerk, stock clerk, office clerk; 16 to 26 percent; 6-5-71.

Nordine's Foodland, foodstore; Bruce Crossing, Mich.; stock clerk, checker, carryout; 5 to 18 percent; 6-1-71.

Ol' South Pancake House, restaurant; No. 3, Dallas, Tex.; busboy (girl); 7 to 15 percent; 6-1-71.

B. Pearl Plantation, agriculture; Cary, Miss.; hoer, unloader, cleanup; 3 to 55 percent; 6-4-71.

Pence-Humboldt, Inc., foodstore; Highway 169 North, Humboldt, Kans.; sacker, carryout, stock clerk, checker, janitorial; 8 to 25 percent; 6-19-71.

Piggly Wiggly, foodstores, 10 percent, except as otherwise indicated: 215-23 Church Street, Andalusia, Ala., bagger, carryout, 6-2-71; South Market Street, Moulton, Ala., sacker, 6-15-71 (12 to 16 percent); Ozark Shopping Center, Mountain Home, Ark., carryout, sacker, cart clerk, 5-30-71 (8 to 20 percent); No. 6, Van Buren, Ark., stock clerk, packager, checker, 6-12-71 (18 to 25 percent); Corner Scott and Green, Bainbridge, Ga., bagger, 6-8-71; Nos. 28 and 29, DeRidder, La., stock clerk, checker, sacker, clerk, 6-17-71; No. 30, Oakdale, La., stock clerk, checker, sacker, clerk, 6-17-71; Nos. 16 and 17, Durant, Miss., stock clerk, packager, sacker, cleanup, 5-21-71 (11 to 15 percent); 16th Street, Laurel, Miss., bagger, packer, carryout, 5-27-71; Main Street, Leakesville, Miss., bagger, packer, carryout, 5-27-71; Winter Street and Highway 90, Lucedale, Miss., bagger, packer, carryout, 5-27-71; Beulah Avenue, Tylertown, Miss., bagger, carryout, 6-2-71; 116 South Second Street, Wiggins, Miss., bagger, packer, carryout, 5-27-71; No. 5, West Florence Annex, S.C., bagger, stock clerk, marker, janitorial, market clerk, 6-6-71 (9 to 10 percent); No. 26, Ennis, Tex., stock clerk, checkout, sacker, clerk, 6-11-71.

Pullman Pharmacy, drugstore; 11254 South Michigan Avenue, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk; 9 to 18 percent; 6-5-71.

Raylass Department Store, variety-department stores, for the occupations of stock clerk, salesclerk, office clerk, marker, janitorial, cashier, wrapper, 13 to 34 percent, 5-30-71, except as otherwise indicated: Scottsboro Shopping Center, Scottsboro, Ala. (office clerk, salesclerk, stock clerk, marker, cleanup, 6-14-71); Brainerd Village Shopping Center, Chattanooga, Tenn.; 607 Market Street, Chattanooga, Tenn.

Red Star Pharmacy, drugstore; 9200 South Commercial Avenue, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk; 9 to 18 percent; 6-5-71.

Rose's Stores, Inc., variety-department stores: No. 173, Tifton, Ga., salesclerk, stock clerk, checker, window trimmer, marker, order writer, 13 to 32 percent, 6-15-70 to 5-14-71; No. 112, Norfolk, Va., salesclerk, 13 to 27 percent, 5-30-71.

Ruben's Richmond Department Store, Inc., apparel store; 914-8 Broad Street, Augusta, Ga.; salesclerk, stock clerk, marker; 5 to 11 percent; 6-15-71.

Scott Store, variety-department stores, for the occupations of salesclerk, office clerk, stock clerk: No. 9239, Dolton, Ill., 23 to 30 percent, 5-31-71; No. 9328, Alpena, Mich., 5 to 20 percent, 5-25-71.

Spurgeon's, variety-department store; 100 West Washington Street, Pittsfield, Ill.; salesclerk, stock clerk, janitorial, receiving clerk, marker; 8 to 15 percent; 5-28-70 to 4-30-71.

Sterling Jewelry and Distributing Co., Inc., variety-department store; 5801 East Northwest Highway, Dallas, Tex.; stock clerk, salesclerk, sacker, runner; 7 to 27 percent; 5-23-71.

Sterling Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, janitorial: Caraway Plaza Shopping Center, Jonesboro, Ark., 8 to 31 percent, 6-4-71; University and Markham Streets, Little Rock, Ark., 17 to 40 percent, 6-1-71.

Stevens, apparel store; Woodrow Wilson Drive, Jackson, Miss.; cashier, salesclerk, gift wrapper, window display, office clerk; 5 to 11 percent; 6-14-71.

T.G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk: No. 249, Fort Smith, Ark., 11 to 30 percent, 6-11-71; No. 515, Covina, Calif., 19 to 35 percent, 6-11-71; No. 517, Garden Grove, Calif., 19 to 33 percent, 6-11-71; No. 534, Huntington Beach, Calif., 19 to 30 percent, 6-11-71; No. 520, San Diego, Calif., 21 to 30 percent, 5-31-71; No. 569, Taft, Calif., 20 to 30 percent, 5-31-71; No. 736, Kissimmee, Fla., 10 to 23 percent, 6-14-71; No. 759, Orlando, Fla., 2 to 17 percent, 6-17-71; No. 314, Atchison, Kans., 3 to 16 percent, 5-31-71; No. 305, Kansas City, Kans., 9 to 19 percent, 6-11-71; No. 96, Topeka, Kans., 9 to 30 percent, 5-27-71; No. 230, Baton Rouge, La., 3 to 30 percent, 6-4-71; No. 328, Galliano, La., 7 to 31 percent, 6-3-71; No. 318, Shreveport, La., 3 to 15 percent, 6-17-71; No. 477, Sikeston, Mo., 8 to 30 percent, 6-18-71; No. 449, Oklahoma City, Okla., 28 to 30 percent, 6-11-71; No. 833, Beaumont, Tex., 7 to 20 percent, 5-31-71; No. 358, Huntsville, Tex., 30 percent, 6-11-71; No. 110, Lubbock, Tex., 6 to 21 percent, 5-28-71; No. 706, San Antonio, Tex., 30 percent, 6-4-71.

Tall's Convenient Food Mart, foodstore; No. 3801, Weirton, W. Va.; stock clerk, cashier; 14 to 25 percent; 6-2-71.

Thornton's Supermarket, foodstore; Mason, Tex.; stock clerk, sacker, checker; 9 to 36 percent; 6-1-71.

Tom Thumb Stores, Inc., foodstore; No. 40, Dallas, Tex.; packager; 11 to 16 percent; 5-30-71.

Town & Country Supermarket, foodstore; Central and Cherry Streets, Harrison, Ark.; sacker, carryout, cleanup, stock clerk; 8 to 31 percent; 5-30-71.

Uncle Ray's Inc., foodstore; 946 West Huron, Vassar, Mich.; stock clerk, carryout; 13 to 20 percent; 5-27-71.

Whittaker, Inc., foodstores; No. 5, Oklahoma City, Okla., packager, carryout, delivery help, 30 percent, 5-25-71; No. 6, Oklahoma City, Okla., sacker, carryout, 15 percent, 6-2-71.

Wood's 5 & 10¢ Stores, Inc., variety-department stores; Lewis Smith Shopping Center, Whiteville, N.C.; salesclerk, stock clerk; 9 to 20 percent; 5-27-71.

