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(Continued inside)

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Contents

(Continued on next page)

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 following the Notices section 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, 1971, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:

6704 (revoked by PLO 5079) 11732
11598 11711

5 CFR

213 11713

7 CFR

922 (2 documents) 11713, 11714
946 11714
1421 11714

PROPOSED RULES:

911 11735
915 11735
917 11737

8 CFR

PROPOSED RULES:

235 11735
299 11735

9 CFR

331 11720

14 CFR

39 (2 documents) 11721
71 (6 documents) 11721–11723
73 11723

PROPOSED RULES:

71 (3 documents) 11749, 11750
241 11750

21 CFR

1 11723
3 11723
121 (2 documents) 11723, 11724
130 11723
135 11724
135a 11724
141b (2 documents) 11725
146 11723
146b 11725
146d 11726
420 (3 documents) 11726, 11727

PROPOSED RULES:

121 11742
135g 11742
141a 11742
146a 11742
146c 11742
146e 11742

24 CFR

1914 11728
1915 11729

PROPOSED RULES:

76 11744

26 CFR

1 (2 documents) 11730
301 11730

29 CFR

PROPOSED RULES:

1902 11738

43 CFR

PUBLIC LAND ORDERS:

639 (amended in part by PLO 5074) 11731
2052 (revoked by PLO 5075) 11731
3920 (see PLO 5074) 11731
4582 (see PLO 5072) 11731
4962 (see PLO 5072) 11731
5010 (corrected by PLO 5080) 11732
5045 (corrected by PLO 5071) 11731
5069 11730
5070 11731
5071 11731
5072 11731
5073 11731
5074 11732
5075 11732
5076 11732
5077 11732
5078 11732
5079 11733
5080 11733

46 CFR

146 11733

49 CFR

173 11734

PROPOSED RULES:

571 11750

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11598

To Provide for the Listing of Certain Job Vacancies by Federal Agencies and Government Contractors and Subcontractors

Large numbers of veterans are now leaving the Nation's armed forces, and many of them have been encountering severe difficulties in making the transition to civilian life—in particular, many have found it difficult to locate and secure a job.

The Nation owes these veterans not only its deepest thanks for their sacrifice and their service, but also its assistance in their efforts to resume normal civilian activities.

In order to provide such assistance, the Federal Government has established a policy of helping veterans obtain employment, including the provision of special programs of job counseling and placement. It also is the policy of the Federal Government to require that veterans be given a preference in job referrals through the employment service system.

It would facilitate the employment of returning veterans—and thereby further the Federal policy of aiding their transition to civilian life—to require that Federal agencies and Federal contractors and their subcontractors list certain employment openings with the employment service system.

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

SECTION 1. The Secretary of Labor shall issue rules and regulations requiring each department and agency of the Executive Branch of the Federal Government to list suitable employment openings with the appropriate office of the State Employment Service or the United States Employment Service. This section shall not be construed as requiring the employment of individuals referred by such office or as superseding any requirements of the Civil Service laws.

SEC. 2 (a). Those rules and regulations shall also require Government contracts, above a specified dollar amount and providing specified employment potential, to contain assurances that the contractor, and any subcontractor holding a contract directly under that contractor, shall, to the maximum extent feasible, list all of its suitable employment openings with the appropriate office of the State employment service system: *Provided,* That this section shall not be deemed to apply to openings which the employer proposes to fill from within such employer's agency or organization; and *Provided further,* That listing of employment openings

with the employment service system pursuant to this Order shall involve only the normal obligations which attach to such listings.

(b) The rules and regulations of the Secretary with respect to this section shall not be retroactive in effect.

SEC. 3. The Secretary of Labor shall gather information on the effectiveness of the program established under this Order and the extent to which the employment service system is fulfilling the employment needs of veterans. The Secretary of Labor shall, from time to time, report to the President concerning his evaluation of the effectiveness of this Order along with his recommendations for further action which the Secretary believes to be appropriate.

SEC. 4. Except as otherwise provided by law, all executive departments and agencies are directed to cooperate with the Secretary of Labor, to furnish the Secretary of Labor with such information and assistance as he may require in the performance of his functions under this Order, and to comply with rules, regulations, and orders of the Secretary.

SEC. 5. Rules, regulations, and orders to implement section 1 shall be developed in consultation with the Civil Service Commission. Appropriate departments and agencies shall, in consultation with the Secretary of Labor, issue appropriate amendments or additions to procurement rules and regulations as may be necessary to carry out the purposes of this Order.

Richard Nixon

THE WHITE HOUSE,
June 16, 1971.

[FR Doc.71-8696 Filed 6-17-71;8:57 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Veterans Administration

Section 213.3127 is amended to show that up to 200 positions of Rehabilitation Counselors, GS–3 through GS–11, in Veterans Administration drug and alcoholic treatment units are excepted under Schedule A when filled by former patients.

Effective on publication in the FEDERAL REGISTER (6–18–71), paragraph (b) is added to § 213.3127 as set out below.

§ 213.3127 Veterans Administration.

* * * * *

(b) Not to exceed 200 positions of Rehabilitation Counselors, GS–3 through GS–11, in drug and alcoholic treatment units when filled by former patients.

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

UNITED STATES CIVIL SERVICE COMMISSION.

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

[FR Doc.71–8603 Filed 6–17–71;8:50 am]

Title 7—AGRICULTURE

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

[Apricot Reg. 11]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Notice was published in the FEDERAL REGISTER on May 29, 1971 (36 F.R. 9873), that consideration was being given to proposals relative to limitation of shipments of apricots recommended by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded 7 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received. However, during this period the committee advised that an error had apparently occurred in the transmission of its recommendation with respect to the maturity requirement, as reflected by the ground color requirement. As transmitted and as published in the notice not less than 90 percent of the individual apricots in any lot would be required to manifest a yellow ground color over 40 percent of the surface area equal to Shade 4 on the U.S. Standard Ground Color Chart for Apples and Pears in the Western States. The committee advised that its recommendation specified Shade 3 color instead of Shade 4. Shade 3 is a less restrictive ground color requirement than Shade 4. Such requirement is hereby corrected in the regulation. as hereinafter set forth.

After consideration of all relevant matters presented, including that in the notice and other available information, it is hereby found that the regulation, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The recommendations by the Washington Apricot Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of apricots from the production area are expected to begin on or about June 21, 1971. The grade, maturity, and size requirements provided herein are necessary to prevent the handling, on and after June 21, 1971, of any apricots of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall size and quality of the crop and (2) maximizing returns to the producers pursuant to the declared policy of the act.

Apricots of the Moorpark variety shipped in open containers are required to be generally well matured. Provision is made for apricots of the Blenheim, Blenril, and Tilton varieties to be of a smaller size when packed in unlidded containers. These three varieties are of a somewhat smaller size than other varieties at comparable stages of maturity. There is a demand for fruit meeting the foregoing specifications in local markets. Due to the nearness to the source of supply, shipments of more mature fruit and fruit of the specified varieties of smaller sizes in less expensive unlidded containers is feasible and the disposition of such fruit in such markets tends to improve the overall returns to growers. Individual shipments, not exceeding 500 pounds of apricots sold for home use and not for resale are exempted from regulation in that such shipments do not materially affect the demand in commercial channels. Certain safeguards respecting such shipments are imposed, consistent with the order, to prevent such apricots from entering into regulated channels of trade.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed regulation, to become effective June 21, 1971, through publicity in the production area and by publication in the May 29, 1971, issue of the FEDERAL REGISTER; (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto; and (3) this regulation was unanimously recommended by members of the Washington Apricot Marketing Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views.

§ 922.311 **Apricot Regulation 11.**

(a) Order: Apricot Regulation 10 (35 F.R. 8916), is hereby terminated on June 21, 1971.

(b) During the period June 21, 1971, through June 30, 1972, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) Minimum grade and maturity requirements. Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided*, That if such apricots are the Moorpark variety in open containers they are generally well matured; and

(2) Minimum size requirements. Such apricots measure not less than 1⅝ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *Provided*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale.

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when

used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on the U.S. Standard Ground Color Chart for Apples and Pears in the Western States.

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

Dated: June 14, 1971, to become effective June 21, 1971.

