FEDERAL REGISTER

VOLUME 35 • NUMBER 183

Saturday, September 19, 1970 • Washington, D.C.

Pages 14643–14674

Agencies in this issue—

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Contents

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

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

[Lemon Regulation 445]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.745 Lemon Regulation 445.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 15, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period September 20, 1970, through September 26, 1970, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 140,000 cartons;

(iii) District 3: 54,900 cartons.

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

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

Dated: September 17, 1970.

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

[F.R. Doc. 70–12531; Filed, Sept. 18, 1970; 8:48 a.m.]

Title 12—BANKS AND BANKING

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

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

The following new sections are added to Part 1 of Title 12.

Sec.
1.266 Michigan Sate Housing Development Authority.
1.267 Los Angeles County Metro East Social Service Corporation.
1.268 Los Angeles County South Central Social Services Corporation.
1.269 Parking Authority of the County of Los Angeles.
1.270 Parking Authority of the City of Los Angeles.
1.271 Los Angeles County-Puddingstone Regional Park Authority.

AUTHORITY: §§ 1.266–1.271 issued under R.S. 324 et seq., as amended, paragraph Seventh of R.S. 5136, as amended; 12 U.S.C. 1 et seq., 24(7), unless otherwise noted.

§ 1.266 Michigan State Housing Development Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $30 million Michigan State Housing Development Authority Housing Development Notes (Insured Mortgages), 1970 Series AA, for purchase, dealing in and underwriting by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Michigan State Housing Development Authority is a public body corporate and politic, an agency of the State possessing general corporate powers, created by the State Housing Development Authority Act of 1966 to make mortgage loans for the construction of housing for low or moderate income families and persons who would otherwise be unable to obtain adequate dwellings which they could afford. The Authority is authorized to borrow money for such projects through the issuance of its bonds or notes.

(2) The Authority is issuing these notes to finance the construction of 16 housing projects for families of low and moderate income. Mortgage loans for these projects will be made by the Authority to qualified nonprofit housing corporations and consumer housing cooperatives organized as nonprofit corporations. The mortgage loans will be insured by the FHA under programs providing for the payment of cash insurance benefits to the Authority in the event of a default by the mortgagor.

(3) The Authority expects to retire these notes and other similar notes through the issuance of long-term bonds or other refunding obligations. If the Authority is unable to sell and deliver refunding bonds or notes, it may sell the mortgage loans made from the proceeds of the sale of these notes to the State Treasurer who has agreed to purchase them in that event. Funds received from such sale will be available for the retirement of the notes.

(c) *Ruling.* It is our conclusion, that the $30 million Michigan State Housing Development Authority Housing Development Notes (Insured Mortgages), 1970 Series AA, are issued by an agency of the State of Michigan for housing purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for purchase, dealing in, underwriting and holding by national banks within the 10 percent limitation with respect to aggregate holding of obligations issued by the Michigan Housing Development Authority. (Comptroller's letter dated Aug. 3, 1970.)

§ 1.267 Los Angeles County Metro East Social Services Corporation.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,800,000 Los Angeles County Metro East Social Services Corporation Leasehold Mortgage Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County Metro East Social Services Corporation, a California nonprofit corporation acting for the County of Los Angeles, was created to issue its leasehold mortgage bonds to finance the construction on land leased to it by the County of public buildings to be leased to and operated by the County. The Corporation is issuing these bonds to finance the construction of a two-story office building in the East Los Angeles areas. The building will house a Family Aids District Office to be operated by the County Department of Public Social Services.

(2) The County has unconditionally promised in the lease rental agreement to pay annual lease rental to the Corporation in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $1,800,000 Los Angeles County Metro East Social Services Corporation Leasehold Mortgage Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated Aug. 28, 1970.)

§ 1.268 Los Angeles County South Central Social Services Corporation.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2,050,000 Los Angeles County South Central Social Services Corporation Leasehold Mortgage Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County South Central Social Services Corporation, a California nonprofit corporation acting for the County of Los Angeles, was created to issue its leasehold mortgage bonds to finance the construction on land leased to it by the County of public buildings to be leased to and operated by the County. The Corporation is issuing these bonds to finance the construction of a two-story office building in the South Los Angeles area. The building will house a Family Aids District Office to be operated by the County Department of Public Social Services.

(2) The County has unconditionally promised in the lease rental agreement to pay annual lease rental to the Corporation in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $2,050,000 Los Angeles County South Central Social Services Corporation Leasehold Mortgage Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks .(Acting Comptroller's letter dated Aug. 28, 1970.)

§ 1.269 Parking Authority of the County of Los Angeles.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $810,000 1970 Parking Revenue Bonds of the Parking Authority of the County of Los Angeles for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Parking Authority of the County of Los Angeles is a public body corporate and politic created by the laws of California but authorized to function only upon a finding of need. The Board of Supervisors of the County of Los Angeles has made the appropriate finding and, in accordance with the law, has declared itself to be the Parking Authority. Under the law a parking authority is authorized to issue revenue bonds to finance public parking facilities and may issue such bonds without obtaining the approval of the electors of the county where the bonds are issued to finance a project which is to be leased to the county and where the principal of and interest on the bonds are to be payable from rentals paid by the county under such lease. The Authority is issuing these bonds to finance the acquisition and construction of a parking structure which will be leased to the County and will provide public off-street parking for visitors to County offices located at the Whittier Civic Center.

(2) Under the lease rental agreement the County has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $810,000 1970 Parking Revenue Bonds of the Parking Authority of the County of Los Angeles are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Sept. 1, 1970.)

§ 1.270 Parking Authority of the City of Los Angeles.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $31,850,000 Parking Authority Revenue Bonds of the Parking Authority of the City of Los Angeles for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Parking Authority of the City of Los Angeles is a public body corporate and politic created by the laws of California but authorized to function only upon a finding of need. The City Council of the City of Los Angeles has made the appropriate finding and, in accordance with the law, has declared itself to be the Parking Authority. Under the law a parking authority is authorized to issue revenue bonds to finance public parking facilities and may issue such bonds without obtaining the approval of the electors of the city where the bonds are issued to finance a project which is to be leased to the city and where the principal of and interest on the bonds are to be payable from rentals paid by the city under such lease. The Authority is issuing these bonds to finance the construction of four levels of underground parking facilities in the Los Angeles Mall which is located in the center of a complex of city and federal buildings. The facilities will be leased to the City and will provide parking for city employees and the general public.

(2) Under the lease rental agreement the city has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The city which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $31,850,000 Parking Authority Revenue Bonds of the Parking Authority of the City of Los Angeles are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated Sept. 15, 1970.)

§ 1.271 Los Angeles County-Puddingstone Regional Park Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $4,450,000 Los Angeles County-Puddingstone Regional Park Authority Puddingstone Swim Park Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-Puddingstone Regional Park Authority is a public entity created under the laws of California by an agreement between the County of Los Angeles and the Cities of Covina, Glendora, La Verne, Pomona, San Dimas, and Walnut. Under this agreement the Authority is authorized to acquire, construct, in whole or in part, and lease, in whole or in part, a regional public recreational area project and to finance such a project through the issuance of revenue bonds.

(2) The Authority is issuing these bonds to finance the first phase of construction of a regional swim and picnic park facility at the Puddingstone Reservoir State and County Recreation Area near the city of San Dimas. Construction of the first phase will include a sand bottom swim area, a concrete dock, several buildings, utilities, a parking area, landscaping and related facilities. A later phase will include a concrete competition

swimming pool. The completed facilities will be leased to the county for operation.

(3) Under the lease rental agreement the county has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The county which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $4,450,000 Los Angeles County-Puddingstone Regional Park Authority Puddingstone Swim Park Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by antional banks. (Acting Comptroller's letter dated Sept. 15, 1970.)

Dated: September 16, 1970.

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

[F.R. Doc. 70-12488; Filed, Sept. 18, 1970; 8:46 a.m.]

Chapter VI—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 610—FEDERAL LAND BANKS GENERALLY

Subpart—Farm Credit Investment Bonds

Chapter VI of Title 12 of the Code of Federal Regulations is amended by adding a new Subpart—Farm Credit Investment Bonds, to read as follows:

§ 610.125-51 **Registration.**

(a) *General.* Farm Credit Investment Bonds are issued only in registered form. The registration used must express the actual ownership of and interest in the bond and will be considered as conclusive of such ownership and interest. No designation of an attorney, agent, or other representative to request or receive payment on behalf of the owner or coowner, nor any restriction on the right of the owner or coowner to receive payment of the bond or interest, except as provided in this subpart, may be made in the registration or otherwise. Registrations requested in applications for purchase should be clear, accurate, and complete, conform with one of the forms set forth in this subpart, and include the appropriate taxpayer identifying number. The registration of all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in the case of a fiduciary, the description of the fiduciary capacity. The owner, coowner, or beneficiary should be designated by the name by which he is ordinarily known or the one under which he does business, including preferably at least one full given name. The name may be preceded by any applicable title, such as "Dr." or "Rev.," or followed by "M.D.," "D.D." or other similar designation. "Sr." or "Jr." or a similar suffix should be included, when ordinarily used or when necesary to distinguish the owner from a member of his family. The name of a woman must be preceded by "Miss" or "Mrs.," unless some other applicable title or designation is used. A married woman's own given name, not that of her husband, must be used, for example, "Mrs. Mary A. Jones," not "Mrs. Frank B. Jones." The post office address should include, where appropriate, the number and street, route, or any other local feature, and the ZIP Code.

(b) *Restrictions.* The registration of Farm Credit Investment Bonds issued by Federal land banks is restricted to members of Federal land bank associations and production credit associations, and to employees of any corporation supervised by the Farm Credit Administration and of the Farm Credit Administration who are not prohibited by regulations of the Farm Credit Administration from purchasing such bonds so issued. Such members may be natural persons, partnerships, corporations, and fiduciaries. However, coowners and beneficiaries must be natural persons, but only one coowner or beneficiary must be a member of an association or an employee of a corporation supervised by the Farm Credit Administration, or an employee of the Farm Credit Administration.

(c) *Authorized form of registration.* Farm Credit Investment Bonds may be registered in the following forms.

(1) *Natural persons.* In the names of natural persons in their own right.

(i) *Single owner.* Example: John A. Doe 116-99-3621.

(ii) *Coownership form—two natural persons (only).* In the alternative as coowners. Examples: John A. Doe 116-99-3621 or Mrs. Mary B. Doe; Mrs. Mary B. Doe 116-99-5389 or John A. Doe. No other form of registration establishing coownership is authorized.

(iii) *Beneficiary form—two natural persons (only).* Examples: John A. Doe 116-99-3621 payable on death to Mrs. Mary A. Doe; John A. Doe 116-99-3621 P.O.D. Mrs. Mary B. Doe. "Payable on death" may be abbreviated to P.O.D. as indicated in the last example.

(2) *Partnerships.* A bond may be registered in the name of a partnership which will be considered as an entity. The words "a partnership" must be included in the registration. Example: Doe & Doe, a partnership 12-3457698.

(3) *Corporations.* A bond may be registered in the name of a corporation. The words "a corporation" must be included in the registration unless the fact of incorporation is shown in the name. Examples: Doe Manufacturing Co., a corporation 12-9867543; Doe & Doe Inc. 12-6789543.

(4) *Fiduciaries.* A bond may be registered in the name of any person, persons, or organization acting as a fiduciary of a duly constituted fiduciary estate who, as fiduciary, is a member of a Federal land bank association or a production credit association. The name(s) of the fiduciary and capacity must be included in the registration, together with an appropriate reference to the estate or authority pursuant to which he acts. Examples: Tenth National Bank, guardian (or conservator, trustee, etc.) of the estate of George M. Brown 125-55-4321, a minor (or an incompetent, aged person, infirm person, or absentee); John A. Doe and Richard R. Roe, executors of the will (or administrators of the estate) of Peter H. Smith, deceased 12-3457643.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 70-12491; Filed, Sept. 18, 1970; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-42]

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

Designation of Transition Area

On June 17, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 9932), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Marathon, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The Greater Marathon Chamber of Commerce and the Monroe County Director of Airports submitted requests for extension of the comment period to October 31, 1970, and 120 days respectively. Both requests for extension of the comment period were based on the desire for additional consultation, study and consideration to determine the effects of the proposed transition area. The Monroe County Audubon Society submitted comments that stated the proposal was not considered in the public interest, based on ecological reasons. A private citizen of Marathon, Fla., Albert F. Riffle, submitted comments in opposition to the proposal based on nonrequirement for IFR operations in Marathon because the weather conditions are ideal and there is a low volume of air traffic.

On August 4, 1970, the Marathon Chamber of Commerce Committee met with Federal Aviation Administration representatives from the Miami Area Office and other concerned persons to discuss the proposed instrument approach and transition area for the Marathon Airport. At the meeting, an agreement was reached that the Chamber of Commerce would be the deciding body on this issue.

The Marathon Chamber of Commerce Committee, at a meeting on August 13,

1970, voted in favor of establishing the proposed transition area and a special instrument approach procedure for Southeast Airlines.

Mr. Riffle is the only objector not present at the meetings or represented by the Chamber of Commerce Committee. However, his objections are not considered to present a valid basis on which to deny implementation of an instrument approach procedure and associated controlled airspace.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

MARATHON, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marathon Flight Strip (lat. 24°43'10" N., long. 81°03'05" W.); within 3 miles each side of the 255° bearing from Marathon RBN, extending from the 6.5-mile radius area to 8.5 miles west of the RBN; excluding the airspace outside the continental limits of the United States.

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

Issued in East Point, Ga., on September 10, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-12472; Filed, Sept. 18, 1970; 8:45 a.m.]

[Airspace Docket No. 70-SO-58]

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

Designation of Transition Area

On July 31, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 12287), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Athens, Tenn., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 35°23'45" N., long. 84°33'45" W.) for McMinn County Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by adding the geographic coordinate for the airport. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

ATHENS, TENN.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of McMinn County Airport (lat. 35°23'45" N., long. 84°33'45" W.).

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

Issued in East Point, Ga., on September 4, 1970.

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

[F.R. Doc. 70-12473; Filed, Sept. 18, 1970; 8:45 a.m.]

[Airspace Docket No. 70-EA-50]

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

Alteration of Transition Area

On page 12349 of the FEDERAL REGISTER for August 1, 1970, the Federal Aviation Administration published a proposed rule which would alter the Pittsfield, Maine (35 F.R. 2244), transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., November 12, 1970.