J. W. Yonce & Sons, agriculture; Johnston, S.C.; grader, loader, sifter, packager; 0 to 73 percent; 6-11-71.

Zukors Lloyd Center, apparel store; 1232 Lloyd Center, Portland, Oreg.; office clerk, stock clerk, customer service, cashier; 2 to 22 percent; 5-31-71.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 17th day of August 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-11216; Filed, Aug. 25, 1970; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not

issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Angelica Uniform Co., Winfield, Mo.; 7-31-70 to 7-30-71; 10 learners (men's washable service uniform coats).

Ashland Crafts, Inc., Ashland, Ky.; 8-8-70 to 8-7-71 (children's dresses).

Blackville Manufacturing Corp., Blackville, S.C.; 8-2-70 to 8-1-71 (ladies' dresses and blouses).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; 8-5-70 to 8-4-71 (men's sport shirts).

Diaper Jeans, Inc., Denison, Tex.; 8-10-70 to 8-9-71 (infants' and children's wear).

Dickson Manufacturing Co., Plant No. 1, Dickson, Tenn.; 8-8-70 to 8-7-71 (men's work shirts).

Don Juan Manufacturing Corp., Hertford, N.C.; 8-11-70 to 8-10-71 (men's and boys' shirts).

Garan, Inc., Clinton, Ky.; 8-9-70 to 8-8-71 (boys' and men's shirts, girls' and ladies' blouses).

Gwen Fashions, Inc., McAlisterville, Pa.; 8-10-70 to 8-9-71 (women's dresses).

The Hercules Trouser Co., Wellston, Ohio; 7-30-70 to 7-29-71 (men's and boys' pants).

Iva Manufacturing Co., Iva, S.C.; 7-30-70 to 7-29-71; 10 learners (ladies' cotton blouses, shift dresses, and culottes).

Jamestown Manufacturing Co., Jamestown, Tenn.; 8-6-70 to 8-5-71 (men's and boys' sport shirts and pants).

Jester Kids Klothes, Inc., Tarpon Springs, Fla.; 8-1-70 to 7-31-71 (children's clothes).

Kellwood Co., Calhoun City, Miss.; 8-8-70 to 8-7-71 (boys' semidress trousers).

Ozark Manufacturing Co., Inc., Ozark, Ala.; 8-10-70 to 8-9-71 (ladies' blouses).

Plantersville Sportswear, Inc., Plantersville, Miss.; 8-5-70 to 8-4-71 (men's slacks).

RCM Enterprises, Inc., Baconton, Ga.; 7-31-70 to 7-30-71; 10 learners (ladies' and girls' blouses).

Salant & Salant Inc., Marked Tree, Ark.; 8-5-70 to 8-4-71 (children's pants).

Henry I. Siegel Co., Inc., Dickson, Tenn.; 8-1-70 to 7-31-71 (ladies', girls', men's, and boys' pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; 8-3-70 to 8-2-71 (men's and boys' pants).

Sportswear Unlimited, Iva, S.C.; 7-30-70 to 7-29-71; 10 learners (ladies' blouses and dresses).

Wildwood Clothing Co., Inc, Wildwood, N.J.; 8-1-70 to 7-31-71; 10 learners (ladies' and men's slacks and shorts).

Williamson-Dickie Manufacturing Co., McAllen, Tex.; 8-11-70 to 8-10-71 (men's work pants).

Woodbury Manufacturing Co., Inc., Woodbury, Tenn.; 8-6-70 to 8-5-71 (men's and boys' shirts, women's and girls' blouses).

Woolfolk Manufacturing Corp., Louisa, Va.; 8-7-70 to 8-6-71 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Daisy Garment Makers, Washington, N.C.; 8-1-70 to 1-31-71; 32 learners (children's dresses).

Hamburg Shirt Corp., Hamburg, Ark.; 8-1-70 to 1-31-71; 75 learners (boys' shirts).

Renmar Manufacturing Corp., Parkersburg, W. Va.; 8-7-70 to 2-6-71; 35 learners (teen's and misses' slacks, shorts, jumpers, and shirts).

Rockwell Manufacturing Corp., St. Paul, Va.; 8-5-70 to 2-4-71; 20 learners (ladies' brassieres and girdles).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Houlka, Miss.; 7-30-70 to 7-29-71; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Oak Grove, La.; 8-3-70 to 8-2-71; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Virginia Maid Hosiery Mills, Inc., Pulaski, Va.; 8-8-70 to 8-7-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless nylons).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie Corp., Boswell, Pa.; 8-3-70 to 8-2-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips and sleepwear).

Signal Knitting Mills, Inc., New Tazewell, Tenn.; 7-28-70 to 7-27-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' T-shirts, athletic shirts, and briefs).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 17th day of August 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-11215; Filed, Aug. 25, 1970; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-253]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has applied for an increase in maximum sailings on its subsidized Trans-Pacific Freight Service (Trade Route No. 29, U.S. Pacific/Far East) from 54 sailings per annum to 62 sailings per annum.

American President Lines, Ltd., in its application called attention to the recent sale of the "SS President Roosevelt" in April 1970 advising that the company has lost the potential to make approximately eight transpacific sailings per annum by that action.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on September 10, 1970, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 24, 1970.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-11378; Filed, Aug. 25, 1970; 9:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-136 etc.]

ATAPAZ PETROLEUM, INC., ET AL.

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

AUGUST 14, 1970.