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

[FR Doc.71–8597 Filed 6–17–71;8:49 am]

[Apricot Reg. 6, Amdt. 2]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Container Regulation

Notice was published in the FEDERAL REGISTER on May 29, 1971 (36 F.R. 9873), that consideration was being given to a proposed amendment of the container regulation for fresh shipments of apricots as recommended by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded 7 days for interested persons to submit written data, views, or arguments in connection with said amendment. None were received.

After consideration of all relevant matters presented, including that in the notice, and other available information, it is hereby found that the amendment, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The telescope fiberboard carton with inside dimensions of 7 x 11½ x 18 inches has been successfully employed as an experimental container for shipping apricots and has furnished a satisfactory alternative to the wooden box which is reported to be in short supply in the specified dimensions. Presently, containers with inside dimensions of 7 x 11½ x 18 inches must be unlidded. Additional authorization is needed to permit the use of the telescope fiberboard carton because in the closed position the telescope fiberboard carton is lidded although not securely fastened. Apricots shipped in such carton cannot be less than 28 pounds, net weight.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed amendment to the container regulation, to become effective June 21, 1971, through publicity in the production area and by publication in the May 29, 1971, issue of the FEDERAL REGISTER; (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto; and (3) this amendment was unanimously recommended by members of the Washington Apricot Marketing Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Therefore, paragraph (a)(1) of § 922.306 is amended to read as follows:

§ 922.306 Apricot Regulation 6.

(a) * * *

(1) In open containers or telescope fibreboard cartons with inside dimensions of 7 x 11½ x 18 inches and the net weight of the apricots is not less than 28 pounds;

* * * * *

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

Dated, June 14, 1971, to become effective June 21, 1971.

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

[FR Doc.71–8598 Filed 6–17–71;8:49 am]

[Amdt. No. 1]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Amendment to Limitation of Shipments

Section 946.325, Limitation of shipments paragraph (h), published in the FEDERAL REGISTER, July 15, 1970 (35 F.R. 11291) is hereby amended.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the paragraph that is amended is informative in nature and subordinate to § 980.1 of this chapter which requires that during the months of July and August that limitation of shipments applicable to red skinned round type potatoes under Order No. 946 (Part 946 of this chapter) shall be likewise applicable to imports of the same type potatoes, and this amendment merely conforms the information conveyed by said paragraph (h) to that which is correct.

The paragraph as amended reads:

§ 946.325 Limitation of shipments.

* * * * *

(h) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1, Import regulations (980.1 of this chapter), Irish potatoes of the red skinned round type imported during the period of July 16, 1970, to August 31, 1970, and the period of July 1, 1971, to July 15, 1971, shall meet the minimum grade, size, quality, and maturity requirements specified for round varieties in paragraphs (a) and (b) of this section.

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

Dated June 16, 1971, to become effective immediately.

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

[FR Doc.71–8694 Filed 6–17–71;8:53 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Wheat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Wheat Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 F.R. 7363 and any amendments thereto and the 1970 and Subsequent Crops Wheat Loan and Purchase Program regulations published at 35 F.R. 8204 and any amendments to such regulations, are further supplemented for the 1971 crop of wheat by adding §§ 1421.485–1421.489 to read as follows:

Sec.
1421.485 Availability.
1421.486 Compliance requirements.
1421.487 Warehouse charges.
1421.488 Maturity of loans.
1421.489 Support rates, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 1421.485 Availability.

A producer desiring a price support loan must request a loan on his eligible wheat on or before April 30, 1972, on wheat stored in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming, and on or before March 31, 1972, on wheat stored in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC–614), indicating the approximate quantity of 1971 crop wheat he will sell to CCC, on or before May 31, 1972, for

wheat stored in the States named in this section and on or before April 30, 1972, for wheat stored in all other States. To obtain a price support loan on his wheat or to sell his wheat to CCC, a producer must execute a Form CCC-680, 1971 Crop Wheat Varieties Certification.

§ 1421.486 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the wheat being tendered if the producer complies with the 1971 set-aside program appearing in regulations published in Part 728 of this title pertaining to Farm Marketing Quotas and Acreage Allotments and Wheat Set-aside Programs for Crop Years 1971–73, and any amendments thereto, on the farm on which such wheat was produced.

§ 1421.487 Warehouse charges.

Subject to the provisions of § 1421.466, the schedule of deductions set forth in this section shall apply to wheat stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1972	Deduction (cents per bushel)	Maturity date of May 31, 1972
(1)		(1).
Prior to May 25, 1971	14	Prior to June 29, 1971.
May 25-June 21	13	June 29-July 23.
June 22-July 17	12	July 24-Aug. 17.
July 18-Aug. 11	11	Aug. 18-Sept. 11.
Aug. 12-Sept. 5	10	Sept. 12-Oct. 6.
Sept. 6-Sept. 30	9	Oct. 7-Oct. 31.
Oct. 1-Oct. 25	8	Nov. 1-Nov. 25.
Oct. 26-Nov. 19	7	Nov. 26-Dec. 20.
Nov. 20-Dec. 14	6	Dec. 21, 1971-Jan. 14, 1972.
Dec. 15, 1971-Jan. 8, 1972.	5	Jan. 15-Feb. 8.
Jan. 9-Feb. 2	4	Feb. 9-Mar. 4.
Feb. 3-Feb. 27	3	Mar. 5-Mar. 29.
Feb. 28-Mar. 23	2	Mar. 30-Apr. 23.
Mar. 24-Apr. 30, 1972	1	Apr. 24-May 31, 1972.

[1] Date storage charges start, all dates inclusive

§ 1421.488 Maturity of loans.

Loans mature on demand but not later than: May 31, 1972, on wheat stored in the States of Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming; April 30, 1972, on wheat stored in all other States.

§ 1421.489 Support rates, premiums, and discounts.

(a) *Basic support rates (counties).* Basic county support rates per bushel for loan and settlement purposes for wheat are established for wheat grading U.S. No. 1 and are as follows:

ALABAMA

County	Rate per bushel	County	Rate per bushel
Mobile	$1.43	All other counties	$1.27

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	1.10	Mohave	1.21
Cochise	1.24	Navajo	1.12
Coconino	1.14	Pima	1.26
Gila	1.22	Pinal	1.30
Graham	1.23	Santa Cruz	1.25
Greenlee	1.17	Yavapai	1.22
Maricopa	1.32	Yuma	1.37

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.32	Lee	$1.32
Ashley	1.32	Lincoln	1.32
Baxter	1.27	Little River	1.30
Benton	1.25	Logan	1.27
Boone	1.25	Lonoke	1.30
Bradley	1.32	Madison	1.26
Calhoun	1.32	Marion	1.26
Carroll	1.24	Miller	1.32
Chicot	1.32	Mississippi	1.32
Clark	1.30	Monroe	1.32
Clay	1.32	Montgomery	1.28
Cleburne	1.30	Nevada	1.32
Cleveland	1.32	Newton	1.27
Columbia	1.32	Ouachita	1.32
Conway	1.27	Perry	1.27
Craighead	1.32	Phillips	1.32
Crawford	1.27	Pike	1.29
Crittenden	1.32	Poinsett	1.32
Cross	1.32	Polk	1.27
Dallas	1.32	Pope	1.27
Desha	1.32	Prairie	1.30
Drew	1.32	Pulaski	1.30
Faulkner	1.28	Randolph	1.31
Franklin	1.27	St. Francis	1.32
Fulton	1.28	Saline	1.28
Garland	1.28	Scott	1.27
Grant	1.31	Searcy	1.27
Greene	1.32	Sebastian	1.27
Hempstead	1.32	Sevier	1.27
Hot Spring	1.29	Sharp	1.30
Howard	1.29	Stone	1.29
Independence	1.31	Union	1.32
Izard	1.28	Van Buren	1.27
Jackson	1.32	Washington	1.26
Jefferson	1.31	White	1.32
Johnson	1.27	Woodruff	1.32
Lafayette	1.32	Yell	1.27
Lawrence	1.31		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	1.47	Riverside	1.42
Alpine	1.31	Sacramento	1.47
Amador	1.44	San Benito	1.41
Butte	1.36	San Bernardino	1.44
Calaveras	1.44	San Diego	1.47
Colusa	1.41	San Francisco	1.47
Contra Costa	1.44	San Joaquin	1.47
El Dorado	1.44	San Luis Obispo	1.38
Fresno	1.38	San Mateo	1.44
Glenn	1.37	Santa Barbara	1.41
Humboldt	1.28	Santa Clara	1.44
Imperial	1.42	Santa Cruz	1.41
Inyo	1.38	Shasta	1.28
Kern	1.44	Sierra	1.31
Kings	1.41	Siskiyou	1.25
Lake	1.35	Solano	1.44
Lassen	1.25	Sonoma	1.38
Los Angeles	1.47	Stanislaus	1.44
Madera	1.40	Sutter	1.44
Marin	1.39	Tehama	1.32
Mariposa	1.40	Tulare	1.41
Mendocino	1.32	Tuolumne	1.41
Merced	1.41	Ventura	1.44
Modoc	1.24	Yolo	1.44
Monterey	1.38	Yuba	1.41
Napa	1.41		
Orange	1.47		
Placer	1.41		
Plumas	1.26		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	1.12	Denver	1.12
Alamosa	1.09	Dolores	1.00
Arapahoe	1.12	Douglas	1.12
Archuleta	1.04	Eagle	1.03
Baca	1.19	Elbert	1.12
Bent	1.13	El Paso	1.12
Boulder	1.12	Fremont	1.09
Chaffee	1.04	Garfield	1.03
Cheyenne	1.14	Grand	1.09
Conejos	1.04	Huerfano	1.14
Costilla	1.09	Jackson	1.09
Crowley	1.12	Jefferson	1.12
Custer	1.09	Kiowa	1.14
Delta	1.00	Kit Carson	1.14