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

Issued in Jamaica, N.Y., on September 2, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Pittsfield, Maine transition area and insert the following in lieu thereof: "That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°46'05" N., 69°22'40" W. of Pittsfield Municipal Airport, Pittsfield, Maine and within 3.5 miles each side of the 350° bearing and the 170° bearing from the Burnham, Maine RBN 44°41'50" N., 69°21'30" W., extending from the 5-mile radius area to 10 miles south of the RBN."

[F.R. Doc. 70-12474; Filed, Sept. 18, 1970; 8:45 a.m.]

[Airspace Docket No. 68-SW-81]

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

Alteration of Transition Area

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

On November 6, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17964) stating the Federal Aviation Administration proposed to alter the 700-foot portion of this transition area. On August 1, 1970, a notice was published (35 F.R. 12349) (Airspace Docket No. 70-SW-43) stating the FAA proposed to designate the Oklahoma transition area and revoke the remainder of the 1,200-foot portion of this transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Texarkana, Ark., transition area is amended to read:

TEXARKANA, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Municipal-Webb Field (lat. 33°27'20" N., long. 93°59'15" W.), within 2 miles each side of the Texarkana ILS localizer northeast course extending from the 5-mile-radius area to the OM, and within 2 miles each side of the Texarkana VORTAC 129° radial extending from the 5-mile-radius area to the VORTAC.

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

Issued in Fort Worth, Tex., on September 9, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-12475; Filed, Sept. 18, 1970; 8:45 a.m.]

[Airspace Docket No. 70-SW-40]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tulsa, Okla. (Riverside Airport), control zone and the Tulsa, Okla., transition area.

On June 27, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 10526) stating the Federal Aviation Administration proposed to alter this control zone and the 700-foot portion of this transition area. On August 1, 1970, a notice was published (35 F.R. 12349) (Airspace Docket No. 70-SW-43) stating the FAA proposed to designate the Oklahoma transition area and revoke the remainder of the 1,200-foot portion of this transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

(1) In § 71.171 (35 F.R. 2054), the Tulsa, Okla. (Riverside Airport), control zone is amended to read:

TULSA, OKLA. (RIVERSIDE AIRPORT)

Within a 3-mile radius of Riverside Airport (lat. 36°02'19" N., long. 95°59'00" W.), and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 3-mile-radius zone to 21 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (35 F.R. 2134), the Tulsa, Okla., transition area is amended to read:

TULSA, OKLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa International Airport (lat. 36°12'00" N., long. 95°53'15" W.), within a 5-mile radius of Riverdale Airport (lat. 36°02'19" N., long. 95°59'00" W.), within 8 miles west and 5 miles east of the Tulsa ILS localizer north course extending from the OM to 12 miles north, within 8 miles north and 5 miles south of the Tulsa VORTAC 088° radial extending from the 9-mile radius area to 33 miles east of the VORTAC, and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 5-mile-radius area to 23 miles southwest of the VORTAC.

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

Issued in Fort Worth, Tex., on September 9, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-12476; Filed, Sept. 18, 1970; 8:45 a.m.]

[Airspace Docket No. 70-SW-54]

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

Revocation of Additional Control Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Corona, N. Mex., and Coyote, N. Mex., additional control areas.

These additional control areas will be totally encompassed by the New Mexico transition area which is effective 0901 G.m.t., November 12, 1970 (Airspace Docket No. 70-SW-38). In view of the foregoing, the Corona and Coyote additional control areas will be redundant and serve no useful purpose. Action is taken herein to revoke the designations.

Since this amendment does not change the extent of controlled airspace, notice and public procedures hereon are unnecessary and the amendment may be made effective to coincide with the effective date of the New Mexico transition area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

In § 71.163 (35 F.R. 2046), the Corona, N. Mex., and Coyote, N. Mex., additional control areas are revoked.

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

Issued in Forth Worth, Tex., on September 9, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-12477; Filed, Sept. 18, 1970; 8:45 a.m.]

[Airspace Docket No. 70-SW-45]

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

Designation of Transition Area

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

On August 1, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 12348) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Newport, Ark.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

NEWPORT, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newport Municipal Airport (lat. 35°38'25" N., long. 91°10'55" W.), and within 3.5 miles each side of the 163° bearing from the Newport RBN (lat. 35°38'30" N., long. 91°10'00" W.) extending from the 6.5-mile-radius area to 11.5 miles south of the RBN.

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

Issued in Forth Worth, Tex., on September 10, 1970.

WILLIAM E. MORGAN,
Acting Director, Southwest Region.

[F.R. Doc. 70-12478; Filed, Sept. 18, 1970; 8:45 a.m.]

[Airspace Docket No. 70-SW-43]

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

Designation, Alteration and Revocation of Transition Areas and Revocation of Additional Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate, alter and revoke controlled airspace in the State of Oklahoma.

On August 1, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 12349) stating the Federal Aviation Administration proposed to designate the Oklahoma transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

OKLAHOMA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Oklahoma, excluding the portion within R-5601A.

In § 71.181 (35 F.R. 2134), the following transition area is added:

ANTHONY, KANS.

That airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-12, on the northeast by V-74, and on the south by the Kansas/Oklahoma State line.

In § 71.181 (35 F.R. 2134), the 1,200-foot portions of the following transition areas are revoked:

Alva, Okla.
Bartlesville, Okla.
Childress, Tex.
Gage, Okla.
Lawton, Okla.
Oklahoma City, Okla.
Ponca City, Okla.
Sherman, Tex.

In § 71.181 (35 F.R. 2134, 11900), the 1,200-foot portion of the Fort Smith, Ark., transition area is revoked.

In § 71.181 (35 F.R. 2134, 6749), the 1,200-foot portion of the Guymon, Okla., transition area is revoked.

In § 71.181 (35 F.R. 2134, 7176), the 1,200-foot portion of the Wichita Falls, Tex., transition area is revoked.

In § 71.181 (35 F.R. 2134), the 1,200- and 5,000-foot portions of the Enid, Okla., transition area are revoked.

In § 71.181 (35 F.R. 2134, 11617), the 1,200- and 8,000-foot portions of the Hobart, Okla., transition area are revoked.

In § 71.181 (35 F.R. 2134), the 1,200-foot portion of the Liberal, Kans., transition area is amended by changing the period to a comma and adding "excluding the portion within the State of Oklahoma." thereto.

In § 71.181 (35 F.R. 2134), the Oswego, Kans., transition area is amended by changing the period to a comma and adding "excluding the portion within the State of Oklahoma." thereto.

In § 71.181 (35 F.R. 2134), the Wichita, Kans., transition area is amended by deleting "point of beginning;" at the end of the 1,200-foot portion and substituting "point of beginning, excluding the portion which overlies the Emporia, Kans., transition area and the portion within the State of Oklahoma;" therefor, and by deleting all after "point of beginning,"

in the 3,500-foot portion and substituting "excluding the portion within the State of Oklahoma." therefor.

In § 71.181 (35 F.R. 2134), the 1,200-foot portion of the Coffeyville, Kans., transition area is amended by deleting "to 18½ miles south of the airport" and substituting "to the Oklahoma transition area" therefor.

In § 71.181 (35 F.R. 2134), the 1,200-foot portion of the Independence, Kans., transition area is amended by deleting all after "extending from the airport" and substituting "to the Oklahoma transition area." therefor.

In § 71.181 (35 F.R. 2134), the 1,200-foot portion of the Neosho, Mo., transition area is amended by deleting the last period and adding "and the portion within the State of Oklahoma." thereto.

In § 71.163 (35 F.R. 2052), the Gage, Okla., additional control area is revoked.

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

Issued in Fort Worth, Tex., on September 9, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-12479; Filed, Sept. 18, 1970; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER H—ECONOMIC ENTERPRISES

PART 80—INDIAN BUSINESS DEVELOPMENT FUND

SEPTEMBER 15, 1970.

This notice is published in the exercise of the rule-making authority (hereinafter referred to as the authority) delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. Pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), Subchapter H, Chapter I, of Title 25 of the Code of Federal Regulations is amended by the addition of Part 80.

Part 80—*Indian Business Development Fund* establishes regulations to administer a new grant program to help establish Indian private enterprises on or near reservations to create jobs for Indians.

Since the addition involves a grant program and does not affect existing rights, advance notice and public hearing procedures thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (Supp. V, 1965–1969). This amendment will become effective upon publication in the FEDERAL REGISTER.

GENERAL

Sec.
80.1 Definitions.
80.2 Purpose and scope.

APPLICANT ELIGIBILITY

80.11 Individual Indians.
80.12 Indian groups.

APPLICATION REQUIREMENTS

80.21 Forms and documentation.

APPLICATION PROCEDURE

80.31 Application submission.
80.32 Advertisement of open season for application submittal.

PROJECT REQUIREMENTS

80.41 Eligibility requirements.
80.42 Project impact.
80.43 Project reports.

GRANT APPROVAL AUTHORITY

80.61 Authority of Superintendents.
80.62 Authority of Area Directors.

AUTHORITY: The provisions of this Part 80 are issued under 42 Stat. 208, 25 U.S.C. § 13.

GENERAL

§ 80.1 Definitions.

As used in this part:

(a) The term "fund" means the Indian Business Development Fund.

(b) The term "Indian" means any person who is a member of any Indian tribe, band, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(c) The term "economic enterprise" means any privately owned commercial, industrial, or business activity established or organized for the purpose of profit. Activities organized for governmental, religious, charitable, fraternal, social, or political purposes are not economic enterprises for the purposes of this part. Cooperatives or other privately owned enterprises which distribute profits to their customers are considered economic enterprises for the purposes of this part.

(d) The term "profit" is defined as the return on capital after deducting from income all expenses of doing business.

(e) The term "reservation" includes Indian reservations, former Indian Reservations in Oklahoma, and lands occupied by Alaska native communities.

(f) The term "Indian tribe" means any tribe, band, pueblo, group or community of Indians or Alaska natives recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(g) The term "Commissioner" means the Commissioner of Indian Affairs or the official designated to act for him.

(h) The term "Area Director" means the official in charge of a Bureau of Indian Affairs Area Office or an official designated to act for him.

(i) The term "Superintendent" means the official in charge of a Bureau of Indian Affairs agency, Area field office, or other local office reporting to an Area Director.

§ 80.2 Purpose and scope.

This part sets forth the regulations for the administration of the Indian Business Development Fund. The purpose of the fund is to stimulate Indian entrepreneurship and employment. This purpose is achieved by providing nonreimbursable, supplemental capital grants to establish profit-making Indian economic enterprises which will employ Indians.

APPLICANT ELIGIBILITY

§ 80.11 Individual Indians.

Any individual Indian who may legally engage in private enterprise may apply for a grant.

§ 80.12 Indian groups.

Any group of eligible individual Indians which may legally engage in private enterprise may apply for a grant. This includes Indian corporations organized under Federal or State law and, if authorized to enter contracts on behalf of an Indian tribe, those organizations commonly known as "Tribal Enterprises," which are economic enterprises. However, for Indian corporations, fifty-one percent (51%) or more of the stock must be owned by eligible Indians or by an Indian tribe.

APPLICATION REQUIREMENTS

§ 80.21 Forms and documentation.

Forms, instructions and assistance in application preparation are available from Area Directors and Superintendents. Applicants will be required to submit documentation and information to show their eligibility and project eligibility. They may be requested to submit data to support a determination of project feasibility.

APPLICATION PROCEDURE

§ 80.31 Application submission.

Applications should be submitted to the Superintendent having jurisdiction over Bureau of Indian Affairs services to the applicant's Indian tribe. Applications may be submitted to the Area Director if the applicant is not serviced by a single Superintendent. Applications may be submitted to the Commissioner if the applicant is not serviced by a single Area Director.

§ 80.32 Advertisement of open season for application submittal.

Superintendents will advertise for an open season for the acceptance of grant applications. The advertisement will be published in newspapers of general circulation in the geographic area of consideration. The advertisement will be published at least once each week for 1 week prior to the open season and for 2 weeks concurrent with the open season. The advertisement will include specific application requirements. The requirement for applications to be submitted during an open season or after advertisement may be waived by the Commissioner.

PROJECT REQUIREMENTS

§ 80.41 Eligibility requirements.

The project must satisfy all the following requirements to be eligible for consideration:

(a) It is a profit-making enterprise which generates jobs for Indians.

(b) It is owned or controlled by an Indian group or an individual Indian.

(c) It is located on a reservation or in the immediate vicinity, except in Alaska. In Alaska, preference will be given to projects located within Native communities. In Oklahoma, only former reservation areas will be considered.

(d) It must have the potential to become a profitable operation within the total cost of establishing the business. There is no commitment to fund a project in succeeding years. Additional funds may be granted, however, where expansion is feasible.

§ 80.42 Project impact.

Preference will be given to projects which generate the following in the order shown:

(a) Profit in shortest length of time.
(b) Indian employment.
(c) Indian payroll.
(d) Other Indian income.

§ 80.43 Project reports.

Grantees are required to report project accomplishments to the grantor at the end of the first and second year. The form of the report required will be negotiated.

GRANT APPROVAL AUTHORITY

§ 80.61 Authority of Superintendent.

Superintendents are authorized to approve grants to eligible projects, except: Grants in excess of 40 percent of the project cost will require approval by the Commissioner.

§ 80.62 Authority of Area Director.

Area Directors are authorized to determine eligibility of Indian groups not serviced by a single Superintendent, to receive their applications, and to recommend approval or disapproval of the application to the Commissioner.

LOUIS R. BRUCE,
Commissioner.

[F.R. Doc. 70-12489; Filed, Sept. 18, 1970; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 126—SECOND-CLASS BULK MAILINGS

Dispatching Second-Class Mail Matter in Bundles Outside of Sacks; Correction

In the daily issue of Thursday, September 10, 1970, the Department published regulations relating to the above subject (35 F.R. 14259). In the preamble to that document reference was made to "Section 126.3(b)(6) of title 39, United States Code". That reference should have read "Section 126.3(b)(6) of Title 39, Code of Federal Regulations". The cited document is amended accordingly.

(5 U.S.C. 301, 39 U.S.C. 501, 4351–4370)

DAVID A. NELSON,
General Counsel.

SEPTEMBER 15, 1970.