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

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

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 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 28, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-136	Atapaz Petroleum, Inc., Post Office Box 1828, Midland, Tex. 79701.	1	4	Natural Gas Pipeline Co. of America (Lockridge Field; Ward County, Tex., RR. District No. 8) (Permian Basin Area).	$8,733	7-20-70	8-20-70	1-20-71	16.4615	17.4653	RI-70-677.
RI71-137	Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.	18	3	do	6,776	7-20-70	8-20-70	1-20-71	16.4615	17.4653	RI-70-525.
RI71-138	Terra Resources, Inc., Fourth National Bank Bldg., Tulsa, Okla. 74119.	5	[1] 12	Mountain Fuel Supply Co. (Nitchie Gulch Unit, Sweetwater County, Wyo.).	1,663	7-23-70	8-23-70	1-23-71	[2] 15.384	16.0	
RI71-139	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	86	2	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.) (Permian Basin).	24,096	7-22-70	8-22-70	1-22-71	16.659	17.68	
RI71-140	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	124	7	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex., RR. District No. 8) (Permian Basin).	12,113	7-20-70	8-20-70	1-20-71	20.5897	27.319	RI69-53.
RI71-141	Phillips Petroleum Co., Bartlesville, Okla. 74004.	279	18	El Paso Natural Gas Co. (Hogsback Area, Sublette and Lincoln Counties, Wyo.).	57,936	7-21-70	8-21-70	1-21-71	[3] 18.7775	[3] 19.7925	RI70-1187.
RI71-142	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	471	3	Northern Natural Gas Co. (Pikes Peak Field, Pecos County, Tex., RR. District 8) (Permian Basin).	79,497	7-17-70	8-17-70	1-17-71	13.7213	[3] 14.6046	RI71-87.
RI71-143	Dixie M. McLane Trust, 2700 Republic National Bank Bldg., Dallas, Tex. 75201.	1	2	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex., San Juan Basin).	308	7-23-70	9-1-70	2-1-71	[3] 13.0	[3] 14.0	
RI71-144	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	144	4	Natural Gas Pipeline Co. of America (Indian Basin Field, Eddy County, N. Mex.) (Permian Basin).	1,402	7-16-70	8-16-70	1-16-71	[4] 16.659	[4] 17.646	
	do	148	4	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex., RR. District No. 8) (Permian Basin).	[5] 51,728	7-17-70	8-17-70	1-17-71	[5] 14.552 [6] 16.49	[5] [7] 21.7505 [6] [7] 21.7505	RI70-658.
	do	170	8	El Paso Natural Gas Co. (Gomez Ellenburger Field, Pecos County, Tex., RR. District No. 8) (Permian Basin).	3,710	7-17-70	8-17-70	1-17-71	15.97	17.5656	RI70-659.
RI71-145	Texas Pacific Oil Co., Inc., 1700 One Main Pl., Dallas, Tex. 75250.	80	1	Kansas-Nebraska Natural Gas Co. (Wind River Basin Field, Fremont and Natrona Counties, Wyo.).	120	7-17-70	9-1-70	2-1-71	15.0	16.0	
RI71-146	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	36	12	United Gas Pipe Line Co. (Baxterville Field, Lamar and Marion Counties, Miss.).	822	7-20-70	8-20-70	1-20-71	[3] 15.5	[3] 16.0	RI70-356.
	do	68	9	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis and Simpson Counties, Miss.).	18,821	7-20-70	8-20-70	1-20-71	[3] 15.5	[3] 16.0	RI70-356.
RI71-147	J. C. Trahan, Drilling Contractor, Inc., 2625 Line Ave.,[8] Shreveport, La. 71101.	26	5	Trunkline Gas Co. (Cage Ranch Field, Brooks County, Tex.) (RR. District No. 4).	775	7-24-70	8-24-70	1-24-71	14.37484	15.45	RI65-551.
RI71-148	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	411	4	Trunkline Gas Co. (Kelsey Field, Brooks County, Tex.) (RR. District No. 4).	15,904	7-23-70	9-1-70	2-1-71	16.06	17.06375	RI70-284.
RI71-149	Butler-Johnson, Inc., Post Office Box 306, Shreveport, La. 71102.	2	4	United Gas P/L Co. (South Downsville Field, Lincoln Parish, North Field, Louisiana).	400	7-21-70	9-1-70	2-1-71	[9] [10] 18.75	[9] [10] 19.75	
RI71-150	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	23	3	El Paso Natural Gas Co. (Nelson Unit, Beaver County, Okla.) (Panhandle Area).	2,048	7-22-70	8-22-70	1-22-71	[3] 17.0	[3] [10] 21.015	
RI71-151	Hamilton, Frederic C. & Ferris F., d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	6	2	Cities Service Gas Co. (North Lovedale Field, Harper County, Okla.) (Panhandle Area).	2,837	7-22-70	8-31-70	1-31-71	[11] [12] 17.0	[11] [12] 18.0	RI67-334.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-152..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	95	2	Northern Natural Gas Co. (Morrison Ranch Field, Roberts County, Tex., RR. District No. 10).	$8,732	7-22 70	9- 1-70	2- 1-71	[11] 17.0637[3]	[11] 18.0675	RI70-518.
RI71-153..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	267	3	Cities Service Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	575	7-23-70	9- 1-70	2- 1-71	[11] 12.0	[11] 13.0	RI67-272.
	do	299	6	Panhandle Eastern P/L Co. (Hugoton Field, Morton County, Kans.).	377	7-23-70	9-15-70	2-15-71	12.0	13.0	RI67-275.
	do	460	3	Arkansas Louisiana Gas Co. (Northeast Hillsdale Field, Grant and Custer Counties) (Oklahoma Other Area).	828	7-23-70	9- 1-70	2- 1-71	[11] 17.0	[11] 17.2	RI70-1338.
	do	464	1	Transwestern P/L Co. (Guymon Field, Cimarron County, Okla.) (Panhandle Area).	1,758	7-23-70	8-23-70	1-23-71	[11] 17.0	[11] 20.5	

* Unless otherwise stated pressure base is 14.65 p.s.i.a.
[1] Applicable to production from Nitchie Gulch Unit Well No. 11-9.
[2] Pressure base is 15.025 p.s.i.a.
[3] Includes 2.08-cent downward B.t.u. adjustment and 0.87-cent treating cost.
[4] Subject to upward and downward B.t.u. adjustment from a base of 1,038 B.t.u. per cubic foot.
[5] Residue gas not derived from new gas-well gas.
[6] New gas from Devonian formation.
[7] Includes 1.148-cent upward adjustment for gas containing 1,056 B.t.u. per cubic foot.
[8] Includes 1.75-cent tax reimbursement.
[9] Excludes 0.443 cent from processing of liquids under the contract's liquid revenue sharing provisions.
[10] Includes 0.015-cent tax reimbursement.
[11] Subject to downward B.t.u. adjustment.
[12] Includes a 1-cent charge paid by buyer to seller for gathering, dehydrating and delivering the gas.
[13] Subject to upward and downward B.t.u. adjustment.

Phillips' proposed increase, in addition to providing for a periodic increase, includes partial reimbursement of a severance tax recently enacted by the State of Wyoming and is applicable to past production back to January 1, 1968. After the amount of tax reimbursement applicable to past production has been recovered, Phillips shall file an appropriate rate decrease to reduce the proposed rate herein so as to provide for tax reimbursement for future production only. Phillips will also be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review.

Atapaz, Pennzoil, Terra, Kerr-McGee, and Phillips request effective dates for which adequate notice has not been given and Humble and Kerr-McGee request a suspension period of 1 day. Good cause has not been shown for waiving the 30-day statutory notice period or for limiting the suspension period to 1 day. Accordingly, the above requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area increased rate ceilings set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 70-11124; Filed, Aug. 25, 1970; 8:45 a.m.]

[Docket No. RI71-130, etc.]

CITIES SERVICE OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 13, 1970.

The respondents named herein have filed proposed changes in 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 date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(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 28, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date Suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-130..	Cities Service Oil Co.	178	[1] 25	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 43 Field, Offshore Louisiana) (Disputed Zone).	$9,934	7-20-70	7-20-70	7-21-70	19.5	20.0	RI70-875.
	do	228	[2] 4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Cameron Block 193 Field, Offshore Louisiana) (Federal Domain).	10,585	7-20-70	8-20-70	8-21-70	19.5	20.0	
RI71-131..	Continental Oil Co.	341	[3] 4	do	2,500	7-17-70	8-17-70	8-18-70	19.5	20.0	
RI71-132..	Mobile Oil Corp.	176	[4] 28	Transcontinental Gas Pipe Line Corp. (West Cameron Block 110 Field, Offshore Louisiana) (Federal Domain).	7,300	7-17-70	8-17-70	8-18-70	19.0	20.0	
RI71-133..	Union Carbide Petroleum Corp.	1	[4] 3	Michigan Wisconsin Pipe Line Co. (Ship Shoal Area, Offshore Louisiana) (Federal Domain).	20,391	7-23-70	8-23-70	8-24-70	19.5	20.0	
RI71-134..	Continental Oil Co.	158	[1] 15 [5] 16	Transcontinental Gas Pipe Line Corp. (West Cameron Block 110 and Eugene Island Block 126 Fields, Offshore Louisiana) (Federal Domain).	3,195 1,825	7-23-70 7-23-70	8-23-70 8-23-70	8-24-70 8-24-70	19.0 19.0	20.0 20.0	
RI71-135..	Getty Oil Co.	163	[7] 4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Cameron Block 192 Field, Offshore Louisiana) (Federal Domain).	10,585	7-24-70	8-24-70	8-25-70	19.5	20.0	

*The pressure base is 15.025 p.s.i.a.
[1] Applies to the PN, QM, OE, PQ, OR, and OPU Reservoirs.
[2] Applies to the KM D-5 Reservoir.
[3] Footnote not used.
[4] Applicable only to gas well gas sales from the newly discovered reservoirs.
[5] Applies to gas well gas sales from the I-1 and 2-B upper sand reservoirs.
[6] Applies to gas well gas sales from J-1 and I-3 sand reservoirs.
[7] Applies to the KM D-5 Reservoir.