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
La Plata	$1.00	Prowers	$1.15
Larimer	1.12	Pueblo	1.12
Las Animas	1.19	Rio Blanco	1.06
Lincoln	1.12	Rio Grande	1.04
Logan	1.13	Routt	1.06
Mesa	1.00	Saguache	1.04
Moffat	1.09	San Miguel	1.00
Montezuma	1.00	Sedgwick	1.15
Montrose	1.00	Summit	1.06
Morgan	1.12	Teller	1.12
Otero	1.12	Washington	1.12
Ouray	1.00	Weld	1.12
Phillips	1.15	Yuma	1.14
Pitkin	1.00		

CONNECTICUT

All counties	$1.33

DELAWARE

County	Rate per bushel	County	Rate per bushel
Kent	1.38	Sussex	1.38
New Castle	1.38		

FLORIDA

All counties	$1.29

GEORGIA

All counties	$1.29

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	1.16	Gem	1.16
Adams	1.16	Gooding	1.17
Bannock	1.16	Idaho	1.22
Bear Lake	1.13	Jefferson	1.13
Benewah	1.24	Jerome	1.18
Bingham	1.14	Kootenai	1.23
Blaine	1.16	Latah	1.24
Boise	1.15	Lemhi	1.13
Bonner	1.18	Lewis	1.22
Bonneville	1.13	Lincoln	1.18
Boundary	1.16	Madison	1.12
Butte	1.14	Minidoka	1.18
Camas	1.16	Nez Perce	1.24
Canyon	1.16	Oneida	1.17
Caribou	1.15	Owyhee	1.16
Cassia	1.18	Payette	1.16
Clark	1.11	Power	1.16
Cleanwater	1.22	Shoshone	1.07
Custer	1.14	Teton	1.11
Elmore	1.16	Twin Falls	1.20
Franklin	1.17	Valley	1.15
Fremont	1.11	Washington	1.16

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	1.23	Greene	1.27
Alexander	1.30	Grundy	1.29
Bond	1.27	Hamilton	1.23
Boone	1.29	Hancock	1.23
Brown	1.23	Hardin	1.23
Bureau	1.28	Henderson	1.24
Calhoun	1.27	Henry	1.26
Carroll	1.27	Iroquois	1.27
Cass	1.23	Jackson	1.28
Champaign	1.25	Jasper	1.23
Christian	1.25	Jefferson	1.26
Clark	1.23	Jersey	1.28
Clay	1.25	Jo Daviess	1.27
Clinton	1.26	Johnson	1.25
Coles	1.23	Kane	1.29
Cook	1.29	Kankakee	1.29
Crawford	1.23	Kendall	1.29
Cumberland	1.23	Knox	1.25
De Kalb	1.29	Lake	1.29
De Witt	1.23	La Salle	1.29
Douglas	1.23	Lawrence	1.23
DuPage	1.29	Lee	1.29
Edgar	1.23	Livingston	1.27
Edwards	1.23	Logan	1.24
Effingham	1.23	McDonough	1.23
Fayette	1.26	McHenry	1.29
Ford	1.27	McLean	1.25
Franklin	1.26	Macon	1.23
Fulton	1.25	Macoupin	1.28
Gallatin	1.23	Madison	1.30

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Marion	$1.27	St. Clair	$1.30
Marshall	1.27	Saline	1.24
Mason	1.23	Sangamon	1.25
Massac	1.25	Schuyler	1.23
Menard	1.23	Scott	1.25
Mercer	1.25	Shelby	1.25
Monroe	1.28	Stark	1.26
Montgomery	1.27	Stephenson	1.28
Morgan	1.25	Tazewell	1.23
Moultrie	1.24	Union	1.28
Ogle	1.28	Vermilion	1.26
Peoria	1.25	Wabash	1.23
Perry	1.27	Warren	1.25
Piatt	1.23	Washington	1.26
Pike	1.25	Wayne	1.23
Pope	1.23	White	1.23
Pulaski	1.28	Whiteside	1.28
Putnam	1.27	Will	1.29
Randolph	1.28	Williamson	1.26
Richland	1.23	Winnebago	1.29
Rock Island	1.26	Woodford	1.25

INDIANA

Adams	1.18	Madison	1.19
Allen	1.19	Marion	1.20
Bartholomew	1.22	Marshall	1.29
Benton	1.25	Martin	1.20
Blackford	1.19	Miami	1.23
Boone	1.19	Monroe	1.22
Brown	1.22	Montgomery	1.22
Carroll	1.24	Morgan	1.20
Cass	1.24	Newton	1.29
Clark	1.25	Noble	1.21
Clay	1.23	Ohio	1.20
Clinton	1.22	Orange	1.22
Crawford	1.25	Owen	1.21
Daviess	1.21	Parke	1.24
Dearborn	1.20	Perry	1.25
Decatur	1.21	Pike	1.23
De Kalb	1.19	Porter	1.29
Delaware	1.18	Posey	1.23
Dubois	1.23	Pulaski	1.29
Elkhart	1.24	Putnam	1.22
Fayette	1.20	Randolph	1.18
Floyd	1.28	Ripley	1.21
Fountain	1.24	Rush	1.20
Franklin	1.20	St. Joseph	1.29
Fulton	1.29	Scott	1.22
Gibson	1.23	Shelby	1.20
Grant	1.19	Spencer	1.25
Greene	1.22	Starke	1.29
Hamilton	1.19	Steuben	1.19
Hancock	1.20	Sullivan	1.23
Harrison	1.25	Switzerland	1.21
Hendricks	1.20	Tippecanoe	1.22
Henry	1.20	Tipton	1.19
Howard	1.21	Union	1.20
Huntington	1.19	Vanderburgh	1.23
Jackson	1.24	Vermillion	1.24
Jasper	1.29	Vigo	1.24
Jay	1.18	Wabash	1.21
Jefferson	1.22	Warren	1.24
Jennings	1.22	Warrick	1.22
Johnson	1.20	Washington	1.25
Knox	1.23	Wayne	1.20
Kosciusko	1.23	Wells	1.18
Lagrange	1.21	White	1.29
Lake	1.29	Whitley	1.20
La Porte	1.29		
Lawrence	1.24		

IOWA

Adair	1.29	Calhoun	1.30
Adams	1.31	Carroll	1.28
Allamakee	1.35	Cass	1.30
Appanoose	1.24	Cedar	1.29
Audubon	1.28	Cerro Gordo	1.34
Benton	1.31	Cherokee	1.30
Black Hawk	1.31	Chickasaw	1.33
Boone	1.29	Clarke	1.29
Bremer	1.32	Clay	1.33
Buchanan	1.31	Clayton	1.32
Buena Vista	1.30	Clinton	1.27
Butler	1.32	Crawford	1.28