[F.R. Doc. 70-12502; Filed, Sept. 18, 1970; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-3—PROCUREMENT BY NEGOTIATION

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Miscellaneous Amendments

These amendments set forth policies and procedures for the treatment of proposal information. While these amendments do not represent a change in AEC's general policy on use of proposal information, they do establish certain new procedures to help assure that such information is handled in a consistent manner throughout AEC. They are not intended to encourage indiscriminate marking of proposals as proprietary or privileged but to provide appropriate means for protecting legitimate proprietary data or privileged information.

Subpart 9-3.1—Use of Negotiation

1. The following sections are added to Subpart 9-3.1, Use of Negotiation:

§ 9-3.150 Treatment of proposal information.

§ 9-3.150-1 General.

It is the general policy of AEC to use information contained in proposals only for evaluation purposes except to the extent such information is generally available to the public, is already the property of the Government or the Government already has unrestricted use rights, or is or has been made available to the Government from other sources, including the proposer, without restriction. As a practical matter, AEC cannot assume any responsibility for disclosure or use of any such information unless it is identified by the proposer in accordance with this section. AEC will not refuse to consider an unsolicited proposal, or a solicited proposal unless the solicitation specifies otherwise, merely because the proposal is restrictively marked. (See also Subparts 9-4.51 and 9-4.52, and 10 CFR Part 9.)

§ 9-3.150-2 Proprietary data.

A proposal may, unless the solicitation specifies otherwise in the case of a solicited proposal, include proprietary data which the proposer does not want disclosed to the public or used by the Government for any purpose other than proposal evaluation. Such proprietary data must be specifically identified and marked as such on every page where it may be contained, in which event it will be used only for proposal evaluation purposes unless it is within the exception set forth in § 9-3.150-1. In such cases, the data so identified and marked will not be otherwise used or disclosed without the proposer's written permission, except to the extent it is within the exception in § 9-3.150-1 or as provided in any resulting contract.

§ 9-3.150-3 Privileged business information.

A proposal may contain business information which the proposer does not want disclosed outside the Government except for proposal evaluation purposes. Such privileged business information must be specifically identified and marked as such on every page where it may be contained, in which event it will be disclosed outside the Government only for proposal evaluation purposes unless the information is excepted information as set forth in § 9-3.150-1. Regarding disclosure to other offerors, see FPR 1-3.103(b).

§ 9-3.150-4 Handling notice.

In order that restrictively marked proposals may be handled consistently with the policies set forth in this section, the following notice shall be affixed to each such proposal upon receipt by AEC. Use of the following notice neither alters any obligation of the Government, nor diminishes any rights in the Government to use or disclose data or information.

NOTICE FOR HANDLING RESTRICTIVELY MARKED PROPOSALS

This proposal shall be used, or duplicated, only for AEC evaluation purposes and this notice shall be applied to any reproduction or abstract thereof. Disclosure of this proposal outside the Government for AEC evaluation purposes shall not be made unless the provisions of AEC Procurement Regulation 9-3.150-5 are followed. The restrictions contained in this notice do not apply to any data or business information contained in this proposal if it is already generally available to the public, is already available to the Government on an unrestricted basis or is the property of the Government, or is or becomes available from another source, including the proposer, without restriction.

§ 9-3.150-5 Disclosure outside Government.

(a) *Policy.* It is the policy of AEC to have proposals evaluated by the most competent persons available in Government and contractor organizations operating and managing AEC facilities. In addition, AEC frequently meets its evaluation needs by having proposals reviewed by evaluators outside the Government (or contractor organizations operating and managing AEC facilities). Such latter outside evaluations may be made:

(1) Of research proposals from educational and other appropriate not-for-profit institutions pursuant to § 9-4.5106-3, provided any proposal which expressly indicates that only Government evaluation is authorized shall not be disclosed without the proposer's written consent.

(2) Of other proposals, provided the requirements in (b) and (c) below are met.

(b) *Approval.* Decisions in AEC Headquarters to evaluate proposals covered by § 9–3.150–5(a)(2) outside the Government (or contractor organizations operating and managing AEC facilities) for AEC evaluation purposes shall be made by the responsible program Division Director, and in AEC field offices by the Field Office Manager. Such decisions shall take into consideration AEC requirements for avoidance of organizational conflicts of interest set forth in Subpart 9–1.54 and the competitive relationship, if any, between the proposer and the prospective outside evaluator. In addition, if the proposal under consideration expressly indicates that only Government evaluation is authorized and evaluation outside the Government is nevertheless desired, the proposer should be advised that AEC may be unable to give full consideration to the proposal unless the proposer consents in writing to having the proposal evaluated outside the Government.

(c) *Agreement with evaluator.* Where it is determined pursuant to § 9–3.150–5(b) to evaluate a proposal outside the Government (or contractor organizations operating and managing AEC facilities) the following agreement, or an equivalent arrangement for the treatment of the proposal, shall be obtained from the outside evaluator before AEC furnishes a copy of the proposal to such person. In addition, care should be taken that the note required by § 9–3.150–4 is affixed to the proposal before it is disclosed to the evaluator.

CONDITIONS FOR EVALUATING PROPOSALS

Whenever AEC furnishes a proposal for evaluation, the recipient agrees to use the information contained in the proposal only for AEC evaluation purposes. This requirement does not apply to information obtainable from another source, including the proposer, without restriction. Any notice or restriction placed on the proposal by either AEC or the originator of the proposal shall be conspicuously affixed to any reproduction or abstract thereof. Upon completion of the evaluation, the recipient shall return all copies of the proposal and abstracts, if any, to the AEC office which initially furnished the proposal for evaluation. Unless authorized by the AEC initiating office, the recipient shall not contact the originator of the proposal concerning any aspect of its contents.

Subpart 9–4.51—Research Agreements and Contracts With Educational Institutions

2. Section 9–4.5106–1, *General*, is revised to read as follows:

§ 9–4.5106–1 General.

In order to maintain a comprehensive and well-integrated research program, AEC evaluation of research proposals and selection of educational institutions to conduct scientific research is centralized in AEC Headquarters. However, AEC field offices in close proximity to the contractor are assigned responsibility for handling the final contract arrangements and nontechnical administration of such contracts. See § 9–3.150 for policies and procedures relating to the treatment of proposal information.

Subpart 9–4.52—Unsolicited Proposals for Research and Development Contracts Submitted by Individuals and Commercial and Not-for-Profit Organizations Other Than Educational Institutions

3. In § 9–4.5202, *Policy*, new paragraph (d) is added, as follows:

§ 9–4.5202 Policy.

* * * * *

(d) Information contained in unsolicited proposals shall be treated in accordance with the policies and procedures set forth in § 9–3.150.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 11th day of September 1970.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 70–12505; Filed, Sept. 18, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 211, 242]

ALIEN REGISTRATION RECEIPT CARDS

Withdrawal of Notice of Proposed Rule Making

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on August 22, 1970 (35 F.R. 13452), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of proposed amendments to §§ 211.1(b)(1) and 242.1 (c) pertaining to the invalidation and surrender of alien registration receipt cards in certain instances. The representations which were received concerning the proposed rule making have been considered. It has been determined not to proceed with the final adoption of those proposed rules.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: September 15, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-12487; Filed, Sept. 18, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Middle Atlantic marketing area is being considered for the month of September 1970.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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

Proposed to be suspended for the month of September 1970, are those provisions of paragraph (c) of § 1004.15 (Producer) which follow the parenthetical text "(other than a producer-handler plant)" as it appears in the first sentence.

If this proposed action is taken, paragraph (c) of § 1004.15 would read as follows:

§ 1004.15 **Producer.**

* * * * *

(c) A dairy farmer with respect to milk which is diverted to a nonpool plant (other than a producer-handler plant).

* * * * *

Statement of consideration. The proposed suspension would remove all limitations on milk diversions for the month of September 1970. Diversion otherwise is limited to not more than 10 days production of an individual producer or in the alternative, in the case of a cooperative association which diverts for its account to nonpool plants, not more than 15 percent of the volume of milk of all members of such cooperative association received at all pool plants during the month. Likewise, a proprietary handler may divert milk under the alternative 15 percent limitation, the milk of his nonmember producers.

The suspension was requested by the Inter-State Milk Producers' Cooperative, Inc., a major milk producer's organization representing a substantial number of producers on the market.

The cooperative representative states that this action is needed because of extraordinary marketing conditions which have developed: During the school year in the city of Philadelphia a substantial portion of producers' milk is marketed as Class I through the schools. For the first time in the history of the city, a teachers' strike has prevented and delayed the opening of all schools in the city of Philadelphia. This fact has required Inter-State to divert additional volumes of milk to nonpool plants which normally would have been packaged as Class I by plants and distributed to schools. It is estimated that over 18 percent of the milk of its patrons will be required to be diverted during the month of September 1970 thereby exceeding the 15 percent standard allowed.

Signed at Washington, D.C., on September 17, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70-12585; Filed, Sept. 18, 1970; 9:14 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 40, 70, 170]

FEES FOR FACILITIES AND MATERIALS LICENSES

Extension of Comment Period

On August 4, 1970, F.R. Doc. 70-10068 was published in the FEDERAL REGISTER (35 F.R. 12412), proposing to amend the Atomic Energy Commission regulations 10 CFR Parts 30, 40, 70, and 170, to revise the fee schedules for facilities and materials licenses. The notice of proposed rule making provided that all interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of the notice in the FEDERAL REGISTER.

The Commission is hereby extending the comment period for an additional 45 days. The comment period will now expire on October 18, 1970. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Germantown, Md., this 15th day of September 1970.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[F.R. Doc. 70-12506; Filed, Sept. 18, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 54]

ORANGES GROWN IN CALIFORNIA

Extension of Closing Date for Filing of Applications for 1970 Crop Year

Pursuant to the authority contained in § 406.3 of Title 7 of the Code of Federal Regulations, the time for filing applications for orange crop insurance for the 1970 crop year in all counties in California where such insurance is otherwise authorized to be offered is hereby extended until the close of business on October 30, 1970. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 70-12508; Filed, Sept. 18, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

COLUMBIA-PRESBYTERIAN MEDICAL CENTER

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00638-33-46040. Applicant: The Presbyterian Hospital at Columbia-Presbyterian Medical Center, 622 West 168th Street, New York, N.Y. 10032. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used in the teaching program and for research in the structure, function, and diseases of the eye. Present projects concern the pathology of human opaque corneas; the structure of ocular tumors; the anatomy of the aqueous humor outflow pathways; the nerve connections in the retina-basic neurology of visual processes; and the changes induced by laser treatment of retinal detachment and effect on retinal vascular diseases.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 14, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12498; Filed, Sept. 18, 1970; 8:47 a.m.]

MERCY HOSPITAL

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00637-33-46040. Applicant: Mercy Hospital, Cancer Research Laboratory, 1400 Locust Street, Pittsburgh, Pa. 15219. Article: Electron microscope, Model JEM 100-B. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan.

Intended use of article: The article will be used for research projects concerning chick lens differentiation, human leukemic cell culture supernatants, and for human tumor biopsy specimens. Members of the Radiotherapy department and Pathology department will be trained in the use of the electron microscope and in the methodology of ultrastructural research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 12, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12495; Filed, Sept. 18, 1970; 8:47 a.m.]

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The consolidated notice of decision as published in Volume 35, No. 139 (page 11593) of the FEDERAL REGISTER dated Saturday, July 18, 1970, pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to delete the following:

Docket No. 68-00434-88-80045. Applicant: New York State Department of Transportation, 1220 Washington Avenue, Albany, N.Y. 12226. Article: Telescope, probe camera. Date of denial without prejudice to resubmission: June 21, 1968.

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

[F.R. Doc. 70-12496; Filed, Sept. 18, 1970; 8:47 a.m.]

NORTHWESTERN UNIVERSITY MEDICAL SCHOOL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00105-33-46040. Applicant: Northwestern University Medical School, Department of Dermatology, 303 East Chicago Avenue, Chicago, Ill. 60611. Article: Electron microscope, Model HS-7S. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research studies on developing a method for localizing kinases, especially phosphofructokinase; location of tissue forms of sporotrichium in clinically infected material; herpes simplex virus in smears; and for the use of combined electron microscopy and immuno-chemical techniques to localize the exact site of antibodies in pemphigus. Medical and graduate students will use the electron microscope in courses entitled "Fine Structure of the Epidermis", "The Desmosome, intercellular substance and basal lamina", and "Dermatohistopathology." Application received by Commissioner of Customs: August 19, 1970.

Docket No. 71-00108-33-46040. Applicant: The Lankenau Hospital, Division of Research, Lancaster and City Line Avenues, Philadelphia, Pa. 19151. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used by the Division of Pathology in diagnostic work and by the Division of Research. Projects concern the study of ultrastructural changes in virus-infected cells (both *in vivo* and in vitro); a continuing study of abortive virus infection of cells, and the identification of viral precursor units made possible by this system; and a continuing project on the definition of the mechanism of a recently discovered antiviral drug effective against Herpes hominis virus, acting on a late stage of virus synthesis. Application received by Commissioner of Customs: August 19, 1970.

Docket No. 71-00109-41-35550. Applicant: University of California, Santa Barbara, Calif. 93106. Article: Gyro, Phywe Model, Manufacturer: Phywe Aktiengellschaft, West Germany. Intended use of article: The article will be used as an educational instrument to demonstrate the phenomenon of gyrodynamics in a broad sense. Gyrodynamics will not be limited to gyroscopic instruments which represent the simplest application of gyrodynamic theory, but will be interpreted to cover the broader field of rigid body motions. Experimental demonstrations of the many gyrodynamical phenomena will be covered in five graduate courses in Advanced Dynamics, Nonlinear Mechanics and Advanced Astrodynamics by using the gyro. Application received by Commissioner of Customs: August 19, 1970.

Docket No. 71-00110-75-46040. Applicant: U.S. Atomic Energy Commission, Idaho Operations Office, Post Office Box 2108, Idaho Falls, Idaho 83401. Article: Electron microscope, Model HU-200F. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for two specific programs, "Elevated Temperature Fatigue Tests on IMFBR Cladding and Structural Materials" and "ATR Materials Surveillance Program." The objective of the fatigue program is to provide engineering data varying temperature and extent of deformation and to determine the irradiation damage mechanism of 304, 304L, and 316 stainless steels. The purpose of the surveillance program is to evaluate irradiation effects of reactor internals (beryllium, hafnium, aluminum) of the Advanced Test Reactor with respect to their service lifetime. Application received by Commissioner of Customs: August 19, 1970.