All of the proposed increased rates involved here, except for the one relating to Cities' FPC Gas Rate Schedule No. 178, were submitted pursuant to paragraph (A) of Opinion No. 546–A with respect to gas well gas which qualifies for a third vintage price in accordance with Opinion No. 567. These increases should be suspended for 1 day upon expiration of the statutory notice period. Thereafter, the proposed rate may be placed in effect subject to refund pending the outcome of Docket No. AR69–1.

The proposed increase under Cities' FPC Gas Rate Schedule No. 178 relates to gas well gas produced from newly discovered reservoirs in the disputed zone, offshore Louisiana. The rate proposed equals the ceiling established in Opinion No. 546 for third vintage gas well gas produced from within the State's taxing jurisdiction but exceeds the ceiling for gas produced in the Federal domain. This increase shall be suspended for 1 day from the date of filing and thereafter Cities may collect the proposed rate subject to refund of those amounts attributable to the 1.5-cent difference in the offshore and onshore area rate paid for gas finally held to have been produced from the Federal domain.

[F.R. Doc. 70–11125; Filed, Aug. 25, 1970; 8:45 a.m.]

[Docket No. RI71–169, etc.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 17, 1970.

The respondents named herein have filed proposed changes in 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 date, shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(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 October 12, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date Suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-169..	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	357	1	Michigan Wisconsin Pipe Line Co. (Eugene Island Blocks 247 and 265, Offshore Louisiana).	$10,800	7-27-70	8-27-70	[2] 8-28-70	[1] 18.5	[1] 20.0	
RI71-170..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	84	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (La Reforma Field, Starr County, Tex., RR. District No. 4).	12	7-27-70	8-27-70	8-28-70	15.0	15.0663	
RI71-171..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	380	2	Panhandle Eastern P/L Co. (North Gruver Field, Hansford County, Tex., RR. District No. 10).	156	7-28-70	7-28-70	7-29-70	[3] [4] 19.159	[3] [4] 19.2308	
RI71-172..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	20	11	Phillips Petroleum Co. (Texas Hugoton Field, Sherman County, Tex., RR. District No. 10).	657	7-29-70	9-23-70	9-24-70	[4] 11.1306	[4] 12.1425	RI68-1.

*Pressure base is 14.65 p.s.i.a. unless otherwise stated.
[1] Pressure base is 15.025 p.s.i.a.
[2] Or 1 day from date of initial delivery, whichever is later.
[3] Includes 2.159-cent upward B.t.u. adjustment.
[4] Subject to upward and downward B.t.u. adjustment.
[5] Sweet gas rate, subject to a deduction 0.4466 cent if gas is sour.

Continental's proposed increase, involving a sale in the Federal Domain, was submitted pursuant to paragraph (A) of Opinion No. 546-A. This increase shall be suspended for 1 day from the expiration of the statutory notice period or 1 day from the date of initial delivery whichever is later. Thereafter, the proposed rate may be collected subject to refund pending the outcome of Docket No. AR69-1.

The proposed increases by Mobil and Gulf reflect reimbursement for the October 1, 1969, increase in the Texas Production Tax. Pursuant to Order No. 390 these increases shall be suspended for 1 day from the requested effective dates.

Humble's proposed increase relates to a sale of gas to Phillips. Phillips resells such gas after gathering and processing to Michigan Wisconsin at a rate of 16.22 cents plus applicable tax reimbursement which is in effect subject to refund in Docket No. RI70-28. In these circumstances the suspension period for Humble's proposed rate shall be limited to 1 day from the expiration of the statutory notice period.

All of the producers' proposed increased rates and charges exceed the area increased rate ceilings set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 70-11126; Filed, Aug. 25, 1970; 8:45 a.m.]

[Docket No. RI71-154 etc.]

GINTHER, WARREN & CO. ET AL.

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

AUGUST 14, 1970.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 28, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-154	Ginther, Warren & Co	12	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Ann-Mag Field, Brooks County, Tex., R.R. district No. 4).	$1,330	7-30-70	8-30-70	1-30-71	16.0	17.06375	
		1	12	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Sarco Creek Field, Goliad County, Tex., R.R. District No. 2).	171,600	7-30-70	8-30-70	1-30-71	15.33333	20.1	G-17281.
RI71-155	Texaco, Inc	224	3	Panhandle Eastern Pipe Line Co. (Northeast Carthage Field, Texas County, Okla., Panhandle Area).	100	7-24-70	10-1-70	3-1-71	16.0	17.0	RI69-794.
RI71-156	Gulf Oil Corp	293	2	Panhandle Eastern Pipe Line Co. (Frantz Upper Morrow Field, Ochiltree County, Tex., R.R. District No. 10).	2,981	7-29-70	9-1-70	2-1-71	17.0638	18.0675	RI70-1160.
RI71-157	Mobil Oil Corp	42	16	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex., R.R. District No. 6).	180	7-27-70	8-27-70	1-27-71	15.6	16.6726	RI67-272.
RI71-158	Ashland Oil, Inc	132	10	Kansas Nebraska Natural Gas Co., Inc. (Grand Valley (Camrick) Field, Texas County, Okla., Panhandle Area).	40	7-27-70	10-1-70	3-1-71	[1] 18.61	[1] 18.81	RI70-116.
		139	8	El Paso Natural Gas Co. (Clear Lake Field, Beaver County, Okla., Panhandle Area).	400	7-27-70	9-1-70	2-1-71	[2] 23.015	[2] 25.015	RI70-365.
RI71-159	Texaco, Inc	437	2	Arkansas Louisiana Gas Co. (Hillside Field, Grant County, Okla., Other Area).	343	7-21-70	9-1-70	2-1-71	[3] [4] 20.64	[3] [4] 20.88	RI70-1402.
RI71-160	Galaxy Oil Co	1	[5] 2	Arkansas Louisiana Gas Co., (Kinta & Wilburton Fields, Haskell & Latimer Counties, Okla., Other Area).	660	7-27-70	8-27-70	1-27-71	[6] 15.0	[6] 16.015	
RI71-161	Graham-Michaelis Drilling Co.	50	10	Northern Natural Gas Co. (Harper Ranch Field, Clark County, Kans.).	122	7-27-70	8-27-70	1-27-71	[6] 16.0	[6] 17.0	
RI71-162	Freguson Oil Co., Inc	4	2	Panhandle Eastern Pipe Line Co. (No. 1-A Loewen Unit, Meade County, Kans.).	5,760	7-27-70	8-27-70	1-27-71	[4] 16.0	[4] 18.0	
RI71-163	Getty Oil Co	124	7	Michigan Wisconsin Pipe Line Co. (Northeast and Southwest Cedardale Fields, Woodward County, Okla. Panhandle Area and Major County, Okla. Other Area).	4,620 990	7-17-70	8-17-70	1-17-71	[4] [7] 17.7 [7] [8] 17.8	[4] [7] 19.2 [7] [8] 19.2	RI69-646.
RI71-164	Cleary Petroleum Corp., agent.	32	3	Arkansas Louisiana Gas Co. (Keota Area, Haskell County, Okla. Other Area).	15,694	7-24-70	8-24-70	1-24-71	15.0	18.0	
RI71-165	Cleary Petroleum Corp	31	2	do	5,906	7-24-70	8-24-70	1-24-71	15.0	18.0	
RI71-166	Union Oil Company of California.	152	4	Kansas-Nebraska Natural Gas Co., Inc. (Badwater Area, Fremont and Natrona Counties, Wyo.).	1,825	7-29-70	9-1-70	2-1-71	15.0	16.0	
RI71-167	Pan American Petroleum	493	5	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex. R.R. District No. 8, Permian Basin).	36,314	7-30-70	8-30-70	1-30-71	19.64	21.7562	RI70-781.
RI71-168	Read & Stevens, Inc [11]	(10)	.....	El Paso Natural Gas Co. (Acreage in Chaves County, N. Mex., Permian Basin).	22,192	7-27-70	8-27-70	1-27-71	16.58	[12] 19.62	