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Dallas	$1.29	Mahaska	$1.28
Davis	1.24	Marion	1.27
Decatur	1.27	Marshall	1.31
Delaware	1.31	Mills	1.31
Des Moines	1.25	Mitchell	1.38
Dickinson	1.36	Monona	1.29
Dubuque	1.30	Monroe	1.25
Emmet	1.37	Montgomery	1.31
Fayette	1.33	Muscatine	1.28
Floyd	1.34	O'Brien	1.32
Franklin	1.32	Osceola	1.34
Fremont	1.31	Page	1.30
Greene	1.28	Palo Alto	1.33
Grundy	1.31	Plymouth	1.31
Guthrie	1.28	Pocahontas	1.31
Hamilton	1.31	Polk	1.30
Hancock	1.34	Pottawattamie	1.31
Hardin	1.31	Poweshiek	1.29
Harrison	1.29	Ringgold	1.28
Henry	1.25	Sac	1.29
Howard	1.36	Scott	1.26
Humboldt	1.32	Shelby	1.29
Ida	1.30	Sioux	1.32
Iowa	1.29	Story	1.30
Jackson	1.27	Tama	1.31
Jasper	1.30	Taylor	1.29
Jefferson	1.25	Union	1.30
Johnson	1.29	Van Buren	1.24
Jones	1.30	Wapello	1.26
Keokuk	1.27	Warren	1.28
Kossuth	1.37	Washington	1.27
Lee	1.24	Wayne	1.25
Linn	1.31	Webster	1.31
Louisa	1.27	Winneshiek	1.36
Lucas	1.27	Woodbury	1.31
Lyon	1.32	Worth	1.38
Madison	1.29	Wright	1.32

KANSAS

Allen	1.28	Kingman	1.23
Anderson	1.30	Kiowa	1.21
Atchison	1.31	Labette	1.28
Barber	1.24	Lane	1.19
Barton	1.21	Leavenworth	1.31
Bourbon	1.29	Lincoln	1.22
Brown	1.31	Linn	1.31
Butler	1.24	Logan	1.17
Chase	1.25	Lyon	1.27
Chautauqua	1.26	McPherson	1.23
Cherokee	1.28	Marion	1.24
Cheyenne	1.16	Marshall	1.27
Clark	1.22	Meade	1.22
Clay	1.25	Miami	1.31
Cloud	1.24	Mitchell	1.23
Coffey	1.28	Montgomery	1.28
Comanche	1.22	Morris	1.26
Cowley	1.25	Morton	1.22
Crawford	1.28	Nemaha	1.29
Decatur	1.19	Neosho	1.28
Dickinson	1.24	Ness	1.20
Doniphan	1.31	Norton	1.21
Douglas	1.31	Osage	1.29
Edwards	1.21	Osborne	1.22
Elk	1.26	Ottawa	1.23
Ellis	1.21	Pawnee	1.21
Ellsworth	1.22	Phillips	1.21
Finney	1.18	Pottawatomie	1.28
Ford	1.20	Pratt	1.22
Franklin	1.31	Rawlins	1.17
Geary	1.26	Reno	1.22
Gove	1.19	Republic	1.24
Graham	1.21	Rice	1.22
Grant	1.19	Riley	1.27
Gray	1.20	Rooks	1.21
Greeley	1.16	Rush	1.21
Greenwood	1.26	Russell	1.21
Hamilton	1.17	Saline	1.23
Harper	1.24	Scott	1.17
Harvey	1.23	Sedgwick	1.23
Haskell	1.20	Seward	1.22
Hodgeman	1.20	Shawnee	1.30
Jackson	1.30	Sheridan	1.19
Jefferson	1.31	Sherman	1.16
Jewell	1.23	Smith	1.22
Johnson	1.31	Stafford	1.21
Kearny	1.17	Stanton	1.18

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Stevens	$1.22	Washington	$1.25
Sumner	1.25	Wichita	1.16
Thomas	1.17	Wilson	1.28
Trego	1.21	Woodson	1.28
Wabaunsee	1.28	Wyandotte	1.31
Wallace	1.16		

KENTUCKY

Adair	1.25	Kenton	1.24
Allen	1.24	Knox	1.25
Anderson	1.25	Larue	1.25
Ballard	1.28	Laurel	1.25
Barren	1.24	Lawrence	1.25
Bath	1.25	Lee	1.25
Bell	1.25	Lewis	1.25
Boone	1.24	Lincoln	1.27
Bourbon	1.26	Livingston	1.23
Boyd	1.25	Logan	1.23
Boyle	1.26	Lyon	1.23
Bracken	1.24	McCracken	1.25
Breathitt	1.25	McCreary	1.25
Breckenridge	1.23	McLean	1.22
Bullitt	1.25	Madison	1.26
Butler	1.23	Magoffin	1.25
Caldwell	1.23	Marion	1.25
Calloway	1.23	Marshall	1.23
Campbell	1.24	Mason	1.24
Carlisle	1.28	Meade	1.23
Carroll	1.24	Menifee	1.25
Carter	1.25	Mercer	1.26
Casey	1.25	Metcalfe	1.24
Christian	1.23	Monroe	1.25
Clark	1.26	Montgomery	1.25
Clay	1.25	Morgan	1.25
Clinton	1.25	Muhlenberg	1.23
Crittenden	1.23	Nelson	1.25
Cumberland	1.25	Nicholas	1.25
Daviess	1.22	Ohio	1.23
Edmonson	1.23	Oldham	1.25
Elliott	1.25	Owen	1.25
Estill	1.25	Owsley	1.25
Fayette	1.26	Pendleton	1.24
Fleming	1.25	Powell	1.25
Franklin	1.25	Pulaski	1.26
Fulton	1.28	Robertson	1.25
Gallatin	1.24	Rockcastle	1.26
Garrard	1.26	Rowan	1.25
Grant	1.25	Russell	1.25
Graves	1.25	Scott	1.25
Grayson	1.24	Shelby	1.25
Green	1.25	Simpson	1.24
Greenup	1.25	Spencer	1.25
Hancock	1.23	Taylor	1.25
Hardin	1.24	Todd	1.23
Harrison	1.25	Trigg	1.23
Hart	1.24	Trimble	1.24
Henderson	1.22	Union	1.23
Henry	1.25	Warren	1.23
Hickman	1.28	Washington	1.26
Hopkins	1.23	Wayne	1.25
Jackson	1.25	Webster	1.23
Jefferson	1.28	Whitley	1.25
Jessamine	1.26	Wolfe	1.25
Johnson	1.25	Woodford	1.26

LOUISIANA (PARISHES)

East Baton Rouge	1.43	St. Charles	1.43
Jefferson	1.43	West Baton Rouge	1.43
Orleans	1.43	All other counties	1.32

MAINE

All counties	$1.29

MARYLAND

Allegheny	1.32	Frederick	1.36
Anne Arundel	1.42	Garrett	1.30
Baltimore	1.42	Harford	1.38
Baltimore City	1.46	Howard	1.42
Calvert	1.38	Kent	1.38
Caroline	1.38	Montgomery	1.38
Carroll	1.38	Prince Georges	1.38
Cecil	1.37	Queen Annes	1.38
Charles	1.36	St. Marys	1.36
Dorchester	1.38	Somerset	1.37

MARYLAND—Continued

County	Rate per bushel	County	Rate per bushel
Talbot	$1.38	Wicomico	$1.38
Washington	1.34	Worcester	1.38