Docket No. 71-00112-33-46040. Applicant: Texas A&M University, College Station, Tex. 77843. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in an advanced research program designed to investigate the fine structure of biological organisms. The studies concern the isolated mitochondria from plant and animal tissue to determine ulrtastructural changes due to different energized states; isolated fungal walls which have undergone various degrees of extractions will be for analysis to determine cell wall skeletal structure; research on viruses; and isolated preparations of subcellular bacterial and blue-green algae structures; Application received by Commissioner of Customs: August 24, 1970.

Docket No. 71-00113-33-46040. Applicant: Texas A&M University, College Station, Tex. 77843. Article: Electron microscope, Model HS-8-2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to instruct faculty and graduate students in electron microscopy and for graduate research programs. Studies concern purified preparations of enzyme molecules; viruses (negatively-stained and shadow-cast preparations of purified viruses, sections of viruses within host cells; and internal structure of viruses); and isolated preparations of subcellular bacterial and blue-green algae structures (e.g. structured granules, polyhederal bodies, membranes, ribosomes, flagella, etc.). Application received by Commissioner of Customs: August 24, 1970.

Docket No. 71-00114-33-46500. Applicant: Rutger's University, Rutger's Medical School, New Brunswick, N.J. 08903. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter, A.B., Sweden. Intended use of article: The article will be used for studies of the renal medullary tissue of normal and diseased rats and mice. Research concerns the effects of potassium deficiency and ureteral obstruction on the renal medulla, to elucidate the pathogenesis of renal medullary lesions that are common in humans. Application received by Commissioner of Customs: August 25, 1970.

Docket No. 71-00115-33-46500. Applicant. Cedars-Sinai Medical Center, Medical Research Institute, Cedars of Lebanon Division, 4833 Fountain Avenue, Los Angeles, Calif. 90029. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for research on cardiac hypertrophy and failure in order to understand the full implications of hypertrophy and the mechanism by which it is achieved. Studies will be made of banding the pulmonary artery to produce various degrees of hypertrophy and noting the biochemical and ultrastructural alterations. Application received by

Commissioner of Customs: August 25, 1970.

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

[F.R. Doc. 70-12497; Filed, Sept. 18, 1970; 8:47 a.m.]

UNIVERSITY OF CALIFORNIA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00363-46040. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used for biological research projects and to introduce people at various levels of education to the techniques of electron microscopy as applicable to medical diagnosis and investigation. The major research project is an investigation of cardiovascular defects produced by copper deficiency. Studies of secretory mechanisms in a variety of human neoplasms and studies on islet cell tumors, pheochromocytomas and carcinoid tumors are under way. As an educational tool, the article will be used by all medical students, interns and residents in the Department of Pathology of the School of Medicine.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident used by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 14, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12493; Filed, Sept. 18, 1970; 8:47 a.m.]

UNIVERSITY OF ILLINOIS AT CHICAGO CIRCLE

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00640-33-46500. Applicant: University of Illinois at Chicago Circle, Purchasing Division-Business Office, Post Office Box 4348, Chicago, Ill. 60680. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research on the ultrastructure of the secretory cycle in cells from insect glands and on the ultrastructure of induced cell change due to virus infection. Graduate students will be trained to use the article for their own research studies and to work on aspects of the research listed above.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of August 12, 1970, that the applicant's studies of insect glands and cell changes in mouse macrophages due to virus infection requires ultrathin serial sectioning of soft tissue in soft embedments and cutting speeds greater than 4 mm./sec. HEW further advises that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's studies.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12494; Filed, Sept. 18, 1970; 8:47 a.m.]

Maritime Administration

[Report No. 108]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through September 9, 1970, exclusive of those vessels that called on Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total—all flags (190 ships)	1,418,992
Cypriot (83 ships)	633,358
Aegis Banner	9,024
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
*Aftadelfos	8,136
Alda	7,292
Alfa	7,388
Alice (previous trips to Cuba—Greek)	7,189
Alitric	7,564
Alma	6,585
Alpa	9,159
Amarilis	8,959
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
Annunciation Day	8,047
Antigoni	3,174
Aragon (previous trips to Cuba—Somali)	7,248
Ardena	7,261
Arendal	7,265
Areti (previous trips to Cuba—Lebanese)	7,176
Aria (previous trips to Cuba—Somali)	5,059
Arion	3,570
Armar	5,089
Arosa	7,233
Athenian	9,943
Aurora	8,380
Azalea	9,506
Azure Coast II	7,638
*Byron	8,720
Camelia	8,111
*Castalia	7,641
Claire (previous trips to Cuba—Lebanese)	5,411
Cleo II	7,590
Degedo	9,000
Diamondo	7,067
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpidoforos	4,963
Erato (previous trips to Cuba—Somali—and as the Eretria—Greek)	7,199
Felicie	7,096
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Giannis	7,490
Gladiator	8,346
Happy Land	9,080
Herodemos	7,356
**Ibrahim K. (trips to Cuba—as the Marichristina—Lebanese)	7,124
Ilena (previous trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Greek)	7,232
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Kypros	7,001
Lena	7,029
Marco	7,622
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Mimis N. Papalios	9,069
Miss Papalios	9,072
Mitera Irini (previous trips to Cuba as the Soclyve—British and Maltese)	7,291
*Nea Hellas	9,241
Nedi 2	7,679
Newgate (previous trips to Cuba—British)	6,743
*Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
*Patricia	6,998
Platres	7,244
Protoklitos	6,154
*Silver Coast	7,328
Sophia (previous trips to Cuba—Greek)	7,030
Spyro	7,591
*Successor	11,471
Suerte	7,267
Thios Costas (previous trips to Cuba—Somali)	7,258
**Troyan (trips to Cuba as the Mauritanie—Moroccan)	10,392
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
*Venus	9,777
British (44 ships)	363,222
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
*Coral Islands	9,060
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
**Glendalough (trip to Cuba—as the Ardrossmore—British)	5,820
Green Walrus	9,443
Ho Fung	7,121
Huntsland	9,353
Hwa Chu	9,091
Hwang Ho	9,457
Jollity	8,819
Kinross	5,388
Magister	2,239
Nancy Dee	6,597
Newheath	7,643
Oceantramp	6,185
Ocean Travel	10,419
Peony	9,037
*Precious Pearl	6,921
Purple Dolphin	9,420
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
*Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Yugoslav (8 ships)	53,948
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Tara	7,499
Uleinj	8,602
Greek (6 ships)	40,477
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Pothite (trips to Cuba as the Huntsville—British)	9,486
Italian (6 ships)	53,930
Alderamine (tanker)	12,505
Elia (tanker)	11,021
Probitas	8,150
San Francesco	9,284

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Italian—Continued	
Santa Lucia	9,278
Somalia	3,692
Somali (5 ships)	36,554
**Atlas (trip to Cuba—Finnish)	3,916
*Dimitrakis	7,829
Hemisphere (previous trips to Cuba—British)	8,718
**Marie (trips to Cuba as the Stevo—Lebanese and Somali)	7,174
**Nebula (trips to Cuba—British)	8,970
Lebanese (3 ships)	18,759
Antonis	6,259
Astir	5,324
Tony	7,176
French (3 ships)	6,980
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Nelle	2,874
Moroccan (3 ships)	22,354
Atlas	10,392
Marrakech	3,214
Toubkal	8,748
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Panamanian (2 ships)	17,543
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Finnish (1 ship)	4,779
Someri	4,779
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship

a. Since last report: None.

b. Previous reports:

Flag of registry (total)	Number of ships
	130
British	45
Cypriot	8
Danish	1
Finnish	4
French	4
German (West)	1
Greek	31
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	2

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross tonnage
Toula (Cypriot)	6,426
Chokyu Maru (Japanese)	8,627

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British	23
Cypriot	32
Finnish	5
French	1
Greek	18
Italian	4
Lebanese	35
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	7
Singapore	1
South Africa	2
Swedish	1
Yugoslav	6
Total	141

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through September 9, 1970.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970 Jan.–Mar.	1970 Apr.	1970 May	1970 June	1970 July	1970 Aug.	Total
British	133	180	126	101	78	62	45	14	4	7	4	3		757
Cypriot		1	17	27	42	68	115	34	16	24	12	14	13	383
Lebanese	64	91	58	25	16	16	4	1						275
Greek	99	27	23	27	29	7								212
Italian	16	20	24	11	11	10	15	2	3	2	2	1	1	118
Yugoslav	12	11	15	10	14	9	6	3			2		1	83
French	8	9	9	10	10	4	2	1						53
Finnish	1	4	5	11	12	8	2		1					44
Spanish	9	17												25
Norwegian	14	10												24
Moroccan	9	13	1											23
Maltese		2	6	1	4	8	1				1			23
Somalia					2	11	7			2				22
Netherlands		4	2											6
Sweden	3	3												6
Kuwaiti		2	1											3
Israeli			2											2
Japanese	1						1							2
Danish	1													1
German (West)	1													1
Haitian			1											1
Monaco				1										1
Subtotal	370	394	290	224	218	204	197	55	24	35	21	18	15	2,065
Polish	18	16	12	10	11	7	2	1						77
Grand total	388	410	302	234	229	211	199	56	24	35	21	18	15	2,142

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 107, appearing in the FEDERAL REGISTER issue of September 5, 1970.

** Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: September 11, 1970.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-12512; Filed, Sept. 18, 1970; 8:48 a.m.]

See footnotes at end of document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–155; NADA No. 7–023V, etc.]

PITMAN-MOORE, INC., ET AL.

Certain Animal Worming Preparations; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of February 13, 1969 (34 F.R. 2147), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following preparation: Teniatol; contains 2-2′ methylenebis (4-chlorophenol); NADA (new animal drug application) No. 7–023V; by Pitman-Moore, division of The Dow Chemical Co., Post Office Box 10, Zionsville, Ind. 46077.

The firm subsequently transferred all rights pertaining to said application to Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034.

The announcement invited the holder of said new animal drug application, and any other interested person, to submit pertinent data on the drug's effectiveness.

No data were received in response to the announcement and available information still fails to provide substantial evidence of effectiveness of the drug for its recommended use in treating sheep, cattle, dogs, and cats for tapeworms and coccidiosis.

Efficacy data covering the following products which are similar in composition and labeling to the above-named product, although not furnished for review by the Academy as requested in the notice regarding drug effectiveness which was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426), and therefore not evaluated by the Academy, have been reviewed by the Administration. The above-cited findings of the Administration regarding drug effectiveness apply equally to the following:

1. Belcest Canine Teniacide; by Merck & Co., division of Merck, Sharpe & Dohme, 126 East Lincoln Avenue, Rahway, N.J. 07065; NADA No. 6–495V.

2. Happy Jack Tape Worm Tablets for Dogs; by Happy Jack Inc., Snow Hill, N.C. 28580; NADA No. 7–829V.

3. Parabis-90; by The Dow Chemical Co., Midland, Mich. 48640; NADA No. 7–524V.

4. Suspension Teniathane; by Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034; NADA No. 5–831V.

5. Tablets Teniathane, and Coccithane; by Pitman-Moore, Inc., NADA No. 5–832V.

Therefore, notice is given to the above-named holders of said applications and any interested person who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of all of the new animal drug applications named above, and all amendments and supplements thereto, held by said firms for the listed drug products on the grounds that:

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

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-named new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition, and recommended for conditions of use similar to those recommended for the above-listed drug products, to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

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

Dated: September 8, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–12480; Filed, Sept. 18, 1970; 8:46 a.m.]

[DESI 8328]

ANTIBIOTIC TROCHES

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Ledercillin Troches, containing 5,000 units procaine penicillin G per troche (NDA 60–061);

2. Achromycin Pharyngets, containing 15 milligrams tetracycline hydrochloride per troche (NDA 50–265);

3. Achromycin Troches, containing 15 milligrams tetracycline hydrochloride per troche (NDA 50–265);

4. Aureomycin Troches, containing 15 milligrams chlortetracycline hydrochloride per troche (NDA 50–247); and

5. Aureomycin Pharyngets, containing 15 milligrams chlortetracycline hydrochloride per troche (NDA 50–247); all marketed by Lederle Laboratories Division, American Cyanamid Company, Pearl River, N.Y. 10965.

6. Wybiotic, containing neomycin sulfate equivalent to 5 milligrams of base, 300 units zinc bacitracin, and 2,000 units polymyxin B sulfate per troche; Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

The Food and Drug Administration regards these drugs as lacking substantial evidence of effectiveness for their claimed indications: For adjunctive treatment of acute Vincent's Infection of the mouth and pharynx; in the treatment of superficial gram-positive, gram-negative and mixed bacterial infections of the mouth due to susceptible organisms; for the treatment of superficial oral infections caused by sensitive organisms; as an adjunct to other measures in the treatment of acute pharyngitis and tonsillitis; for the treatment of Vincent's infection manifested as tonsillitis; stomatitis, or gingivitis; for the treatment of acute pharyngitis or tonsillitis caused by other organisms; or for prophylactic preoperative and postoperative use in dental surgery to reduce local bacterial flora and to reduce the danger of secondary infection.

Furthermore, the Food and Drug Administration has evaluated reports received from the Academy on the following preparations:

1. Orabiotic Chewing Gum Troches, containing neomycin sulfate equivalent to 3.5 milligrams of base, 0.25 milligram gramicidin, and 2 milligrams propylaminobenzoate per troche; White Laboratories, Inc., Galloping Hill Road, Kenilworth, N.J. 07033 (NDA 11-273).

2. Spectrocin-T Troches, containing neomycin sulfate equivalent to 2.5 milligrams base, 0.25 milligram gramicidin, and 10 milligrams benzocaine per troche; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 8-328).

Labeling submitted for these products and reviewed by the Academy was that in use prior to the publication of amendments to the antibiotic regulations which no longer permitted that labeling. The Academy has evaluated those labeled indications under which the products are no longer certifiable and found the drugs to be ineffective for those indications. The Food and Drug Administration concurs in the Academy findings and reiterates its previously expressed opinion that there is "a lack of substantial evidence that these drugs are efficacious for the purposes claimed in their labeling" (32 F.R. 1172, Feb. 2, 1967).

In addition, because of the potential hazards of sensitization associated with the topical use of such components as penicillin and neomycin, troches containing these drugs are not shown to be safe. Further, there is a lack of substantial evidence that reduction of the oral flora by the intrabuccal route of administration is beneficial clinically.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Part 146 and 148) to delete all antibiotic troches from the list of drugs acceptable for certification.