*Unless otherwise stated, pressure base is 14.65 p.s.i.a.
[1] Subject to downward B.t.u. adjustment.
[2] Exclusive of 0.62 cent paid by buyer for liquids.
[3] Includes base rates of 17 cents before increase and 17.2 cents after increase plus upward B.t.u. adjustment.
[4] Subject to upward and downward B.t.u. adjustments.
[5] Applicable only to original certificated acreage in Docket No. CI70-366.
[6] Subject to downward B.t.u. adjustment.
[7] Applicable to Oklahoma Panhandle Area Production.
[8] Applicable to Oklahoma Other Area Production.
[9] Includes 0.7-cent upward B.t.u. adjustment (1,070 B.t.u. gas).
[10] No rate schedule on file—pertains to contract dated Apr. 14, 1970.
[11] Applicant issued a small producer certificate in Docket No. CS70-42.
[12] Includes 1.62 cents per Mcf upward B.t.u. adjustment.

Ginther, Galaxy, Ferguson, and Read & Stevens, Inc., request effective dates for which adequate notice has been given. Mobil requests that the suspension period be limited to 1 day if its proposed rates are suspended. Good cause has not been shown for waiving the 30-day statutory notice period or for limiting the suspension period to 1 day. The requests are therefore denied.

All of the producers' proposed increased rates and charges exceed the applicable area increased rate ceilings set forth in the Commission's statement of policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 70-11127; Filed, Aug. 25, 1970; 8:45 a.m.]

[Docket No. RI71-90, etc.]

KERR-McGEE CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 5, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effected 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.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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 date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(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 and practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-90	Kerr McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	110	1	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 239 Unit, Offshore Louisiana).	$22,050	7-17-70	8-17-70	[3] 8-18-70	[4] 18.5	[4] 20.0	
RI71-91	do	111	1	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 230 Field, Offshore Louisiana).	120,450	7-17-70	8-17-70	[3] 8-18-70	[4] 18.5	[4] 20.0	
RI71-92	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	181	1	Michigan Wisconsin Pipeline Co. (Eugene Island Block 226 Iberia and St. Mary Parish, Offshore Louisiana).	900	7-17-70	8-17-70	[3] 8-18-70	[4] 18.5	[4] 20.0	
RI71-93	Bright & Schiff, 2355 Stemmons Bldg., Dallas, Tex. 75207.	7	6	South Texas Natural Gas Gathering Co. (Northeast Thomsonville Field, Webb and Jim Hogg Counties, Tex. RR. District No. 4).	360	7-17-70	7-17-70	7-18-70	16.0	16.06	
RI71-94	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	189	2	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	220	7-13-70	9- 1-70	9- 2-70	12.0	13.0	
RI71-95	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	147	32	Warren Petroleum Co. (Panhandle Field, Wheeler County, Tex. RR. District No. 10).	12	7-13-70	8-13-70	8-14-70	13.3088	13.4505	RI70-1193.
	do	148	35	do	17	7-13-70	8-13-70	8-14-70	13.3088	13.4505	RI70-1193.

*Except where otherwise indicated, pressure base is 14.65 p.s.i.a.
[3] Or 1 day from the date of initial delivery, whichever is later.
[4] 15.025 p.s.i.a.

The proposed rate increases from 18.5 cents to 20 cents per Mcf filed pursuant to Opinion No. 546-A by Kerr-McGee and Getty involve sales of third vintage gas well gas from offshore Louisiana. These increases shall be suspended for 1 day from August 17, 1970, the expiration date of the 30-day statutory notice period, or 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of Docket No. AR69-1.

The proposed increase filed by Bright & Schiff reflects partial reimbursement for the increase from 7 percent to 7.5 percent in the Texas Production Tax. Bright & Schiff requests a retroactive effective date of October 1, 1969, for its filing. Good cause does not exist for granting such request and it is therefore denied. In accordance with Orders No. 390 issued October 10, 1969, we shall suspend the proposed rate for 1 day from the date of filing.

Sun's proposed increase involves a contract dated after the issuance of the Commission's statement of general policy No. 61-1. The proposed rate does not exceed the initial rate ceiling set forth in the policy statement. In these circumstances we believe it appropriate to suspend the proposed rate for 1 day from the expiration of the statutory notice period.

Mobil's proposed rates relate to sales to Warren. Warren processes and resells the gas under its FPC Gas Rate Schedule No. 51 to Transwestern at a rate which in effect subject to refund in Docket No. RI70-850. In view thereof, a suspension period of 1 day from the expiration of the statutory notice period is appropriate.

All of the proposed increased rates involved here exceed the increased rate ceilings set forth in the Commission's statement of general policy No. 61-1, as amended.

[F.R. Doc. 70-11128; Filed, Aug. 25, 1970; 8:45 a.m.]

TARIFF COMMISSION

ELECTROLYTIC CAPACITORS

Report to the President

AUGUST 21, 1970.

The U.S. Tariff Commission today reported to the President the result of an investigation of a petition for adjustment assistance filed by the Ion Capacitor Corp., Columbia City, Ind. The investigation was conducted under section 301(c)(1) of the Trade Expansion Act of 1962.

In the investigation (TEA-F-11), the Commission was to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the electrolytic capacitors produced by the Ion Capacitor Corp. are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the firm.

The vote of the Commission was equally divided. Commissioners Sutton and Leonard found in the negative. Commissioners Clubb and Moore found in the affirmative.

A part of the material contained in the report may not be made public since it includes information that would disclose the operations of an individual firm. The Commission, therefore, is releasing to the public only those portions of the report that do not contain business confidential information.

The public report (T.C. Pub. 335), which contains statements of the reasons for the Commissioners' findings, will be

released as soon as possible. Copies will be available on request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-11267; Filed, Aug. 25, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 21, 1970.

Protests to the granting of an application must be prepared in accordance with § 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. 42035—*Newsprint paper from Arkansas, Louisiana, and Texas, also returned shipments of winding cores.* Filed by Southwestern Freight Bureau, agent (No. B-180), for interested rail carriers. Rates on newsprint paper, also returned shipments of newsprint paper winding cores, in carloads, as described in the application, from Sheldon, Tex., to points in southwestern territory, including Mississippi River crossings, Memphis, Tenn., and south; western trunkline and Illinois territories, and from Poise-Southern, La., Herty, Tex., and Pine Bluff, Ark., to points in Kansas, also returned shipments of winding cores in the reverse direction.

Grounds for relief—Revision of rate structure disrupted by general increases and increased delivery costs.

Tariff—Supplement 111 to Southwestern Freight Bureau, agent, tariff ICC 4716.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[F.R. Doc. 70-11226; Filed, Aug. 25, 1970; 8:47 a.m.]