MASSACHUSETTS

All counties	$1.32

MICHIGAN

Alcona	1.10	Keweenaw	1.28
Alger	1.25	Lake	1.14
Allegan	1.17	Lapeer	1.15
Alpena	1.09	Leelanau	1.12
Antrim	1.11	Lenawee	1.22
Arenac	1.12	Livingston	1.17
Baraga	1.28	Luce	1.12
Barry	1.18	Mackinac	1.12
Bay	1.14	Macomb	1.19
Benzie	1.14	Manistee	1.14
Berrien	1.27	Marquette	1.27
Branch	1.20	Mason	1.14
Calhoun	1.21	Mecosta	1.14
Cass	1.21	Menominee	1.27
Charlevoix	1.10	Midland	1.14
Cheboygan	1.09	Missaukee	1.14
Chippewa	1.12	Monroe	1.23
Clare	1.14	Montcalm	1.14
Clinton	1.15	Montmorency	1.10
Crawford	1.11	Muskegon	1.15
Delta	1.25	Newaygo	1.14
Dickinson	1.29	Oakland	1.17
Eaton	1.18	Oceana	1.14
Emmet	1.09	Ogemaw	1.12
Genesee	1.15	Ontonagon	1.30
Gladwin	1.13	Osceola	1.14
Gogebic	1.34	Oscoda	1.11
Grand Traverse	1.12	Otsego	1.10
Gratiot	1.15	Ottawa	1.16
Hillsdale	1.21	Presque Isle	1.08
Houghton	1.28	Roscommon	1.13
Huron	1.15	Saginaw	1.16
Ingham	1.18	St. Clair	1.18
Ionia	1.15	St. Joseph	1.20
Iosco	1.11	Sanilac	1.15
Iron	1.29	Schoolcraft	1.22
Isabella	1.14	Shiawassee	1.15
Jackson	1.21	Tuscola	1.15
Kalamazoo	1.20	Van Buren	1.18
Kalkaska	1.12	Washtenaw	1.20
Kent	1.15	Wayne	1.20
		Wexford	1.14

MINNESOTA

Aitkin	1.44	Koochiching	1.40
Anoka	1.43	Lac qui Parle	1.40
Becker	1.37	Lake of the Woods	1.34
Beltrami	1.39	Le Sueur	1.43
Benton	1.43	Lincoln	1.38
Big Stone	1.39	Lyon	1.40
Blue Earth	1.43	McLeod	1.43
Brown	1.43	Mahnomen	1.36
Carlton	1.46	Marshall	1.33
Carver	1.43	Martin	1.41
Cass	1.41	Meeker	1.43
Chippewa	1.42	Mille Lacs	1.43
Chisago	1.43	Morrison	1.42
Clay	1.35	Mower	1.41
Clearwater	1.38	Murray	1.39
Cottonwood	1.41	Nicollet	1.43
Crow Wing	1.43	Nobles	1.36
Dakota	1.43	Norman	1.34
Dodge	1.43	Olmsted	1.43
Douglas	1.41	Otter Tail	1.39
Faribault	1.41	Pennington	1.34
Fillmore	1.40	Pine	1.44
Freeborn	1.41	Pipestone	1.36
Goodhue	1.43	Polk	1.35
Grant	1.39	Pope	1.41
Hennepin	1.43	Ramsey	1.43
Houston	1.38	Red Lake	1.36
Hubbard	1.38	Redwood	1.42
Isanti	1.43	Renville	1.43
Itasca	1.44	Rice	1.43
Jackson	1.40	Rock	1.34
Kanabec	1.43	Roseau	1.31
Kandiyohi	1.43		
Kittson	1.30		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
St. Louis	$1.46	Wabasha	$1.43
Scott	1.43	Wadena	1.40
Sherburne	1.43	Waseca	1.43
Sibley	1.43	Washington	1.43
Stearns	1.43	Watonwan	1.42
Steele	1.43	Wilkin	1.37
Stevens	1.40	Winona	1.41
Swift	1.42	Wright	1.43
Todd	1.41	Yellow Medicine	1.41
Traverse	1.38		

MISSISSIPPI

Harrison	1.43	All other counties	1.27
Jackson	1.43		

MISSOURI

Adair	1.26	Linn	1.29
Andrew	1.31	Livingston	1.30
Atchison	1.31	McDonald	1.27
Audrain	1.26	Macon	1.28
Barry	1.26	Madison	1.28
Barton	1.29	Maries	1.26
Bates	1.31	Marion	1.25
Benton	1.29	Mercer	1.28
Bollinger	1.30	Miller	1.25
Boone	1.27	Mississippi	1.32
Buchanan	1.31	Moniteau	1.26
Butler	1.31	Monroe	1.27
Caldwell	1.31	Montgomery	1.27
Callaway	1.25	Morgan	1.27
Camden	1.26	New Madrid	1.32
Cape Girardeau	1.30	Newton	1.27
Carroll	1.31	Nodaway	1.31
Carter	1.28	Oregon	1.28
Cass	1.31	Osage	1.25
Cedar	1.30	Ozark	1.25
Chariton	1.30	Pemiscot	1.32
Christian	1.26	Perry	1.29
Clark	1.24	Pettis	1.29
Clay	1.31	Phelps	1.25
Clinton	1.31	Pike	1.26
Cole	1.25	Platte	1.31
Cooper	1.28	Polk	1.28
Crawford	1.26	Pulaski	1.24
Dade	1.28	Putnam	1.26
Dallas	1.26	Ralls	1.26
Daviess	1.30	Randolph	1.28
De Kalb	1.31	Ray	1.31
Dent	1.25	Reynolds	1.26
Douglas	1.24	Ripley	1.30
Dunklin	1.32	St. Charles	1.29
Franklin	1.28	St. Clair	1.30
Gasconade	1.27	Ste. Genevieve	1.29
Gentry	1.31	St. Francois	1.27
Greene	1.26	St. Louis	1.30
Grundy	1.29	Saline	1.30
Harrison	1.29	Schuyler	1.25
Henry	1.31	Scotland	1.25
Hickory	1.28	Scott	1.30
Holt	1.31	Shannon	1.25
Howard	1.28	Shelby	1.27
Howell	1.26	Stoddard	1.31
Iron	1.27	Stone	1.25
Jackson	1.31	Sullivan	1.28
Jasper	1.28	Taney	1.25
Jefferson	1.29	Texas	1.25
Johnson	1.31	Vernon	1.30
Knox	1.24	Warren	1.28
Laclede	1.24	Washington	1.28
Lafayette	1.31	Wayne	1.29
Lawrence	1.26	Webster	1.24
Lewis	1.24	Worth	1.31
Lincoln	1.28	Wright	1.24

MONTANA

Beaverhead	1.09	Dawson	1.13
Big Horn	1.08	Deer Lodge	1.06
Blaine	1.08	Fallon	1.16
Broadwater	1.06	Fergus	1.08
Carbon	1.08	Flathead	1.10
Carter	1.14	Gallatin	1.06
Cascade	1.08	Garfield	1.10
Chouteau	1.08	Glacier	1.08
Custer	1.12	Golden Valley	1.08
Daniels	1.11		

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Granite	$1.04	Powder River	$1.12
Hill	1.08	Powell	1.06
Jefferson	1.05	Prairie	1.13
Judith Basin	1.08	Ravalli	1.04
Lake	1.07	Richland	1.13
Lewis and Clark	1.08	Roosevelt	1.12
Liberty	1.08	Rosebud	1.10
Lincoln	1.10	Sanders	1.07
McCone	1.12	Sheridan	1.13
Madison	1.06	Silver Bow	1.06
Meagher	1.08	Stillwater	1.08
Mineral	1.07	Sweet Grass	1.08
Missoula	1.07	Teton	1.08
Musselshell	1.08	Toole	1.08
Park	1.06	Treasure	1.08
Petroleum	1.08	Valley	1.10
Phillips	1.08	Wheatland	1.08
Pondera	1.08	Wibaux	1.16
		Yellowstone	1.08