Prior to initiating such action, however, the Commissioner invites all interested persons who might be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this announcement in the FEDERAL REGISTER. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include 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 the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. Such data should be identified with the reference number DESI 8328 and addressed to the Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by removal of these or similar drugs from the market.

The firms listed above have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the report on these drugs by writing to the Food and Drug Administration, Press Relations Office (CE-200), 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 21, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12483; Filed, Sept. 18, 1970; 8:46 a.m.]

[DESI 843]

DESOXYCORTICOSTERONE ACETATE FOR INTRABUCCAL ADMINISTRATION

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 mineralocorticoid drug for sublingual or buccal use:

Percorten Acetate Linguets, containing desoxycorticosterone acetate, marketed by Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 843).

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 reports, as well as other available evidence, and concludes that desoxycorticosterone acetate for intrabuccal administration is probably effective as partial therapy in Addison's disease.

B. *Marketing status.* 1. Those indications 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 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 applications for the drug, pursuant to 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.

3. Within 60 days from publication hereof in the FEDERAL REGISTER the holder of any approved new-drug application for such drug is requested to 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

Intrabuccally administered desoxycorticosterone acetate may be indicated as partial therapy in Addison's disease.

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.

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 843, 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.

Requests for NAS–NRC Reports: Press Relations Office, Food and Drug Administration (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.

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 21, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–12481; Filed, Sept. 18, 1970; 8:46 a.m.]

[DESI 9698; Docket No. FDC–D–227; NDA 9–698 etc.]

MEPROBAMATE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Miltown; Meprotabs; meprobamate 200 and 400 mg. tablets; Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Road, Cranbury, N.J. 08512 (NDA 9–698).

2. Meprospan-400 and 200; meprobamate 400 and 200 mg. (sustained-release) capsules; Wallace Pharmaceuticals (NDA 11–284).

3. Equanil Tablets; meprobamate 200 and 400 mg.; Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 10–028).

4. Equanil Suspension; meprobamate 200 mg. per 5 cc.; Wyeth Laboratories, Inc. (NDA 11–535).

5. Equanil LA; meprobamate 400 mg. (long-acting) capsules; Wyeth Lamoratories, Inc. (NDA 12–455).

6. Meprobamate Tablets; meprobamate 0.4 gm.; Gyma Laboratories of America, Inc., 118–21 Queens Boulevard, Forest Hills, N.Y. 11375 (NDA 12–432).

7. Intramuscular Miltown; meprobamate 400 mg. per 5 cc.; Wallace Pharmaceuticals (NDA 12–284).

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. *Oral forms of meprobamate*—A. *Effectiveness classification.* 1. The Food and Drug Administration has considered the reports of the Academy, as well as other available evidence, and concludes that meprobamate for oral use is effective for the relief of anxiety and tension; as an adjunct in the treatment of various disease states in which anxiety and tension are manifested; to promote sleep in anxious, tense patients.

2. The Academy evaluated the drug as probably effective in anxiety states associated with tension headache, medical and surgical disorders and procedures, heart disease, and behavior disorders. The Food and Drug Administration concludes that such claims, need revision and considers the following to be an appropriate claim for which the drug is effective: as an adjunct in the treatment of various states in which anxiety and tension are manifested.

3. The Administration concludes that the drug is possibly effective as adjunctive therapy in the control and rehabilitation of chronic alcoholic patients and as adjunctive therapy in the treatment of psychoses.

4. There is a lack of substantial evidence that the drug is effective for the following labeling claims: for the management of enuresis in childhood; as a skeletal-muscle relaxant; for use in neurologic conditions in which muscle spasm is a factor; for use in muscle spasm secondary to rheumatic disorders and trauma; as an adjunct to the psychiatric management of musculoskeletal and neuromuscular disorders; as an anticonvulsant for use in petit mal epilepsy; as a muscle relaxant in orthopedic and rheumatic conditions; in some neurologic conditions such as cerebral palsy; for insulating a patient's motor performance from impact of his emotional environment thus improving some spastic conditions secondary to neurological disorders.

B. *Form of drug.* Oral meprobamate preparations are in the form of tablets, capsules, or suspension. They may be formulated for timed release or prolonged effect. Such preparations contain an amount appropriate for administration in the dosage range described in the labeling conditions below for orally administered meprobamate.

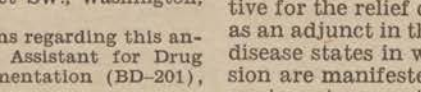
C. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

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

ORAL MEPROBAMATE

DESCRIPTION

Meprobamate is a white powder with a characteristic odor and a bitter taste. It is slightly soluble in water, freely soluble in acetone and alcohol, and sparingly soluble in ether. The structural formula of meprobamate is—



(Other information should be limited to a description of the formulation or dosage form.)

ACTION

Meprobamate is a carbamate derivative which has been shown (in animal and/or human studies) to have effects at multiple sites in the central nervous system including the thalamus and limbic system.

INDICATIONS

For the relief of anxiety and tension; as an adjunct in the treatment of various disease states in which anxiety and tension are manifested. To promote sleep in anxious, tense patients.

CONTRAINDICATIONS

Acute intermittent porphyria and allergic or idiosyncratic reactions to meprobamate or related compounds, such as carisoprodol, mebutamate, or carbromal.

WARNINGS

Drug Dependence. Physical dependence, psychological dependence, and abuse have occurred. Chronic intoxication from prolonged ingestion of, usually, greater than recommended doses is manifested by ataxia, slurred speech, and vertigo. Therefore, careful supervision of dose and amounts prescribed is advised, as well as avoidance of prolonged administration, especially for alcoholics and other patients with a known propensity for taking excessive quantities of drugs.

Sudden withdrawal of the drug after prolonged and excessive use may precipitate recurrence of preexisting symptoms such as anxiety, anorexia, or insomnia, or withdrawal reactions such as vomiting, ataxia, tremors, muscle twitching, confusional states, hallucinosis, and, rarely, convulsive seizures. Such seizures are more likely to occur in persons with central nervous system damage or preexistent or latent convulsive disorders. Onset of withdrawal symptoms occcurs usually within 12 to 48 hours after discontinuation of meprobamate; symptoms usually cease within the next 12- to 14-hour period.

When excessive dosage has continued for weeks or months, dosage should be reduced gradually over a period of 1 or 2 weeks rather than abruptly stopped. Alternatively, a short acting barbiturate may be substituted then gradually withdrawn.

Potentially Hazardous Tasks. Patients should be warned that meprobamate may impair the mental or physical abilities required for performance of potentially hazardous tasks such as driving or operating machinery.

Additive Effects. Since CNS-suppressant effects of meprobamate and alcohol or meprobamate and other psychotropic drugs may be additive, appropriate caution should be exercised with patients who take more than one of these agents simultaneously.

Usage in Pregnancy and Lactation. Safe use of meprobamate in pregnancy or lactation has not been established; therefore, use of this drug during pregnancy, in nursing mothers, or in women of childbearing potential requires that the expected benefits of the drug be weighed against the possible hazards to the mother and child. In animal reproduction studies in mice, rats, and rabbits, meprobamate administered at five times the maximum recommended human dose has been shown to produce reduction in litter size due to resorption.

Meprobamate passes the placental barrier. It is present both in umbilical cord blood at or near maternal plasma levels and in breast milk of lactating mothers at concentrations two to four times that of maternal plasma. When use of meprobamate is contemplated in breast-feeding patients, the drug's higher concentrations in breast milk as compared to maternal plasma levels should be considered.

Usage in Children. Meprobamate should not be administered to children under 6 years of age since there is a lack of documented evidence of safety and effectiveness.

PRECAUTIONS

The least effective dose should be administered, particularly to elderly and/or debilitated patients in order to preclude oversedation.

Meprobamate is metabolized in the liver and excreted by the kidney; to avoid its excess accumulation caution should be exercised in the administration to patients with compromised liver or kidney function.

Meprobamate occasionally may precipitate seizures in epileptic patients.

The drug should be prescribed cautiously and in small quantities to patients with suicidal tendencies.

ADVERSE REACTIONS

Central Nervous System. Drowsiness, ataxia, dizziness, slurred speech, headache, vertigo, weakness, paresthesias, impairment of visual accommodation, euphoria, overstimulation, paradoxical excitement, fast EEG activity.

Gastrointestinal. Nausea, vomiting, diarrhea.

Cardiovascular. Palpitation, tachycardia, various forms of arrhythmia, transient ECG changes; syncope, hypotensive crisis.

Allergic or Idiosyncratic. Milder reactions are characterized by an itchy, urticarial, or erythematous maculopapular rash which may be generalized or confined to the groin. Other reactions have included leukopenia, acute nonthrombocytopenic purpura, petechiae, ecchymoses, eosinophilia, peripheral edema, adenopathy, fever, fixed drug eruption with cross reaction to carisoprodol, and cross sensitivity between meprobamate/mebutamate and meprobamate/carbromal.

More severe hypersensitivity reactions, rarely reported, include hyperpyrexia, chills, angioneurotic edema, bronchospasm, oliguria, and anuria. Also, anaphylaxis, exfoliative dermatitis, stomatitis and proctitis. Stevens-Johnson syndrome and bullous dermatitis have occurred.

Hematologic (See also "Alergic or Idiosyncratic"). Agranulocytosis and aplastic anemia have been reported, although no causal relationship has been established. Thrombocytopenic purpura.

Other. Exacerbation of porphyric symptoms.

DOSAGE AND ADMINISTRATION

Usual adult dose is 1,200-1,600 mg/day in divided doses; doses greater than 2,400 mg./day are not recommended. The usual dose for children ages 6 to 12 years is 100 to 200 mg. two or three times daily. Meprobamate is not recommended for children under 6 years.

OVERDOSAGE

Suicidal attempts with meprobamate have resulted in drowsiness, lethargy, stupor, ataxia, coma, shock, vasomotor, and respiratory collapse. Some suicidal attempts have been fatal.

The following data have been reported in the literature and from other sources. These data are not expected to correlate with each case (considering factors such as individual susceptibility and length of time from ingestion to treatment), but represent the usual ranges reported.

Acute simple overdose (meprobamate alone): Death has been reported with ingestion of as little as 12 gm. meprobamate and survival with as much as 40 gm.

Blood Levels.

0.5–2.0 mg. percent represents the usual blood level range of meprobamate after therapeutic doses. The level may occasionally be as high as 3.0 mg. percent.

3–10 mg. percent usually corresponds to findings of mild to moderate symptoms of overdosage, such as stupor or light coma.

10–20 mg. percent usually corresponds to deeper coma, requiring more intensive treatment. Some fatalities occur.

At levels greater than 20 mg. percent, more fatalities than survivals can be expected.

Acute combined overdose (meprobamate with other psychotropic drugs or alcohol): Since effects can be additive, a history of ingestion of a low dose of meprobamate plus any of these compounds (or of a relatively low blood or tissue level) cannot be used as a prognostic indicator.

In cases where excessive doses have been taken, sleep ensues rapidly and blood pressure, pulse, and respiratory rates are reduced to basal levels. Any drug remaining in the stomach should be removed and symptomatic treatment given. Should respiration or blood pressure become compromised, respiratory assistance, central nervous system stimulants, and pressor agents should be administered cautiously as indicated. Diuresis, osmotic (mannitol) diuresis, peritoneal dialysis, and hemodalysis have been used successfully. Careful monitoring of urinary output is necessary and caution should be taken to avoid overhydration. Replace and death, after initial recovery, have been attributed to incomplete gastric emptying and delayed absorption.

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. To be acceptable for consideration in support of the effectiveness of the 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.

E. *Marketing status.* Marketing of the drug may continue under the conditions described in items III and IV of this announcement except that those indications referenced in paragraph D above may continue to be used as described therein.

II. *Intramuscular form of meprobamate*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the Academy and concludes that meprobamate for intramuscular use is effective as an adjunct in the management of tetanus.

B. *Form of drug.* Intramuscular meprobamate preparations are sterile solutions suitable for intramuscular administration and contain an amount appropriate for administration as described in the labeling conditions for this preparation.

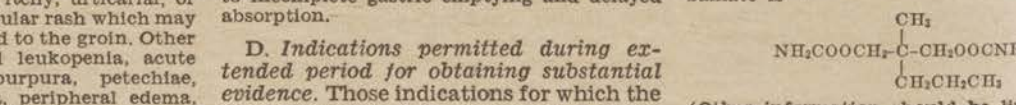
C. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with the 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.)

INTRAMUSCULAR MEPROBAMATE

DESCRIPTION

Meprobamate is a white powder with a characteristic odor and a bitter taste. It is slightly soluble in water, freely soluble in acetone and alcohol, and sparingly soluble in ether. The structural formula of meprobamate is—



(Other information should be limited to a description of the formulation or dosage form.)

ACTIONS

Meprobamate is a carbamate derivative which has been shown (in animal and/or human studies) to have effects at multiple sites in the central nervous system including the thalamus and limbic system.

INDICATIONS

As an adjunct in the management of tetanus.

CONTRAINDICATIONS

Acute intermittent porphyria and allergic or idiosyncratic reactions to meprobamate or related compounds, such as carisoprodol, mebutamate, or carbromal.

In patients with preexistent renal damage the use of polyethylene glycol (the vehicle of intramuscular meprobamate) is contraindicated.

WARNINGS

It must not be given intravenously because the vehicle may cause thrombosis or hemolysis.

PRECAUTIONS

Intramuscular meprobamate appears to be of benefit in controlling the spasms of tetanus evoked by somatic stimuli, but not those evoked by proprioceptive stimuli. If it should be found ineffective in relieving spasms due to tetanus, a search should be made for a visceral trigger point.

ADVERSE REACTIONS

Adverse reactions associated with intramuscular administration of meprobamate include pain at the injection site, sometimes severe, and hypotension which may be of a significant degree.

Adverse reactions associated with the oral administration of meprobamate include the following:

(This information should be identical to the "Adverse Reactions" section for oral meprobamate.)

DOSAGE AND ADMINISTRATION

Intramuscular meprobamate is to be given by deep intramuscular injection, preferably in the gluteal region. It must not be given intravenously, because the vehicle may cause thrombosis or hemolysis.

The dosage must be individualized. For most cases the following regimen has been effective:

Adults—400 mg every 3 or 4 hours.

Children—the dose is approximately half of the usual adult dose.

Infants—125 mg every 6 hours.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items III and IV of this announcement.