[Notice 18]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 21, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification, and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 61616 (Deviation No. 36), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark. 72114, filed August 7, 1970. Carrier's representative: Nathaniel Davis, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Monroe, La., over Interstate Highway 20 to junction Louisiana Highway 133, thence over Louisiana Highway 133 to Start, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Monroe, La., over U.S. Highway 80 to Rayville, La., thence over Louisiana Highway 137 to Archibald, La., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[F.R. Doc. 70-11229; Filed, Aug. 25, 1970; 8:47 a.m.]

[Notice 28]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 21, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30605 (Deviation No. 15), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 1413 Railway Exchange, 80 East Jackson Boulevard, Chicago, Ill. 60604, filed August 10, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pratt, Kans., over U.S. Highway 54 to Santa Rosa, N. Mex., thence over U.S. Highway 66 (Interstate Highway 40) to Moriarty (Calvert), N. Mex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Wichita, Kans., over U.S. Highway 54 to junction U.S. Highway 154, thence over U.S. Highway 154 to Dodge City, Kans., thence over U.S. Highway 50S to Garden City, Kans., thence over U.S. Highway 50 to Pueblo, Colo.; (2) from Dodge City, Kans., over U.S. Highway 50S to junction unnumbered highway, immediately north of Sylvia, Kans.; (3) from Kinsley, Kans., over U.S. Highway 183 to Gibson, Kans., thence over unnumbered highway via Charlet, Trousdale, Hopewell, and Byers, Kans., to Strickler, Kans., thence over U.S. Highway 281 via Iuka, Kans., to Pratt Kans.; (4) from Denver Colo., over U.S. Highway 85 to junction relocated U.S. Highway 85 near Crow, Colo., thence over relocated U.S. Highway 85 to junction U.S. Highway 85 south of Greenhorn, Colo., thence over U.S. Highway 85 via Rowe and Glorieta, N. Mex., to Albuquerque, N. Mex. (also from Denver as specified to Rowe, N. Mex., thence over unnumbered highway via Pecos, N. Mex., to Glorieta, N. Mex., thence over U.S. Highway 85 to Albuquerque); (5) from Albuquerque, N. Mex., over U.S. Highway 66 to junction new Mexico Highway 41, thence over New Mexico Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to Willard, N. Mex.; (6) from Willard, N. Mex., over U.S. Highway 60 to junction New Mexico Highway 6, thence over New Mexico Highway 6 to Belen, N. Mex.; (7) from Wichita, Kans., over U.S. Highway 54 to Pratt, Kans.; (8) from Dodge City, Kans., over U.S. Highway 50 to the Kansas-Colorado State line; (9) from the Colorado-Kansas State line over U.S. Highway 50 to Pueblo, Colo.; (10) from junction U.S. Highway 50 Bypass and U.S. Highway 85 north of Pueblo, Colo., over U.S. Highway 50 Bypass to junction U.S. Highway 50; and (11) from Pueblo, Colo., over Colorado Highway 96 to Boone, Colo., thence over Colorado Highway 209 to junction U.S. Highway 50, and return over the same routes.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[F.R. Doc. 70-11228; Filed, Aug. 25, 1970; 8:47 a.m.]

[Notice 78]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 21, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 29566 (Sub-No. 134) (Republication), filed August 14, 1969, published in the FEDERAL REGISTER issue of September 18, 1969, and republished this issue. Applicant: SOUTHERN FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). By application filed August 14, 1969, as amended, INTERSTATE MOTOR FREIGHT SYSTEM, of Grand Rapids, Mich., successor-in-interest to Southwest Freight Lines, Inc., of Kansas City, Mo., seeks a certificate of public convenience and necessity. The modified procedure has been followed, and an order of the Commission, Operating Rights Board, dated May 28, 1970, and served June 16, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of cellulose materials and products, paper and paper products, and materials, equipment, and supplies used in the production and distribution of the above-described commodities (except in each instance commodities in bulk), between the plantsite of the Charmin Paper Products Co. near Neely's Landing, Mo., on the one hand, and, on the other, points in Arkansas (except Blytheville and points in its commercial zone), Colorado, Illinois (except points on and south of U.S. Highway 460), Iowa, Kansas, Nebraska, and Oklahoma. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 105461 (Sub-No. 86) (Republication), filed January 12, 1970, published in the FEDERAL REGISTER issue of February 19, 1970, and republished this issue. Applicant: HERR'S MOTOR EXPRESS, INC., Box 8, Quarryville, Pa. 17566. Applicant's representative: Bernard N. Gingerich, 114 West State Street, Quarryville, Pa. 17566. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated July 28, 1970, and served August 13, 1970, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used empty containers, from points in Atlantic, Burlington, Monmouth, and Ocean Counties, N.J., to Philadelphia, Pa. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by a lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen the proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129778 (Republication) filed March 19, 1968, published in the FEDERAL REGISTER issue of April 4, 1968, and republished this issue. Applicant: EAST PENN TRANSPORTATION CO., a corporation, Box 387, Pottsville, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. A decision and order of the Commission, Review Board No. 3, dated August 7, 1970, and served August 13, 1970, upon consideration of the application and the record in the proceeding, including the Examiner's report and recommended order, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage in the same vehicle with passengers, in charter operations, beginning and ending at points in Schuylkill County, Pa., extending to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia. Because it is possible that other parties who have relied upon the notice of the application as previously published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 47904 (Sub-No. 3), filed August 6, 1970. Applicant: INTERCITY TRANSPORTATION COMPANY, a corporation, 600 Turnpike Street, South Easton, Mass. 02375. Applicant's representative: Frank J. Weiner, 6 Beacon Street. Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or containmating to other lading), between points in Massachusetts. NOTE: The instant application is a matter directly related to MC–F–10919, published in the FEDERAL REGISTER issue of August 19, 1970. Applicant states that tacking can take place at any common point with the authority sought to be purchased in the directly related application. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10907. (Correction) (C & H TRANSPORTATION CO., INC.—Purchase—W. J. SHANNON TRUCKING CO.), published in the August 5, 1970 issue of the FEDERAL REGISTER on pages 12511 and 12512. This correction is to show the correct name of the party to acquire control of the operating rights is TYLER CORPORATION, in lieu of C. A. RUNDELL, JR.

No. MC–F–10908. (Correction) (ROBERTSON TANK LINES, INC.—Purchase—ALLEN TRUCKING COMPANY, INC.), published in the August 5, 1970 issue of the FEDERAL REGISTER on page 12512. This correction to show that the correct name of the company controlling ROBERTSON TANK LINE, INC., is ROBERTSON DISTRIBUTION SYSTEM, INC., and the parties to acquire control of the operating rights through ROBERTSON DISTRIBUTION SYSTEM, INC., are L. M. ROBERTSON, ELIZABETH ROBERTSON, and IRVIN L. SMART in lieu of EDWARD O. GAYLORD.

No. MC–F–10909. (Correction) (CHEMICAL EXPRESS COMPANY—Control—QUALITY TRANSPORT, INC.), published in the August 5, 1970 issue of

the FEDERAL REGISTER on page 12512. This correction is to show (A) CEMENT TRANSPORTS, INC., MC–124238, 1200 Simons Building, Dallas, Tex. 75201, is authorized to operate as a common carrier in Arkansas, Louisiana, Oklahoma, and New Mexico, and "eliminate and is controlled by" preceding (D) ELLSWORTH BROS. TRUCK LINE, INC., as ELLSWORTH BROS. TRUCK LINE, INC. is controlled by CHEMICAL EXPRESS COMPANY.