NEBRASKA

Adams	1.25	Jefferson	1.28
Antelope	1.28	Johnson	1.29
Arthur	1.17	Kearney	1.24
Banner	1.12	Keith	1.17
Blaine	1.21	Keya Paha	1.22
Boone	1.29	Kimball	1.12
Box Butte	1.15	Knox	1.28
Boyd	1.26	Lancaster	1.31
Brown	1.22	Lincoln	1.19
Buffalo	1.25	Logan	1.21
Burt	1.31	Loup	1.23
Butler	1.31	McPherson	1.20
Cass	1.31	Madison	1.30
Cedar	1.28	Merrick	1.28
Chase	1.16	Morrill	1.13
Cherry	1.19	Nance	1.29
Cheyenne	1.13	Nemaha	1.30
Clay	1.26	Nuckolls	1.26
Colfax	1.31	Otoe	1.31
Cuming	1.31	Pawnee	1.29
Custer	1.23	Perkins	1.17
Dakota	1.30	Phelps	1.23
Dawes	1.14	Pierce	1.29
Dawson	1.23	Platte	1.30
Deuel	1.15	Polk	1.30
Dixon	1.29	Red Willow	1.20
Dodge	1.31	Richardson	1.29
Douglas	1.31	Rock	1.23
Dundy	1.16	Saline	1.29
Fillmore	1.28	Sarpy	1.31
Franklin	1.23	Saunders	1.31
Frontier	1.20	Scotts Bluff	1.12
Furnas	1.22	Seward	1.31
Gage	1.29	Sheridan	1.16
Garden	1.15	Sherman	1.25
Garfield	1.25	Sioux	1.13
Gosper	1.22	Stanton	1.31
Grant	1.17	Thayer	1.27
Greeley	1.27	Thomas	1.20
Hall	1.27	Thurston	1.30
Hamilton	1.28	Valley	1.25
Harlan	1.23	Washington	1.31
Hayes	1.18	Wayne	1.29
Hitchcock	1.18	Webster	1.25
Holt	1.25	Wheeler	1.28
Hooker	1.18	York	1.29
Howard	1.27		

NEVADA

All counties	$1.22

NEW HAMPSHIRE

All counties	$1.31

NEW JERSEY

Atlantic	1.38	Hunterdon	1.38
Bergen	1.42	Mercer	1.40
Burlington	1.40	Middlesex	1.40
Camden	1.42	Monmouth	1.40
Cape May	1.35	Morris	1.38
Cumberland	1.38	Ocean	1.38
Essex	1.38	Passaic	1.38
Gloucester	1.42	Salem	1.38

NEW JERSEY—Continued

County	Rate per bushel	County	Rate per bushel
Somerset	$1.38	Union	$1.39
Sussex	1.38	Warren	1.38

NEW MEXICO

Bernalillo	1.13	Mora	1.20
Catron	1.14	Otero	1.18
Chaves	1.22	Quay	1.27
Colfax	1.19	Rio Arriba	1.08
Curry	1.27	Roosevelt	1.26
De Baca	1.23	Sandoval	1.11
Dona Ana	1.18	San Juan	1.02
Eddy	1.22	San Miguel	1.21
Grant	1.18	Santa Fe	1.16
Guadalupe	1.24	Sierra	1.17
Harding	1.26	Socorro	1.16
Hidalgo	1.22	Taos	1.14
Lea	1.26	Torrance	1.18
Lincoln	1.19	Union	1.24
Luna	1.20	Valencia	1.10
McKinley	1.06		

NEW YORK

Albany	1.46	Oneida	1.34
Allegany	1.32	Onondaga	1.34
Broome	1.36	Ontario	1.34
Cattaraugus	1.28	Orange	1.38
Cayuga	1.34	Orleans	1.32
Chautauqua	1.24	Oswego	1.34
Chemung	1.34	Otsego	1.38
Chenango	1.36	Putnam	1.38
Clinton	1.31	Rensselaer	1.42
Columbia	1.42	Rockland	1.38
Cortland	1.34	St. Lawrence	1.29
Delaware	1.38	Saratoga	1.38
Dutchess	1.38	Schenectady	1.42
Erie	1.32	Schoharie	1.42
Essex	1.34	Schuyler	1.34
Franklin	1.28	Seneca	1.34
Fulton	1.34	Steuben	1.34
Genesee	1.34	Suffolk	1.38
Greene	1.42	Sullivan	1.38
Herkimer	1.34	Tioga	1.34
Jefferson	1.31	Tompkins	1.34
Lewis	1.32	Ulster	1.38
Livingston	1.34	Warren	1.37
Madison	1.34	Washington	1.38
Monroe	1.34	Wayne	1.34
Montgomery	1.38	Westchester	1.42
Nassau	1.42	Wyoming	1.34
New York City	1.46	Yates	1.34
Niagara	1.32		

NORTH CAROLINA

All counties	$1.31

NORTH DAKOTA

Adams	1.20	McLean	1.19
Barnes	1.30	Mercer	1.19
Benson	1.22	Morton	1.22
Billings	1.18	Mountrail	1.15
Bottineau	1.16	Nelson	1.28
Bowman	1.19	Oliver	1.20
Burke	1.15	Pembina	1.28
Burleigh	1.23	Pierce	1.20
Cass	1.32	Ramsey	1.25
Cavalier	1.25	Ransom	1.32
Dickey	1.31	Renville	1.15
Divide	1.13	Richland	1.35
Dunn	1.18	Rolette	1.19
Eddy	1.25	Sargent	1.32
Emmons	1.25	Sheridan	1.21
Foster	1.26	Sioux	1.22
Golden Valley	1.17	Slope	1.20
Grand Forks	1.31	Stark	1.20
Grant	1.21	Steele	1.30
Griggs	1.29	Stutsman	1.27
Hettinger	1.20	Towner	1.22
Kidder	1.24	Traill	1.31
La Moure	1.29	Walsh	1.29
Logan	1.26	Ward	1.16
McHenry	1.18	Wells	1.24
McIntosh	1.26	Williams	1.14
McKenzie	1.16		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.18	Licking	$1.20
Allen	1.22	Logan	1.20
Ashland	1.22	Lorain	1.22
Ashtabula	1.24	Lucas	1.26
Athens	1.20	Madison	1.19
Auglaize	1.21	Mahoning	1.24
Belmont	1.21	Marion	1.22
Brown	1.18	Medina	1.21
Butler	1.18	Meigs	1.18
Carroll	1.21	Mercer	1.27
Champaign	1.19	Miami	1.19
Clark	1.18	Monroe	1.21
Clermont	1.18	Montgomery	1.18
Clinton	1.18	Morgan	1.21
Columbiana	1.23	Morrow	1.21
Coshocton	1.21	Muskingum	1.21
Crawford	1.23	Noble	1.21
Cuyahoga	1.21	Ottawa	1.25
Darke	1.20	Paulding	1.22
Defiance	1.22	Perry	1.20
Delaware	1.20	Pickaway	1.19
Erie	1.24	Pike	1.18
Fairfield	1.20	Portage	1.21
Fayette	1.18	Preble	1.18
Franklin	1.20	Putnam	1.22
Fulton	1.23	Richland	1.22
Gallia	1.18	Ross	1.19
Geauga	1.24	Sandusky	1.25
Greene	1.18	Scioto	1.18
Guernsey	1.21	Seneca	1.24
Hamilton	1.18	Shelby	1.21
Hancock	1.24	Stark	1.21
Hardin	1.22	Summit	1.21
Harrison	1.21	Trumbull	1.24
Henry	1.23	Tuscarawas	1.21
Highland	1.18	Union	1.20
Hocking	1.20	Van Wert	1.22
Holmes	1.21	Vinton	1.20
Huron	1.23	Warren	1.18
Jackson	1.18	Washington	1.21
Jefferson	1.23	Wayne	1.21
Knox	1.21	Williams	1.22
Lake	1.23	Wood	1.25
Lawrence	1.18	Wyandot	1.23

OKLAHOMA

Adair	1.27	Kingfisher	1.29
Alfalfa	1.27	Kiowa	1.30
Atoka	1.31	Latimer	1.29
Beaver	1.23	Le Flore	1.29
Beckham	1.29	Lincoln	1.29
Blaine	1.29	Logan	1.28
Bryan	1.32	Love	1.32
Caddo	1.30	McClain	1.30
Canadian	1.29	McCurtain	1.30
Carter	1.32	McIntosh	1.29
Cherokee	1.28	Major	1.28
Choctaw	1.32	Marshall	1.32
Cimarron	1.23	Mayes	1.23
Cleveland	1.30	Murray	1.31
Coal	1.31	Muskogee	1.29
Comanche	1.31	Noble	1.28
Cotton	1.31	Nowata	1.28
Craig	1.28	Okfuskee	1.29
Creek	1.29	Oklahoma	1.29
Custer	1.28	Okmulgee	1.29
Delaware	1.27	Osage	1.27
Dewey	1.27	Ottawa	1.27
Ellis	1.25	Pawnee	1.27
Garfield	1.28	Payne	1.28
Garvin	1.31	Pittsburg	1.29
Grady	1.30	Pontotoc	1.30
Grant	1.27	Pottawatomie	1.29
Greer	1.30	Pushmataha	1.31
Harmon	1.30	Roger Mills	1.28
Harper	1.24	Rogers	1.28
Haskell	1.29	Seminole	1.29
Hughes	1.29	Sequoyah	1.29
Jackson	1.30	Stephens	1.31
Jefferson	1.32	Texas	1.23
Johnston	1.32	Tillman	1.30
Kay	1.27		