III. *Previously approved new-drug 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. For oral forms, adequate data to assure the biologic availability of the drug in the formulation which is marketed. For preparations claiming sustained, timed-release, or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective.

3. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of 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 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. 180 days for biologic availability data.

3. 60 days for updating information.

C. Marketing of the drug may continue until the supplemental applications submitted in accord with the 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. (In the case of oral forms of the drug, the labeling may continue to include the indications referenced in paragraph ID for the period stated.)

IV. *New applications.* A. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under IA or IIA 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, in the case of oral forms of the drug, adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing. For preparations claiming sustained action, timed-release or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective.

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. (In the case of oral forms of the drug, the labeling may continue to include the indications referenced in paragraph ID for the period stated.)

2. The manufacturer, packer, or distributor of such drug submits within 60 days, or if bioavailability data are required within 180 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 required for the approval of the application as specified in a written communication from the Food and Drug Administration.

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

V. *Periodic reporting requirements.* Except for reports of any information pertaining to an indication of the development of physical or psychological dependence upon or abuse of the drug, the periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein.

VI. *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 IA4 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 the 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 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 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.

VII. *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.

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 Drugs (BD–200), 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 9698, 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 a 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 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: August 21, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–12484; Filed, Sept. 18, 1970; 8:46 a.m.]

[DESI 5803]

POORLY ABSORBED SULFONAMIDES FOR ORAL OR RECTAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Cremothalidine Suspension containing 6 gm. phthalylsulfathiazole per 30 ml. (NDA 5–803);

2. Sulfasuxidine Powder containing succinylsulfathiazole (NDA 4–687);

3. Sulfasuxidine Tablets containing 0.5 gm. succinylsulfathiazole per tablet (NDA 4–687); and

4. Sulfathalidine Tablets containing 0.5 gm. phthalylsulfathiazole per tablet (NDA 5–803); all marketed by Merck, Sharp and Dohme, Division of Merck and Co., Inc., West Point, Pa. 19486.

5. Thalamyd Tablets containing 0.5 gm. phthalylsulfacetamide per tablet; marketed by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 6–593).

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

A. *Effectiveness classification.* 1. 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 of effectiveness of these drugs for ileitis.

2. Except as described in paragraph A1, the drugs listed in this announcement are regarded as possibly effective for their labeled indications.

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 application for a drug labeled with the indication described in paragraph A1 above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes the indication for which such drug has been classified as lacking substantial evidence of effectiveness. Such 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. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes the claim for which substantial evidence of effectiveness is lacking as described in paragraph A1 above. Failure to delete such indication 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. Holders of previously approved new-drug applications for any drug described in this announcement and any person marketing such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which the drug is regarded 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 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 period, any such data will be evaluated to determine whether there is substantial evidence of the effectiveness of the drug 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 these drugs pursuant to section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). 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 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 5803 and 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:

Supplements (identified 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: August 21, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–12482; Filed, Sept. 18, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SS-H-10]

INVESTIGATION OF CHARTER BUS CRASH

Notice of Hearing

In the Matter of Investigation of Chartered Bus Crash on U.S. Route 22, (I-78), near New Smithville, Pa., on July 15, 1970.

Notice is hereby given that a Highway Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., e.s.t., commencing on Tuesday, November 3, 1970, in the South Room of the Holiday Inn-West, located on U.S. Route 22, at Pennsylvania Route 309, Allentown, Pa.

This notice cancels the notice of July 31, 1970, which appeared on page 12361 of the August 1, 1970, issue, volume 35, number 149 of the FEDERAL REGISTER.

Dated this 16th day of September, 1970.

For the Board.

FRANCIS H. MCADAMS,
Chairman, Board of Inquiry.

[F.R. Doc. 70-12507; Filed, Sept. 18, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21322; Order 70-9-73]

DOMESTIC TRUNKLINE CARRIERS

Order on Supplemental Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of September 1970.

On September 12, 1969, the Board adopted Order 69-9-68 suspending tariff revisions proposed by various trunkline carriers and ordering them investigated. In the same order the Board set forth a specific fare-structure formula which it said it would accept without suspension if implemented by the carriers. The carriers promptly filed tariff revisions embodying the Board's formula specifying fares for effectiveness on October 1, 1969. Complaints against such filings and requests for their suspension were denied by the Board by Order 69-9-150, adopted September 30, 1969, and the fares producing an estimated increase in overall revenues to the domestic trunkline carriers of 6.35 percent, became effective October 1, 1969. Congressman John E. Moss and a number of other Congressmen challenged both of the Board's orders in proceedings instituted before the U.S. Court of Appeals for the District of Columbia Circuit.[1] On July 9, 1970, the Court of Appeals filed its decision in Moss v. Civil Aeronautics Board, holding Board Order 69-9-68 invalid on the ground that the Board had engaged in ratemaking, within the meaning of section 1002(d) of the Federal Aviation Act, without providing notice and hearing as required by the statute. The Court found further that the Board's invalid order exerted compulsion upon the carriers so that the tariffs they filed which were based on the invalid order were also unlawful.

In response to the Court's decision Congressman Moss et al. filed a supplemental complaint with the Board on July 24, 1970.[2] "The purpose of their supplemental complaint," they stated, "is to request that the Board promptly initiate an adjudicatory proceeding for the purpose of determining appropriate relief [for alleged rate overcharges] for the period extending from October 1, 1969, through the date on which lawful domestic passenger fares are reestablished."[3] Specifically, complainants asked that the proceeding deal with the "calculation of the sum unlawfully extracted from the public by reason of the Board's order of September 12" and "the proper disposition of the overcharge." In the latter connection, complainants stated that they were "prepared to develop" the difference between the disposition of "illegal and excessive" "overcharges" allegedly present here, and "reparations."

Of the 17 airlines filing answers to the supplemental complaint,[4] 15 of them, while generally opposing both the legal and factual bases of the complaint, stated that it would be appropriate for the Board to conduct a hearing to determine whether the October 1, 1969, fares exceeded fair and reasonable levels. In part, according to the carriers, this view was predicated on the existence of a number of class actions brought in various Federal district courts around the country to recover alleged overcharges from the airlines following the decision of the court of appeals in the Moss case, and the airlines' belief that the determination of the reasonableness of the fares charged by the airlines was a matter falling within the primary jurisdiction of the Board and should be decided once and for all by the Board. Allegheny and TWA alone urged the dismissal of the complaint without hearing on the legal ground that reparations could not be awarded in these circumstances, and that, in any event, there was no basis for concluding that the October 1, 1969, fares were unreasonable.

On consideration of the supplemental complaint, the answers thereto the proceedings in the Moss case, and the proceedings in the Domestic Passenger-Fare Investigation,[5] we have concluded to call for briefs from the parties on a number of matters before deciding whether to embark upon an adjudicatory proceeding as requested in the supplemental complaint.

1. A serious legal issue exists as to whether the Board has power to order refunds or make other provision for fares in excess of those charged prior to October 1, 1969 (on the assumption that such fares embody "overcharges") in light of the decision in T.I.M.E. Inc. v. United States, 359 U.S. 464 (1959) and statements by the court in the Moss case.[6] Complainants impliedly urge that the Board has such powers and state that they are prepared to develop the point. This can be done by brief and we believe

---

[1] Moss, et al. v. Civil Aeronautics Board, No. 23,627, filed Nov. 10, 1969.

[2] Congressman Moss et al. filed their original complaint in this docket on Aug. 20, 1969. It was directed against the passenger fare revisions proposed by various trunkline carriers at that time. Insofar as this complaint sought a general rate investigation it was ultimately consolidated into the Domestic Passenger-Fare Investigation, Docket 21866. See note 5, infra.

[3] To the extent that the supplemental complaint sought the immediate reestablishment of the pre-October 1, 1969, fares until the Board established new lawful fares, the matter is now moot and we shall dismiss the complaint in this respect. On July 28, 1970, the Board adopted Order 70-7-128, which prescribed a procedure for reestablishing lawful fares and left existing tariffs in effect until that could be accomplished because they "are the only ones which legally may be charged under section 403 of the Federal Aviation Act." The order referred to the supplemental complaint but said that it was not ripe for decision. The Board presented its order to the Court of Appeals together with a motion for a partial stay of mandate for 90 days to permit compliance with the Court's decision. The Court granted the Board's motion. It stated further, "Since petitioners' complaint for rate overcharges is now before the Board we deem it unnecessary for the court to address itself to this problem at this time."

[4] The carriers filing answers were Allegheny, Delta, Air West, Piedmont, American, Braniff, Continental, Eastern, Mohawk, North Central, National, Northeast, Northwest, TWA, Western, Ozark, and United.

[5] The Board instituted its Domestic Passenger-Fare Investigation, Docket 21866, by Order 70-1-147, dated Jan. 29, 1970, and further explained its scope in Order 70-2-121. This was to be a general investigation of the level and structure of fares between points in the 48 contiguous States and the District of Columbia. The earlier complaint and request for a general investigation of fares filed by Congressman Moss et al., previously deferred, was consolidated into the proceeding under Docket 21866. That proceeding is moving forward on an expedited schedule. Three of the six hearings contemplated for the investigation have been concluded and two more are scheduled for the current month. The rulemaking phases of the investigation are also progressing. We hope to have the investigation relating to the fare level submitted to us for decision in the early part of the coming year, and that part relating to structure as soon thereafter as possible, consonant with the development of an appropriate record.

[6] Moss et al. v. C.A.B., —— F.2d —— (C.A.D.C. July 9, 1970), Slip Opinion, 22-23, where the Court stated, "* * * there is no statutory provision for reparations to the public if the rates charged are unreasonable." [Footnote omitted.] And see Williams v. Washington Metropolitan Area Transit Com'm, 415 F. 2d 922 (C.A.D.C. 1968), cert. denied 393 U.S. 1081 (1969). See also Board Order 70-7-128 wherein we said, "The Court's opinion makes clear, and we believe correctly, that there are no reparations under the Act even if the rates charged pursuant to the Board's invalid order are unreasonable" (p. 1).

complainants should be afforded an opportunity to do so. Similarly, the airlines asserting the opposing position should be afforded an opportunity to support their views on brief. If the Board has no power to enter a remedial order of the kind sought, any substantial expenditure of time and effort by public and private parties to determine facts upon which we cannot act would appear to be unwarranted. On the other hand, some carriers contend that a factual determination that the past fares were reasonable is an alternate ground for decision of the case and the class actions against the carriers, without the necessity of determining the scope of the Board's power.[7] We desire to hear from the parties in greater detail on these issues by brief before determining our course of action.

2. Another matter which deserves elaboration by brief is the nature of the proof which would be introduced to demonstrate that the fares charged after October 1, 1969, were "excessive," "unreasonable," or constituted "overcharges" or that those fares were none of those things. Complainants say that "the overcharges may well be equal to the 6.35 percent fare increase accorded by the Board." If this is no more than a legal argument, an evidentiary hearing is not required. We believe that we should have some concrete indication from the parties as to the factual propositions they will seek to establish, the nature of the proof they will address to this end, and whether such facts require cross-examination or other evidentiary process to be established, before deciding whether to institute such an investigation.[8] This seems to be of particular importance, in the first place, because of the decision in Atlantic Coast Line R. Co. v. Florida, 295 U.S. 301 (1935), which appears to require complainants to establish that the fares in effect after October 1, 1969, were unreasonable and that retention of such fares would unjustly enrich the carriers if they are to secure relief.[9] Analysis by the parties on brief will assist in this area. The factual propositions and the nature of the proof of reasonableness or unreasonableness are also of importance because of the pendency of the Domestic Passenger-Fare Investigation, to which we now turn.

3. We think it necessary before proceeding herein to secure the views of the parties on the interrelationship between the Domestic Passenger-Fare Investigation, and the proposed investigation both with respect to the issues to be heard, the facts to be adduced, and the relief, if any, to be accorded. Likewise, the procedural relationship of the two cases should be explored. Among the basic questions which require comment by the parties are the following: Whether, and to what extent, the evidence to be adduced in the proposed investigation will be duplicative of the evidence adduced in the Domestic Passenger-Fare Investigation? How, to what extent, and when the evidence in the Passenger-Fare case can be utilized in the proposed investigation to avoid duplication of effort and expense by all concerned? Whether the proposed investigation should be made a part of the main investigation? Whether it should be conducted separately, but later folded in for purposes of decision? Whether it should be deferred for completion of the main investigation? Whether, if possible relief is to be in the form of an offset in future tariff actions, as alternatively suggested by complainants, it should be included in final decision in the Passenger-Fare case?

4. The form of relief to be accorded, if any, should also be the subject of preliminary comment. Complainants' suggestions on this score are brief and general both with respect to the possibility of refunds to individuals or the establishment of a "fund" to be offset against future tariff action. These matters, which were touched on in the court proceedings, appear to present serious questions of practicality and feasibility.[10] We think that concrete proposals and objections should be submitted to us for our consideration in deciding the appropriate procedures.

Therefore, in order to have views on these matters before reaching final decision we shall defer action on the supplemental complaint and afford the parties an opportunity to file briefs and answering briefs.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The supplemental complaint of John E. Moss et al., dated July 24, 1970, be and hereby is dismissed as moot, insofar as it seeks to reestablish fares in effect prior to October 1, 1969, pending the determination of new lawful fares.

2. Decision of the aforesaid supplemental complaint be and hereby is deferred in all other respects.

3. The parties to this proceeding may file briefs addressed to the matters discussed in this order and similar matters within thirty (30) days from the date of this order. Other interested persons may also file such briefs provided they have been served on all parties.

4. The parties and other interested persons serving all parties may file answering briefs within fifteen (15) days after opening briefs are due.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-12509; Filed, Sept. 18, 1970; 8:48 a.m.]

[Docket No. 20291; Order 70-9-77]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority September 15, 1970.

By Order 70-8-115, dated August 28, 1970, action was deferred, with a view toward eventual approval, on a resolution adopted by Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement permits Air Afrique to postpone to January 1971 the performance of its two inaugural flights in connection with its North Atlantic service: New York-Dakar-Monrovia-Abidjan-Douala - Libreville - Kinshasa and return.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-8-115 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21922 be and it hereby is approved.

This order will be published in the FEDERAL REGISTER.

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

[F.R. Doc. 70-12510; Filed, Sept. 18, 1970; 8:48 a.m.]

[Docket No. 20993; Order 70-9-76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority September 15, 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 the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers, was promulgated in IATA letters dated August 28 and September 4, 1970. As indicated below, it specifies a rate under

---

[7] See Pan American World Airways et al. v. Civil Aeronautics Board, 392 F. 2d 483 (C.A.D.C. 1968).