No. MC–F–10925. Authority sought for control by IML FREIGHT, INC., Post Office Box 2277 (2175 S. 3270 W.), Salt Lake City, Utah 84110, of THOMAS H. MARROW TRUCKING CO., 8050 Othello Street, San Diego, Calif. 92111, and for acquisition by CHARLES C. GATES, JR., 999 South Broadway, Denver, Colo., of control of THOMAS H. MARROW TRUCKING CO., through the acquisition by GATES CORPORATION. Applicants' attorneys: Frank Loughran and Marshall G. Berol Loughran, Berol & Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Operating rights and property sought to be controlled: Under a certificate of registration, in Docket No. MC–120516 Sub 2, covering the transportation of property, as a common carrier in interstate commerce, within the State of California. IML FREIGHT, INC., is authorized to operate as a *common carrier* in Colorado, Utah, Nevada, Nebraska, California, Illinois, Wyoming, Iowa, Arizona, Idaho, Kansas, Missouri, Oregon, Washington, Ohio, Kentucky, Indiana, Pennsylvania, New Jersey, New York, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10927. Authority sought for purchase by COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. 13346, of the operating rights and property of JOHN C. PETERSON, doing business as DAPSON'S EXPRESS, 213 Main Street, Oriskany Falls, N.Y. 13425, and for acquisition by L. ALLEN COSSITT, also of Hamilton, N.Y., of control of such rights and property through the purchase. Applicants' attorneys: Norman M. Pinksy and Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y. 13202. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, as a *common carrier* over regular route, between Utica, N.Y., and Morrisville, N.Y., serving all intermediate points, and the off-route points of Solsville, Pratts Hollow, Stockbridge, Hamilton, Munnsville, Knoxboro, Augusta, Randallsville, and Easton, N.Y. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Maine, Vermont, New Hampshire, Maryland, New Jersey, Virginia, West Virginia, Ohio, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10928. Authority sought for purchase by YARBROUGH TRANSFER COMPANY, 1500 Doune Street, Winston-Salem, N.C. 27107, of the operating rights of BELVIE LEE PRICE, doing business as PRICE MOVING SERVICE, 1042 North Oakland Street, Gastonia, N.C. 28052, and for acquisition by JOHN D. YARBROUGH, also of Winston-Salem, N.C., of control of such rights through the purchase. Applicants' attorney and representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005 and Frank Patton Cooke, 317–21 Commercial Building, Gastonia, N.C. 28052. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between points in Gaston County, N.C., on the one hand, and, on the other, points in Georgia, South Carolina, and Tennessee. Vendee is authorized to operate as a *common carrier* in North Carolina and under a certificate of registration within the State of North Carolina. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–112288 Sub 5 is a matter directly related.

No. MC–F–10930. Authority sought for purchase by BOB YOUNG TRUCKING, INC., New Industrial Drive, Bethlehem, Pa. 18017, of the operating rights of H. A. JAEGER, INC. (EDWARD A. RYAN, TRUSTEE IN BANKRUPTCY), 550 Union Avenue, Middlesex, N.J. 08846, and for acquisition by ROBERT DOUGLAS YOUNG and RUTH R. YOUNG, both also of Bethlehem, Pa., of control of such rights through the purchase. Applicants' attorney and representatives: Morris Mindlin, 1509 Easton Avenue, Bethlehem, Pa. 18017, and Donald E. Clarick, 303 George Street, New Brunswick, N.J. 08903. Operating rights sought to be transferred: *Such commodities as require specialized handling or rigging because of size or weight*, as a *common carrier*, over irregular routes, between points in New Jersey, on the one hand, and, on the other, points in Pennsylvania on and east of U.S. Highway 15, those in New York on and east of a line beginning at the Pennsylvania-New York State line, and extending along New York Highway 14 to Elmira, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., and on and south of a line beginning at Syracuse, N.Y., and extending along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 7 to the New York-Vermont State line. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–10926. Authority sought for purchase by HUDSON TRANSIT CORPORATION, Route 17K, Montgomery, N.Y. 12549, of a portion of the operating rights of BLUE BIRD COACH LINES, INC., 502–504 North Barry Street, Olean, N.Y. 14760, and for acquisition by SHORT LINE TERMINAL AGENCY, INC., and in turn DAVID RUKIN, BARNETT RUKIN, and JULIUS EISEN, all of 17 Franklin Turnpike, Mahwah, N.J. 07430, of control of such rights through the purchase. Applicants' attorney: John R. Sims, Jr., Suite 605, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: Passengers, and their baggage, express, and newspapers, in the same vehicle with passengers, as a *common carrier* over regular route, between Portville, N.Y., and Corning, N.Y., serving all intermediate points, with restriction. Vendee is authorized to operate as a *common carrier* in New York. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–11232; Filed, Aug. 25, 1970; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 21, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MT–8866, filed July 22, 1970. Applicant: PERRY MORGAN BROWN, doing business as MILLER'S MOVING & CARTING, 915 Niagara Avenue, Niagara Falls, N.Y. 14305. Applicant's representative: Ronald D. Anton, 770 Main Street, Niagara Falls, N.Y. 14301. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *household goods*, between all points in New York State. Both interstate and intrastate authority is sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. (unknown), filed July 16, 1970. Applicant: JOHN FAWCETT, doing business as WESTERN FREIGHTWAYS, 4230 Alta Vista Lane, Dallas, Tex. 75229. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except household goods, livestock, and classes A and B explosives), from Dallas to Seymour over State Highway 183 to Fort Worth, thence over State Highway 199 to Seymour, serving all intermediate points with return service over the same route; between Seymour and Breckenridge over U.S. Highway 183, serving Throckmorton and Woodson as intermediate points; from Dallas to Breckenridge over State Highway 183 to Fort Worth, thence U.S. Highway 180 to Breckenridge, serving all intermediate points, and with return service over the same route; between Jacksboro and Throckmorton over State Highway 24, serving Graham and other intermediate points; between Olney and Graham over State Highway 251, serving all intermediate points; between Olney and Throckmorton over State Highway 79, serving all intermediate points; between Graham and Breckenridge over State Highway 67, serving all intermediate points; and between Mineral Wells and the junction of U.S. Highway 281 and State Highway 199 over U.S. Highway 281. Applicant would interchange at any point where service available or as traffic required. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after date of publication in the FEDERAL REGISTER. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Capitol Station, Post Office Drawer EE., Austin, Tex. 78111, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11231; Filed, Aug. 25, 1970; 8:47 a.m.]

[Notice 578]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72121. By order of August 17, 1970, the Motor Carrier Board approved the transfer to Joe and Michael Coury, a partnership, St. Paul, Minn., of that portion of the operating rights in certificate No. MC-10935 issued April 23, 1970, to Paul D. Kessler, doing business as Paul Kessler Trucking, Dresser, Wis., authorizing the transportation of general commodities, with specified exceptions, from South St. Paul, St. Paul, Newport, and Minneapolis, Minn., to Osceola, Garfield, Lincoln, Balsam Lake, and St. Croix Falls, Wis. S. Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403, representative for applicants.