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Tulsa	$1.28	Washita	$1.29
Wagoner	1.28	Woods	1.26
Washington	1.27	Woodward	1.26

OREGON

Baker	1.24	Lake	1.24
Benton	1.30	Lane	1.28
Clackamas	1.36	Lincoln	1.23
Clatsop	1.40	Linn	1.31
Columbia	1.40	Malheur	1.16
Coos	1.12	Marion	1.34
Crook	1.27	Morrow	1.30
Curry	1.15	Multnomah	1.40
Deschutes	1.27	Polk	1.33
Douglas	1.17	Sherman	1.32
Gilliam	1.30	Tillamook	1.37
Grant	1.25	Umatilla	1.28
Harney	1.09	Union	1.25
Hood River	1.37	Wallowa	1.23
Jackson	1.17	Wasco	1.34
Jefferson	1.31	Washington	1.37
Josephine	1.17	Wheeler	1.29
Klamath	1.24	Yamhill	1.35

PENNSYLVANIA

Adams	1.35	Lawrence	1.26
Allegheny	1.27	Lebanon	1.34
Armstrong	1.24	Lehigh	1.38
Beaver	1.24	Luzerne	1.34
Bedford	1.32	Lycoming	1.31
Berks	1.38	McKean	1.27
Blair	1.29	Mercer	1.24
Bradford	1.34	Mifflin	1.31
Bucks	1.42	Monroe	1.34
Butler	1.25	Montgomery	1.42
Cambria	1.28	Montour	1.32
Carbon	1.34	Northampton	1.38
Centre	1.30	Northumberland	1.32
Chester	1.38	Perry	1.32
Clarion	1.26	Philadelphia	1.46
Clearfield	1.28	Pike	1.34
Clinton	1.31	Potter	1.29
Columbia	1.33	Schuylkill	1.34
Crawford	1.24	Snyder	1.32
Cumberland	1.33	Somerset	1.28
Dauphin	1.32	Sullivan	1.34
Delaware	1.42	Susquehanna	1.32
Elk	1.28	Tioga	1.31
Erie	1.24	Union	1.32
Fayette	1.28	Venango	1.24
Forest	1.25	Warren	1.24
Franklin	1.33	Washington	1.24
Fulton	1.31	Wayne	1.34
Greene	1.26	Westmoreland	1.26
Huntingdon	1.30	Wyoming	1.34
Indiana	1.27	York	1.35
Jefferson	1.28		
Juniata	1.31		
Lackawanna	1.34		
Lancaster	1.35		

RHODE ISLAND

All counties	$1.33

SOUTH CAROLINA

Charleston	1.46	All other counties	1.30

SOUTH DAKOTA

Aurora	1.30	Clay	1.31
Beadle	1.32	Codington	1.36
Bennett	1.19	Corson	1.24
Bon Homme	1.29	Custer	1.14
Brookings	1.36	Davison	1.31
Brown	1.33	Day	1.35
Brule	1.28	Deuel	1.38
Buffalo	1.28	Dewey	1.23
Butte	1.18	Douglas	1.29
Campbell	1.27	Edmunds	1.30
Charles Mix	1.27	Fall River	1.13
Clark	1.34	Faulk	1.29
		Grant	1.38

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Gregory	$1.25	Mellette	$1.22
Haakon	1.24	Miner	1.32
Hamlin	1.36	Minnehaha	1.33
Hand	1.30	Moody	1.36
Hanson	1.31	Pennington	1.18
Harding	1.19	Perkins	1.20
Hughes	1.27	Potter	1.27
Hutchinson	1.30	Roberts	1.37
Hyde	1.28	Sanborn	1.31
Jackson	1.24	Shannon	1.16
Jerauld	1.30	Spink	1.32
Jones	1.25	Stanley	1.26
Kingsbury	1.34	Sully	1.27
Lake	1.34	Todd	1.22
Lawrence	1.18	Tripp	1.24
Lincoln	1.32	Turner	1.31
Lyman	1.26	Union	1.32
McCook	1.31	Walworth	1.27
McPherson	1.29	Washabaugh	1.22
Marshall	1.35	Yankton	1.29
Meade	1.20	Ziebach	1.22

TENNESSEE

Anderson	1.28	Lauderdale	1.28
Bedford	1.27	Lawrence	1.26
Benton	1.25	Lewis	1.26
Bledsoe	1.27	Lincoln	1.28
Blount	1.29	Loudon	1.28
Bradley	1.29	McMinn	1.29
Campbell	1.28	McNairy	1.26
Cannon	1.26	Macon	1.25
Carroll	1.25	Madison	1.26
Carter	1.30	Marion	1.28
Cheatham	1.25	Marshall	1.27
Chester	1.26	Maury	1.26
Claiborne	1.29	Meigs	1.29
Clay	1.26	Monroe	1.29
Cocke	1.29	Montgomery	1.24
Coffee	1.27	Moore	1.27
Crockett	1.25	Morgan	1.27
Cumberland	1.27	Obion	1.28
Davidson	1.25	Overton	1.27
Decatur	1.25	Perry	1.25
De Kalb	1.26	Pickett	1.27
Dickson	1.25	Polk	1.29
Dyer	1.28	Putnam	1.27
Fayette	1.30	Rhea	1.28
Fentress	1.27	Roane	1.28
Franklin	1.28	Robertson	1.24
Gibson	1.25	Rutherford	1.26
Giles	1.27	Scott	1.29
Grainger	1.29	Sequatchie	1.27
Greene	1.30	Sevier	1.29
Grundy	1.27	Shelby	1.32
Hamblen	1.29	Smith	1.26
Hamilton	1.29	Stewart	1.25
Hancock	1.30	Sullivan	1.30
Hardeman	1.28	Sumner	1.24
Hardin	1.25	Tipton	1.30
Hawkins	1.30	Trousdale	1.25
Haywood	1.28	Unicoi	1.30
Henderson	1.25	Union	1.29
Henry	1.25	Van Buren	1.27
Hickman	1.25	Warren	1.27
Houston	1.25	Washington	1.30
Humphreys	1.25	Wayne	1.25
Jackson	1.26	Weakley	1.25
Jefferson	1.29	White	1.27
Johnson	1.30	Williamson	1.26
Knox	1.29	Wilson	1.25
Lake	1.28		

TEXAS

Andrews	1.27	Borden	1.27
Archer	1.30	Bosque	1.34
Armstrong	1.27	Bowie	1.31
Atascosa	1.39	Briscoe	1.28
Bailey	1.27	Brown	1.32
Bandera	1.35	Burleson	1.42
Bastrop	1.37	Burnet	1.35
Baylor	1.30	Caldwell	1.37
Bee	1.45	Calhoun	1.42
Bell	1.37	Callahan	1.31
Bexar	1.37	Carson	1.27
Blanco	1.35	Castro	1.27