[8] We are cognizant of Rule 23 of our rules of practice. The responses called for herein need not be so detailed as to permit the preparation of a prehearing conference report.

[9] Such facts would also appear to be essential to the application of Bebchick v. Public Utilities Commission, 318 F. 2d 187 (C.A.D.C. en banc) certiorari denied, 373 U.S. 913 (1963), which complainants cite.

[10] For example, among other things it was asserted that there was doubt whether the names and addresses of all travelers exist; that even if verified claims were made by travelers, the cost of ascertaining the old fare (increases were not uniform) would be expensive; and that in many instances a further payment to the carrier would be required rather than a refund to the passenger.

a new specific commodity description, which reflects a significant reduction from the otherwise applicable general commodity rate, and cancels a rate from Shannon to New York.

NEW DESCRIPTION

R-25:

Commodity Item 0380—Shrimp, 130 cents per kg., minimum weight 1,000 kgs. Beira to New York.

CANCELED RATE

R-27:

Commodity Item 6002—Chemicals, Dyes, Fertilizers, Insecticides, Paints, Pigments, Varnishes, Drugs, etc.[1] Shannon to New York.

In addition, the agreement amends the description for commodity item 4702 by deleting the word "Chair" before "Casters and Glides." [2]

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 subject agreement is adverse to the public interest or in violation of the act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21753, R-25 through R-27, be and hereby is deferred with a view toward eventual approval; *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

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. 70-12511; Filed, Sept. 18, 1970; 8:48 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, September 29, 1970. The hearing will take place in Room 1600, Municipal Services Building, 15th and Kennedy Boulevard, Philadelphia, beginning at 2 p.m. The hearing will be on the following subjects:

A. A proposed fiscal year 1972 current expense budget in the amount of $1,510,000 and a capital budget in the amount of $2,000.

B. Proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Upper Gwynedd Township Authority.* Modification of the sewage treatment plant of the Upper Gwynedd Township Authority, Montgomery County, Pa. The existing treatment plant will be expanded to treat an average flow of 2.2 million gallons per day and remove 97 percent of BOD_5. Treated effluent will discharge to Wissahickon Creek.

2. *Evesham Municipal Utilities Authority.* A project to increase diversion of subsurface water from three existing wells serving the Township of Evesham, Burlington County, N.J. The permitted maximum average diversion will be increased to 1,850,000 gallons daily during any month.

3. *New Castle County.* A force main and pumping station to be constructed by the Department of Public Works in the Collins Park area of New Castle County, Del. A 30-inch force main will have a capacity of 18 million gallons per day. Collected sewage will flow ultimately through the Christina River force main into the sewage treatment plant of the City of Wilmington.

4. *City of Wilmington.* Expansion of the City of Wilmington's existing sewage treatment facilities by the Department of Public Works to provide secondary treatment for a flow of 90 million gallons per day. About 85 percent of carbonaceous oxygen demand and 88 percent of suspended solids will be removed prior to discharge into the Delaware River.

A summary of the proposed 1972 budget is available from the Commission upon request. Documents relating to the other items on the hearing notice may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

SEPTEMBER 11, 1970.

[F.R. Doc. 70-12469; Filed, Sept. 18, 1970; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR H-11]

REAL PROPERTY TRANSFERS

Utilization and Disposal

1. *Purpose.* This bulletin emphasizes that the responsibility for approval of transfers of excess real property rests with the General Services Administration (GSA) and that holding agencies should refrain from making commitments to other agencies relative to such transfers.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* a. Transfers of excess real property from one Federal agency to another are accomplished under section 202 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), and implementing regulations. Under that section of the Act, the Administrator of General Services is responsible for prescribing policies and methods to promote the maximum Federal utilization of excess property and for the transfer of such property among Federal agencies.

b. The regulations issued by GSA in implementation of section 202 of the Act concerning transfers of excess real property between agencies are set forth in Federal Property Management § 101-47.203-7 (41 CFR 101-47.203-7). These regulations provide that GSA must first determine, with the concurrence of the Office of Management and Budget (OMB) in instances where the property involved has an appraised fair market value of $100,000 or more, that the proposed transfer is in the best interest of the Government, and that the requesting agency is the appropriate agency to hold the property.

c. Any unauthorized deviation from the prescribed law and regulations can only result in a loss of the centralized control and evaluation of such transfers by GSA envisioned in the Property Act. Further, any such action will interfere with the Government's concerted effort to generate, administer, and dispose of excess Federal real property in accordance with Executive Order 11508, dated February 10, 1970, and the President's Memorandum to the Heads of Departments and Agencies dated July 24, 1970.

d. GSA has always carefully reviewed agency requests for transfer of real property. However, because of the added emphasis on proper utilization of property expressed in the President's environmental message of February 10, 1970, and implemented by Executive Order 11508, increased efforts are being taken to ensure that transfer requests are fully justified by the requesting agency.

4. *Agency responsibility.* Agencies are requested not to discuss proposed transfers with potential transferees but instead to refer any inquiries relative to such transfers to GSA.

ROBERT L. KUNZIG,
Administrator of General Services.

SEPTEMBER 14, 1970.

[F.R. Doc. 70-12470; Filed, Sept. 18, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4915]

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

SEPTEMBER 14, 1970.

Notice is hereby given that Appalachian Power Co. (Appalachian), 40 Franklin Road, Roanoke, Va. 24009, an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), a registered holding company, has filed

[1] For complete and accurate description see applicable tariff.
[2] R-26.

an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $70 million aggregate principal amount of its first mortgage bonds in one or more new series maturing not less than three and not more than 30 years. The number of new series of bonds and the maturity of the bonds will be determined not less than 72 hours prior to the opening of the bids. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Appalachian (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the mortgage and deed of trust dated as of December 1, 1940, made by Appalachian to Bankers Trust Co., as trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a supplemental indenture to be dated as of the first day of the month in which the bonds are issued and which includes a prohibition against refunding the bonds with the proceeds of funds borrowed at lower interest cost prior to (i) the date of maturity of such bonds or (ii) a period of 5 years from the date of issuance of such bonds, whichever is earlier.

Appalachian will apply the proceeds from the sale of the bonds to pay, at maturity, $70 million of first mortgage bonds, 3¼ percent series due December 1, 1970, and any excess will be added to Appalachian's general corporate fund and used to pay for the cost of additions, extensions, and improvements to its utility plant.

The application indicates that the State Corporation Commission of Virginia, the State in which Appalachian is organized and doing business, and the Tennessee Public Service Commission, in which State Appalachian is qualified to do business, have jurisdiction over the issue and sale of the bonds. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Appalachian in connection with the proposed issue and sale of bonds will be supplied by amendment.

Notice is further given that any interested person may, not later than October 5, 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 application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-12499; Filed, Sept. 18, 1970; 8:47 a.m.]

[70-4917]

ROCKY RIVER REALTY CO. ET AL.

Notice of Proposed Advances by Electric Utility Subsidiaries of Registered Holding Company to Associate Real Estate Company To Finance Temporary Acquisition of Plant Site

SEPTEMBER 14, 1970.

In the matter of the Rocky River Realty Co., Post Office Box 270, Hartford, Conn. 06101; The Connecticut Light and Power Co., Post Office Box 2010, Hartford, Conn. 06101; The Hartford Electric Light Co., Post Office Box 2370, Hartford, Conn. 06101; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass. 01089.

Notice is hereby given that The Rocky River Realty Co. (Rocky River), a real estate company, The Connecticut Light and Power Co. (CL&P), an electric utility company and exempt holding company, The Hartford Electric Light Co., an electric utility company (HELCO), and Western Massachusetts Electric Co. (WMECO), an electric utility company, all of which companies are subsidiary companies of Northeast Utilities (Northeast), a registered holding company, have filed with this Commission a joint application-declaration and an amendment thereto designating section 12(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 45 promulgated thereunder as being applicable to the proposed transactions. All interested persons are referred to the said amended joint application-declaration, which is summarized below for a complete statement of the proposed transactions.

By order dated October 24, 1967, the Commission authorized Rocky River to engage in the acquisition, ownership, maintenance, leasing, and other disposition of real property required in connection with operations of the Northeast holding company system (Holding Company Act Release No. 15884). As of June 30, 1970 Rocky River's outstanding capitalization consisted of common stock and surplus of $18,000, notes payable to Northeast of $2,483,000, all of which are subordinated as to principal and interest to all indebtedness of the company to nonaffiliated persons, and long-term debt totaling $15,752,000, all of which is owned by nonaffiliated persons.

Rocky River proposes to acquire a parcel of real property in Connecticut from nonaffiliated persons, at an aggregate cost of between $5 million and $5,500,000, for use by CL&P, HELCO, and WMECO for an addition to an existing electric generating station. Within a period of 3 months or less, this property will be conveyed by Rocky River at its cost to CL&P, HELCO, and WMECO as tenants-in-common. Interim ownership of the property by Rocky River is proposed because the ultimate percentages of ownership of the undivided interest of each of the ultimate owners has not been determined.

To facilitate the acquisition, it is proposed that CL&P, HELCO, and WMECO advance the funds necessary to purchase the property to Rocky River without interest in the following percentages: CL&P, 53 percent; HELCO, 28 percent; and WMECO, 19 percent. In the event the ultimate percentages of ownership are different, appropriate adjustments among CL&P, HELCO, and WMECO will be made at the time the property is conveyed to them, and the proposed advances will be repaid at that time.

The proposed advances will be subordinated as to principal and interest to all indebtedness owed by Rocky River to nonaffiliated persons, and the notes heretofore issued by Rocky River to Northeast will be subordinated as to principal and interest to all other indebtedness owed by Rocky River, including the advances which CL&P, HELCO, and WMECO propose to make to Rocky River.

The fees, commissions, and other remunerations to be paid or incurred, directly or indirectly, in connection with the proposed transactions are estimated to be $1,000, including estimated legal fees of $500. The amended joint application-declaration also states that no consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions.

Notice is further given that any interested person may, not later than September 29, 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 amended joint application-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 applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after the said date, the joint application-declaration, as filed and amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-12501; Filed, Sept. 18, 1970; 8:47 a.m.]

[812-2724]

WISCONSIN LIFE INSURANCE CO. AND WISCONSIN LIFE INSURANCE CO. VARIABLE ACCOUNT A

Notice of Application for Exemptions

SEPTEMBER 14, 1970.

In the matter of The Wisconsin Life Insurance Company and The Wisconsin Life Insurance Company Variable Account A, University Avenue and Segoe Road, Post Office Box 5099, Madison, Wis. 53705.

Notice is hereby given that The Wisconsin Life Insurance Company Variable Account A ("Account A") a unit investment trust registered under the Investment Company Act of 1940 ("Act") and The Wisconsin Life Insurance Company ("Life") (herein referred to collectively as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of sections 12(d)(1), 22(d), 26(a) and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein, which are summarized below.

Life is a mutual life insurance company organized in 1895 under the laws of the State of Wisconsin. Life established Account A on July 3, 1968 under the provisions of § 206.385 of the Wisconsin insurance laws in connection with the proposed sale of variable annuity contracts ("Contracts") designed to provide variable retirement benefits to plans qualifying under sections 401(a), 403(a) and 403(b) of the Internal Revenue Code. Net purchase payments under the Contracts will be allocated to Account A and will be invested in shares of Wisconsin Life Fund, Inc. ("Fund"), a registered open-end, diversified, management investment company.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), in pertinent part, provides in substance that it shall be unlawful for any registered investment company (Account A) to purchase any security issued by any other investment company (Fund) if such registered investment company will, as a result of that purchase, own more than 3 percent of the outstanding voting stock of the other investment company, unless the registered investment company owns at least 25 percent of the outstanding voting stock of such other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates, pursuant to the terms of the trust indenture under which such certificates are issued.

Account A, which does not own at least 25 percent of the outstanding voting stock of Fund, will acquire more than 3 percent of the outstanding voting stock of Fund with the proceeds of payments made under the contracts.

Applicants state that purchase of Fund shares with such payments will be substantially identical in all respects relevant to section 12(d)(1) to the purchase of securities with the proceeds of payments on periodic payment plan certificates pursuant to the terms of a trust indenture under which such certificates are issued, which purchase is exempted by section 12(d)(1)(B).

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus.

Applicants represent that under State law in some jurisdictions in which the Contracts may be sold, Life must provide for the Contracts to participate in the divisible surplus of Life; that is, the extent, if any, by which Life's charges for the prior year exceeded its sales, administrative and mortality expenses, and the amount set aside for reserves and contributions to surplus. On the basis of such determination Life may provide a refund to all Contract owners. Any refund paid may reflect a reduction in charges not only for sales expense, but for administrative and other expenses, and it is not possible to determine in advance the amount of such reductions or the proportion thereof attributable to a reduction in sales expense. An exemption from section 22(d) is requested to permit such participation in divisible surplus.

Applicants further state that Contracts issued by Account A permit annuitants electing annuity benefits to transfer to or from other forms of settlement options including transfers from fixed payment settlement options to variable payment settlement options. Since the uniform price described in the prospectus will already have been paid with respect to any amounts so transferred and since a sales load had already been charged on a fixed payment Contract and no selling effort is required, permitting such transfer without imposition of an additional sales charge is not inconsistent with section 22(d).

Sections 26(a)(2) and 27(c)(2) provide, in pertinent part, that a registered investment company and any depositor or underwriter for such company are prohibited from selling periodic payment plan certificates unless the proceeds are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing certain specified provisions. Section 26(a)(2) requires that the trustee or custodian shall have possession of all securities and properties of a unit investment trust and shall segregate and hold the same in trust.

Applicants state that under the provisions of the Wisconsin insurance laws Life is not permitted to hold itself out as a trustee of the property of Account A and cannot place such property in trust in the hands of another. Applicants represent, however, that a custodianship is here unnecessary. Applicants state that payments under the Contracts will be allocated to Account A and will be invested in shares of the Fund, which shares will be held under an open account so that ownership of Fund shares will be shown only on the books and records of Account A and the Fund and will not be represented by any transferable stock certificates or bonds which might require a trusteeship or custodianship for safekeeping purposes.