No. MC-FC-72233. By order of August 17, 1970, the Motor Carrier Board on reconsideration, approved the transfer to Van's Auto Express, Inc., Kingston, N.Y., of certificate of registration No. MC-96686 (Sub-No. 1) issued to Murtaugh's Express, Inc., Poughkeepsie, N.Y., evidencing a right to engage in interstate or foreign commerce, in the transportation of commodities, within the State of New York. Arthur J. Piken, 160 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC-FC-72288. By order of August 17, 1970, the Motor Carrier Board approved the transfer to Madonia and Caravella Transportation, Inc., Luenburg, Mass., of certificate of registration No. MC-97617 (Sub-No. 1), issued January 7, 1964, to Niemi Manufacturing Co., Inc., Luenburg, Mass., evidencing a right to engage in transportation in Interstate Commerce as described in Certificate No. 1676, dated June 16, 1947, issued by the Massachusetts Department of Public Utilities. Carleton E. Blackwell, 76 Summer Street, Fitchburg, Mass. 01420, attorney for applicants.

No. MC-FC-72310. By order of August 17, 1970, the Motor Carrier Board approved the transfer to Lionel D. Stephens, Cuyahoga Falls, Ohio, of the license in No. MC-12574 issued April 28, 1965, to Orville D. Anderson, Greenville, Pa., authorizing service as a broker in connection with the transportation of passengers and their baggage, in round-trip tours, beginning and ending at Cleveland, Ohio, and points within 50 miles thereof, and extending to points in the United States, except points in Alaska and Hawaii. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-72311. By order of August 18, 1970, the Motor Carrier Board approved the transfer to Gary W. Hankel, doing business as Hankel Transfer, Belleville, Wis., of the operating rights in certificate No. MC-124449 issued April 13, 1964, in the name of Slaney Transfer, Inc., Dodgeville, Wis., and acquired by Hankel & Olson, Inc., Verona, Wis., pursuant to No. MC-FC-71232, consummated August 24, 1969, authorizing the transportation of fertilizer from Fulton, Ill., to points in specified counties in Wisconsin. Robert J. Kay, Geisler & Kay, 433 West Washington Avenue, Suite 500, Madison, Wis. 53703, attorneys for transferee.

No. MC-FC-72312. By order of August 18, 1970, the Motor Carrier Board approved the transfer to Bob Curtis Trucking, Inc., 930 West First Street, Winner, S. Dak. 57580, of the operating rights in certificates Nos. MC-111427 (Sub-No. 3), MC-111427 (Sub-No. 5), and MC-111427 (Sub-No. 6) issued May 22, 1957, September 24, 1965, and August 12, 1969, to Robert Curtis, doing business as Bob Curtis Trucking, Winner, S. Dak. 57580, collectively authorizing the transportation of specified agricultural machinery and implements and other specified commodities from, to, or between specified points in South Dakota, Iowa, and Nebraska.

No. MC-FC-72317. By order of August 17, 1970, the Motor Carrier Board approved the transfer to Marlin A. Chanay and Marilyn Chanay, a partnership, doing business as Chanay Truck Line, Wellsville, Kans., of the operating rights in certificates Nos. MC-69299; MC-69299 (Sub-No. 1); and MC-29299 (Sub-No. 2) issued October 9, 1943, November 1, 1946, and April 27, 1950, respectively, to Artie Chanay (Helen K. Chanay, Executrix), Wellsville, Kans., authorizing the transportation of general commodities, with usual exceptions, and livestock between Wellsville, Kans., and Kansas City, Mo.; and livestock, building material, farm machinery, and feed between Rantoul and Stanton, Kans., and Kansas City, Mo.; and general commodities, with usual exceptions, from Kansas City, Mo., to Shawnee, Kans. John L. Richeson, First National Bank Building, Ottawa, Kans. 66067, attorney for applicants.

No. MC-FC-72318. By order of August 18, 1970, the Motor Carrier Board approved the transfer to Wheeler's Towing & Service, Inc., Omaha, Nebr., of the operating rights in certificates Nos. MC-117167 and MC-117167 (Sub-No. 1) issued June 1, 1959 and May 22, 1961, to Edwin J. Barrett, doing business as Barrett's Auto Service, Omaha, Nebr., authorizing the tranportation of wrecked and disabled motor vehicles and trailers from points in seven specified States to Omaha, Nebr., and from Omaha, Nebr., to Des Moines, Iowa. Vernon J. Morgan, Prorate & Reciprocity c/o Wheeler's Towing & Service, Inc., 6902 Railroad Avenue, Omaha, Nebr., representative of applicants.

No. MC-FC-72323. By order of August 17, 1970, the Motor Carrier Board approved the transfer to Midwest Harvestore Transport, Inc., Rochester, Minn., of the operating rights in certificates Nos. MC-117068 and MC-117068 (Sub-No. 7) issued January 16, 1968, and September 29, 1969, to Allen I. Koenig, doing business as Midwest Harvestore Transport Co., Rochester, Minn., authorizing the transportation of animal waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, and steel silos from Kankakee, Ill., to points in Minnesota, Iowa, North Dakota,

and South Dakota; and farm tractor cabs, parts, and accessories from Mankato, Minn., to points in Iowa, Illinois, Indiana, Nebraska, and North Dakota. Paul F. Sullivan, 701 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11225; Filed, Aug. 25, 1970; 8:46 a.m.]

[Nos. MC-C-6867 (Sub-No. 1), MC-127653 (Sub-No. 1)]

UNITED SERVICES & PROJECTS, INC.

Notice of Filing of Petition for Declaratory Order

AUGUST 21, 1970.

Petitioner: United Services & Projects, Inc., 145-79 226th Street, Rosedale, N.Y. Petitioner's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. By petition filed June 19,1970, petitioner states that it holds certificate No. MC-127653 (Sub-No. 1), issued June 5, 1967, authorizing the transportation of luggage and such personal property usually carried by airline passengers, between Kennedy International Airport and La Guardia Airport, of New York, N.Y., Newark Airport, Newark, N.J., and Teterboro Airport at or near Teterboro, N.J., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and Pennsylvania. It also holds intrastate authority (Certificate 8294) from the Public Service Commission of the State of New York authorizing the transportation of personal effects, in trunks, bags, suitcases, footlockers, duffle bags or other similar containers, between airports in New York City, on the one hand, and, on the other, all points in the counties of Nassau and Suffolk.

Petitioner states that it has made a substantial investment in equipment to transport misplaced, delayed, and misrouted luggage of airline passengers. It further avers that the New York Public Service Commission entered a decision on April 7, 1970, in Case MT-8767, in Tan Line, Inc., which characterizes all movements of luggage that is misplaced, delayed, or misrouted, from the New York City Airports to points in New York State, as being intrastate in nature and as being beyond the scope of the regulatory authority of the Interstate Commerce Commission. Petitioner further says that Tan Line, Inc., has a related application for the same authority now pending before the Interstate Commerce Commission in No. MC 133701, and that it opposed the grant of authority in both of the above-cited proceedings. Its opposition to the intrastate application was based on its view that, in part, the involved traffic is interstate in character, and therefore beyond the jurisdiction of the Public Service Commission of New York.

Petitioner prays that the Interstate Commerce Commission issue an order (1) declaring the circumstances under which petitioner's operations in the described transportation of misplaced, delayed, and misrouted luggage between airports located in New York State, on the one hand, and, on the other, points in New York, are not subject to the jurisdiction of the Interstate Commerce Commission, and (2) declaring that the Interstate Commerce Commission has jurisdiction over the motor transportation of luggage, between points in the State of New York when said baggage had an immediately prior or subsequent movement by air to or from points either within or outside of the State of New York.

It is further noted that a similar proceeding has been instituted by Fourmen Delivery Service, Inc., in No. MC-C-6867, by petition filed June 3, 1970, and published in the FEDERAL REGISTER on June 24, 1970.

Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments, in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11230; Filed, Aug. 25, 1970; 8:47 a.m.]

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