Applicants state that Life is subject to extensive supervision and control by the Wisconsin Commissioner of Insurance, and that such control and supervision provides assurance against misfeasance and affords the essential protections of trusteeship. Under Wisconsin law neither Life nor Account A may abrogate its obligations under the Contracts. Life had total assets in excess of $47 million at December 31, 1969, and its officers and employees are covered by a fidelity bond in the amount of $100,000. Moreover, Applicants state Wisconsin law insulates the assets of a separate account from the liabilities of any other business of the company. Applicants further state that they wish to avoid the administrative burdens and expenses which a trusteeship or custodianship would entail. Applicants consent that charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) provides in pertinent part that the Commission, by order upon application, may exempt any person, security, or transaction from the provisions of the Act and the rules promulgated thereunder if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 5, 1970, at 5:30 p.m., submit to the Commission in writing a request for a

hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-12500; Filed, Sept. 18, 1970; 8:47 a.m.]

DEPARTMENT OF LABOR

CERTIFICATES AUTHORIZING THE 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.

Baby Bliss, Inc., Nashville, Mich.; 8-24-70 to 8-23-71; 10 learners (infants' wear).

Big River Manufacturing Co., Kittanning, Pa.; 8-23-70 to 8-22-71 (boys' shirts).

Elder Manufacturing Co., Dexter, Mo.; 8-21-70 to 8-20-71 (men's and boys' shirts and boys' slacks).

Elk Brand Manufacturing Co., Cadiz, Ky.; 8-24-70 to 8-23-71 (men's and boys' dungarees, insulated underwear and jumpsuits).

Elk Brand Manufacturing Co., Hopkinsville, Ky.; 8-17-70 to 8-16-71 (jeans, underwear and jumpsuits).

Excelsior Frocks, Inc., Archbald, Pa.; 8-15-70 to 8-14-71; 10 learners (women's dresses).

Fleetline Industries, Inc., Garland, N.C.; 8-23-70 to 8-22-71 (men's shirts).

The Foster Co., Greenville, Ala.; 8-27-70 to 8-26-71 (men's pants).

Gary Co., Inc., Gallatin, Tenn.; 8-14-70 to 8-13-71 (men's dress shirts).

Glenn's All-American Sportswear, Inc., Amory, Miss.; 8-12-70 to 8-11-71 (men's pants).

Globe Manufacturing Co., Inc., Vidalia, Ga.; 8-13-70 to 8-12-71 (men's and boys' pants and ladies' slacks).

Greensboro Manufacturing Co., Greensboro, Ga.; 8-17-70 to 8-16-71 (men's and boys' slacks and men's walking shorts).

Katz Underwear Co., Plants No. 1 and No. 2, Honesdale, Pa.; 8-14-70 to 8-13-71 (women's and misses' nightwear).

Kellwood Co., Phil Campbell, Ala.; 8-23-70 to 8-22-71 (boys' jeans).

Kingstree Industries, Inc., Kingstree, S.C.; 8-15-70 to 8-14-71; 10 learners (women's slacks, capris, jamaicas, and shorts).

Knitwear Associates, Inc., Allentown, Pa.; 8-27-70 to 8-26-71; 10 learners (girls', boys', and men's polo shirts).

Laurens Shirt Corp., Laurens, S.C.; 8-14-70 to 8-13-71 (men's dress and sport shirts).

Meadow Sportswear, Inc., Bay Minette, Ala.; 8-13-70 to 8-12-71 (men's slacks).

Allan Merrill Manufacturing Co., Chisholm, Minn.; 8-14-70 to 8-13-71 (men's and boys' jackets and coats).

Modelrite Dress Co., Dunmore, Pa.; 8-13-70 to 8-12-71; 5 learners (women's dresses).

Niemor Contractors, Newark, N.J.; 8-15-70 to 8-14-71 (men's and boys' jackets).

Paramount Sportswear Corp., Fall River, Mass.; 8-24-70 to 8-23-71; 10 learners (children's clothing).

Raycord Co., Inc., Spartanburg, S.C.; 8-22-70 to 8-21-71 (men's shirts).

Reed Manufacturing Co., Inc., Nettleton, Miss.; 8-19-70 to 8-18-71 (men's and boys' trousers).

Reidbord Brothers Co., Philippi, W. Va.; 8-24-70 to 8-23-71; 10 learners (men's work pants).

Sevier Industries, Inc., Sevierville, Tenn.; 8-24-70 to 8-23-71 (men's and boys' pants).

Somerset Shirt & Pajama Co., Somerset, Pa.; 8-26-70 to 8-25-71 (boys' nightwear).

Levi Strauss & Co., Maryville, Tenn.; 8-16-70 to 8-15-71 (men's and boys' pants).

Williamson-Dickie Manufacturing Co., Weslaco, Tex.; 8-18-70 to 8-17-71 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Karalee, Inc., Sharpsburg, N.C.; 8-12-70 to 2-11-71; 15 learners (ladies', misses', and juniors' blouses).

Odum Manufacturing Co., Odum, Ga.; 8-15-70 to 2-14-71; 24 learners (men's and ladies' car coats and jackets).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Edmont-Wilson Haynesville Plant, Haynesville, La.; 8-12-70 to 8-11-71; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Tex-Sun Glove Co., Corsicana, Tex.; 8-19-70 to 8-18-71; 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).

J. A. Cline & Son, Inc., Hildebran, N.C.; 8-20-70 to 8-19-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' seamless hose).

Fort Payne Hosiery Mills, Inc., Fort Payne, Ala.; 8-24-70 to 8-23-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' and misses' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

B.V.D. Knitwear, Inc., Mullins, S.C.; 8-26-70 to 2-25-71; 90 learners for plant expansion purposes (men's and boys' knitted polo shirts).

Hazlehurst Manufacturing Co., Vidalia, Ga.; 8-14-70 to 8-13-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear and sleepwear).

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 certificate may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 11th day of September 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-12490; Filed, Sept. 18, 1970; 8:46 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

3 CFR

Page

PROCLAMATIONS:

3998 13819
3999 14053
4000 14187
4001 14251
4002 14535

EXECUTIVE ORDERS:

July 15, 1875 (see PLO 4889) 14317
9979 (see EO 11555) 14191
10695–A (revoked by EO 11556) 14193
10705 (amended by EO 11556) 14193
10995 (revoked by EO 11556) 14193
11051 (amended by EO 11556) 14193
11084 (revoked by EO 11556) 14193
11191 (amended by EO 11556) 14193
11360 (see EO 11555) 14191
11490 (amended by EO 11556) 14193
11546 (amended by EO 11557) 14375
11554 14189
11555 14191
11556 14193
11557 14375

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of Aug. 21, 1963 (amended by EO 11556) 14193

5 CFR

213 14055, 14125, 14197, 14299, 14377, 14435
531 14377

PROPOSED RULES:

890 14092

7 CFR

10 13822
51 14605
52 13822, 14060, 14606
53 14497
210 14061
215 14435
245 14065
319 14497
401 14253
724 14068
725 14377
729 14299
775 14498
777 14379
813 14299
841 14498
850 14253
905 14499, 14500, 14607
906 14254, 14607
908 13969, 14255, 14435, 14537
909 13875
910 13825, 14121, 14435, 14647
911 14537
913 14255
932 13877, 14380, 14381, 14436
944 14537, 14538
945 14072
946 14300
948 14072
958 14437
967 14608
980 14539
981 14073
993 13969, 14300
1033 14539
1036 14539

7 CFR—Continued

Page

1099 13826
1138 13826
1421 13969, 13971, 14121, 14501, 14540
1601 14608
1822 14437
1841 13972
1890 13972
1890a 13974
1890b 13975
1890c 13977
1890d 13979
1890e 13980
1890f 13980
1890g 14442

PROPOSED RULES:

722 14462
730 14620
906 13887
912 14266
924 14220
926 14511
927 14555
929 14085
931 14462
932 14266
981 14085
987 14087, 14266
989 14555, 14556
1001 14324
1004 14655
1006 13843
1012 13843
1013 13843
1062 14406
1063 14406
1133 14220
1134 14087
1136 14087

8 CFR

103 13828
204 13828
214 13829
223 13829
238 13829
245 13829
247 13829
299 13829
341 13829

PROPOSED RULES:

211 14655
242 14655

9 CFR

53 13981, 14445
71 14197
76 13878, 14126, 14127, 14198, 14301, 14302, 14445, 14501, 14540
78 14446
97 14127

PROPOSED RULES:

201 14511

10 CFR

PROPOSED RULES:

Ch. I 14222
30 14655
40 14655
70 14655
170 14655

12 CFR

1 14647
10 14502

12 CFR—Continued

Page

265 14074
526 13981
545 13982, 14502, 14609
584 14503
610 14649

14 CFR

1 14610
37 14446, 14610
39 13879, 14074, 14132, 14257, 14381, 14541, 14542
61 14074
63 14074
65 14074
67 14074
71 13822, 14076, 14077, 14199, 14303–14306, 14382, 14448–14450, 14542, 14649–14651
73 14077, 14199
95 14503, 14610
97 14078, 14450
121 14611
141 14074
143 14074
205 14542
213 14382
249 14542
298 13983
378 14613
385 13822

PROPOSED RULES:

39 14462
71 13843, 13889, 13890, 14088, 14089, 14221, 14325–14327, 14463, 14560, 14561
121 13998, 14327, 14463
241 14464
242 13999
399 14468

15 CFR

30 14388

PROPOSED RULES:

30 14267

16 CFR

13 14199–14210, 14389–14391, 14544

PROPOSED RULES:

254 14002
427 14328

17 CFR

239 14083
274 14083

18 CFR

101 13985
141 13986
201 13987
260 13988
610 14306

PROPOSED RULES:

2 14001
141 14002, 14098
154 14408
157 14408
201 14139
250 14408
260 14098, 14139

19 CFR

Page

16 ... 14609
153 ... 14609

PROPOSED RULES:

4 ... 13843
19 ... 13843
111 ... 13843

20 CFR

200 ... 14543
210 ... 14543
250 ... 14543
260 ... 14543
404 ... 14128, 14129
410 ... 14128

PROPOSED RULES:

405 ... 13888, 14221

21 CFR

3 ... 13880
19 ... 14545
120 ... 13830, 14256, 14505
121 ... 13831, 14211, 14256, 14545
130 ... 14078
135a ... 14211, 14505
135b ... 14129
135c ... 14129
135e ... 14212, 14391
135g ... 14212
138 ... 14450
141 ... 13881, 14256
141b ... 13988
144 ... 14505
146 ... 14256
146a ... 14393
146b ... 13988
146c ... 13988, 14393
148i ... 13831
148m ... 14393
148n ... 14393
148q ... 14212

PROPOSED RULES:

3 ... 13887
27 ... 14557
120 ... 14269
144 ... 14221
146a ... 13998
146c ... 13998
146d ... 13998
191 ... 13887

22 CFR

22 ... 14218

24 CFR

41 ... 14307
1914 ... 13882, 14213, 14616
1915 ... 13883, 14215, 14617

25 CFR

41 ... 14394
80 ... 14652

26 CFR

1 ... 14546
201 ... 14549
211 ... 14394
213 ... 14394
301 ... 13989, 14546

PROPOSED RULES:

1 ... 14403, 14405
44 ... 14138
45 ... 14138
301 ... 14138

29 CFR

Page

520 ... 13884
870 ... 14314

PROPOSED RULES:

541 ... 14268

30 CFR

PROPOSED RULES:

70 ... 14557
75 ... 14146
80 ... 14146

32 CFR

125 ... 14130
518 ... 14384
564 ... 14384
766 ... 14451
902 ... 14078
1499 ... 14258
1604 (see EO 11555) ... 14191

33 CFR

110 ... 14506
117 ... 14133, 14258, 14551
126 ... 14315

PROPOSED RULES:

110 ... 14269, 14407
117 ... 14139, 14408, 14558

36 CFR

7 ... 14133

39 CFR

126 ... 14259, 14653
531 ... 13831

PROPOSED RULES:

151 ... 14003

41 CFR

1–15 ... 14133
1–19 ... 13989
5A–2 ... 14501
5A–7 ... 13885
9–3 ... 14653
9–4 ... 14653
9–5 ... 14259
101–45 ... 14134
101–47 ... 14134

PROPOSED RULES:

50–201 ... 14511

42 CFR

73 ... 13922, 13989
81 ... 14135, 14460, 14506

PROPOSED RULES:

81 ... 14087, 14406

43 CFR

5430 ... 14135

PUBLIC LAND ORDERS:

2407 (revoked in part by PLO 4891) ... 14551
4582:
Modified by PLO 4884 ... 13821
Modified by PLO 4885 ... 14083
4667 (revoked by PLO 4892) ... 14551
4821 (amended by PLO 4890) ... 14317
4884 ... 13821
4885 ... 14083
4886 ... 14316
4887 ... 14317
4888 ... 14317
4889 ... 14317
4890 ... 14317

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

4891 ... 14551
4892 ... 14551
4893 ... 14551

PROPOSED RULES:

1725 ... 14220
1850 ... 13887

45 CFR

121 ... 13885
505 ... 14456
506 ... 14457
507 ... 14457
508 ... 14459
509 ... 14459

46 CFR

PROPOSED RULES:

11 ... 14559

47 CFR

0 ... 14078
2 ... 13990, 14259, 14317
87 ... 14552
89 ... 14507
97 ... 13990

PROPOSED RULES:

2 ... 13999, 14269, 14328
25 ... 14328
67 ... 14092
73 ... 13890, 14000, 14094, 14095, 14270, 14512, 14561, 14563
81 ... 14096, 14462
87 ... 13999
89 ... 14512
91 ... 14328
93 ... 14328

49 CFR

1 ... 14509
170 ... 13834
171 ... 13834
172 ... 13834, 13837
173 ... 13834, 13837, 14402
174 ... 13834
175 ... 13834
176 ... 13834
177 ... 13834
178 ... 13834
179 ... 13834, 14216
393 ... 14619
571 ... 14135
1033 ... 13837, 13838, 14217
1048 ... 14552, 14553
1204 ... 13991

PROPOSED RULES:

170–189 ... 14090
173 ... 14511
571 ... 14091
Ch. X ... 14470
1048 ... 13890
1201 ... 13844

50 CFR

10 ... 14055, 14619
28 ... 13992, 14059
32 ... 13883–13842, 13992–13995, 14059, 14060, 14137, 14218, 14219, 14263–14265, 14318–14322, 14384, 14461, 14509, 14553, 14554
240 ... 14137
250 ... 13996

PROPOSED RULES:

32 ... 13998