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Chambers	$1.49	Kinney	$1.29
Cherokee	1.35	Knox	1.30
Childress	1.30	Lamar	1.32
Clay	1.33	Lamb	1.27
Cochran	1.27	Lampasas	1.34
Coke	1.30	Limestone	1.37
Coleman	1.31	Lipscomb	1.25
Collin	1.34	Live Oak	1.45
Collingsworth	1.30	Llano	1.34
Comal	1.35	Loving	1.21
Comanche	1.32	Lubbock	1.27
Concho	1.32	Lynn	1.27
Cooke	1.34	McCulloch	1.32
Coryell	1.35	McLennan	1.35
Cottle	1.28	Martin	1.27
Crosby	1.27	Mason	1.33
Culberson	1.18	Maverick	1.26
Dallam	1.25	Medina	1.35
Dallas	1.35	Menard	1.32
Dawson	1.27	Midland	1.26
Deaf Smith	1.27	Milam	1.39
Delta	1.32	Mills	1.34
Denton	1.34	Mitchell	1.28
De Witt	1.39	Montague	1.34
Dickens	1.28	Moore	1.25
Dimmit	1.26	Motley	1.28
Donley	1.28	Navarro	1.35
Eastland	1.32	Nolan	1.29
Edwards	1.29	Nueces	1.49
Ellis	1.35	Ochiltree	1.25
El Paso	1.14	Oldham	1.27
Erath	1.33	Palo Pinto	1.33
Falls	1.37	Parker	1.34
Fannin	1.34	Parmer	1.27
Fisher	1.30	Pecos	1.27
Floyd	1.27	Potter	1.27
Foard	1.30	Presidio	1.14
Frio	1.36	Randall	1.27
Gaines	1.27	Real	1.32
Galveston	1.49	Reeves	1.22
Garza	1.27	Refugio	1.45
Gillespie	1.34	Roberts	1.25
Glasscock	1.27	Robertson	1.39
Goliad	1.42	Rockwall	1.34
Gray	1.27	Runnels	1.30
Grayson	1.34	San Patricio	1.49
Guadalupe	1.37	San Saba	1.34
Hale	1.27	Schleicher	1.28
Hall	1.28	Scurry	1.28
Hamilton	1.33	Shackelford	1.31
Hansford	1.25	Sherman	1.24
Hardeman	1.30	Somervell	1.34
Harris	1.49	Stephens	1.33
Hartley	1.25	Sterling	1.27
Haskell	1.30	Stonewall	1.29
Hays	1.35	Sutton	1.29
Hemphill	1.25	Swisher	1.27
Hill	1.35	Tarrant	1.35
Hockley	1.27	Taylor	1.30
Hood	1.34	Terry	1.27
Howard	1.27	Throckmorton	1.31
Hudspeth	1.14	Tom Green	1.30
Hunt	1.32	Travis	1.35
Hutchinson	1.25	Uvalde	1.32
Irion	1.27	Van Zandt	1.34
Jack	1.33	Victoria	1.42
Jackson	1.42	Waller	1.45
Jeff Davis	1.18	Ward	1.26
Jefferson	1.49	Wharton	1.42
Johnson	1.35	Wheeler	1.28
Jones	1.30	Wichita	1.30
Karnes	1.39	Wilbarger	1.30
Kaufman	1.34	Williamson	1.37
Kendall	1.35	Wilson	1.37
Kent	1.28	Wise	1.34
Kerr	1.32	Yoakum	1.27
Kimble	1.33	Young	1.33
King	1.29	Zavala	1.29

UTAH

Beaver	1.14	Carbon	1.08
Box Elder	1.17	Daggett	1.12
Cache	1.17	Davis	1.18

UTAH—Continued

County	Rate per bushel	County	Rate per bushel
Duchesne	$1.10	San Juan	$1.02
Emery	1.06	SanPete	1.12
Garfield	1.06	Sevier	1.10
Grand	1.02	Summit	1.16
Iron	1.11	Tooele	1.16
Juab	1.16	Uintah	1.06
Kane	1.06	Utah	1.16
Millard	1.14	Wasatch	1.14
Morgan	1.17	Washington	1.11
Piute	1.10	Wayne	1.06
Rich	1.14	Weber	1.18
Salt Lake	1.18		

VERMONT

All counties	$1.31

VIRGINIA

Accomack	1.36	Loudoun	1.31
Albemarle	1.31	Louisa	1.31
Alleghany	1.29	Lunenburg	1.32
Amelia	1.32	Madison	1.31
Amherst	1.31	Mathews	1.34
Appomattox	1.32	Mecklenburg	1.31
Arlington	1.31	Middlesex	1.34
Augusta	1.31	Montgomery	1.29
Bath	1.29	Nansemond	1.42
Bedford	1.31	Nelson	1.31
Bland	1.29	New Kent	1.34
Botetourt	1.30	Newport News	1.38
Burnswick	1.31	Northampton	1.32
Buchanan	1.29	Northumberland	1.32
Buckingham	1.32	Nottaway	1.32
Campbell	1.31	Orange	1.31
Caroline	1.32	Page	1.31
Carroll	1.30	Patrick	1.30
Charles City	1.34	Pittsylvania	1.31
Charlotte	1.32	Powhatan	1.32
Chesapeake (Norfolk)	1.46	Prince Edward	1.32
Chesterfield	1.32	Prince George	1.32
Clarke	1.31	Prince William	1.31
Craig	1.29	Pulaski	1.30
Culpeper	1.31	Rappahannock	1.31
Cumberland	1.32	Richmond	1.32
Dickenson	1.29	Roanoke	1.30
Dinwiddie	1.32	Rockbridge	1.31
Essex	1.32	Rockingham	1.31
Fairfax	1.31	Russell	1.30
Fauquier	1.31	Scott	1.30
Floyd	1.30	Shenandoah	1.31
Fluvanna	1.31	Smyth	1.30
Franklin	1.30	Southhampton	1.38
Frederick	1.31	Spotsylvania	1.32
Giles	1.29	Stafford	1.32
Gloucester	1.38	Surry	1.34
Goochland	1.32	Sussex	1.34
Grayson	1.30	Tazewell	1.29
Greene	1.31	Virginia Beach	1.42
Greensville	1.34	Warren	1.31
Halifax	1.31	Washington	1.30
Hampton	1.42	Westmoreland	1.32
Hanover	1.32	Wise	1.30
Henrico	1.34	Wythe	1.30
Henry	1.30	York	1.38
Highland	1.29		
Isle of Wight	1.38		
James City	1.34		
King and Queen	1.34		
King George	1.32		
King William	1.34		
Lancaster	1.32		
Lee	1.30		

WASHINGTON

Adams	1.27	Franklin	1.28
Asotin	1.24	Garfield	1.28
Benton	1.29	Grant	1.27
Chelan	1.28	Grays Harbor	1.34
Clallam	1.24	Island	1.26
Clark	1.40	Jefferson	1.27
Columbia	1.28	King	1.40
Cowlitz	1.40	Kitsap	1.21
Douglas	1.26	Kittitas	1.32
Ferry	1.22		

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
Klickitat	1.33	Skamania	1.37
Lewis	1.37	Snohomish	1.37
Lincoln	1.26	Spokane	1.25
Mason	1.31	Stevens	1.20
Okanogan	1.26	Thurston	1.37
Pacific	1.34	Wahkiakum	1.37
Pend Oreille	1.18	Walla Walla	1.28
Pierce	1.40	Whatcom	1.31
San Juan	1.26	Whitman	1.26
Skagit	1.34	Yakima	1.30

WEST VIRGINIA

Barbour	1.26	Mineral	1.28
Berkeley	1.30	Mingo	1.25
Boone	1.25	Monongalia	1.24
Braxton	1.25	Monroe	1.28
Brooke	1.23	Morgan	1.29
Cabell	1.23	Nicholas	1.27
Calhoun	1.24	Ohio	1.23
Clay	1.25	Pendleton	1.29
Doddridge	1.23	Pleasants	1.22
Fayette	1.27	Pocahontas	1.29
Gilmer	1.24	Preston	1.26
Grant	1.28	Putnam	1.23
Greenbrier	1.29	Raleigh	1.26
Hampshire	1.29	Randolph	1.28
Hancock	1.23	Ritchie	1.23
Hardy	1.29	Roane	1.23
Harrison	1.25	Summers	1.29
Jackson	1.22	Taylor	1.26
Jefferson	1.31	Tucker	1.28
Kanawha	1.24	Tyler	1.22
Lewis	1.25	Upshur	1.26
Lincoln	1.24	Wayne	1.24
Logan	1.25	Webster	1.27
McDowell	1.27	Wetzel	1.23
Marion	1.24	Wirt	1.23
Marshall	1.23	Wood	1.22
Mason	1.23	Wyoming	1.26
Mercer	1.28		

WISCONSIN

Adams	1.30	Marathon	1.36
Ashland	1.40	Marinette	1.30
Barron	1.41	Marquette	1.29
Bayfield	1.43	Menominee	1.32
Brown	1.25	Milwaukee	1.29
Buffalo	1.41	Monroe	1.32
Burnett	1.44	Oconto	1.30
Calumet	1.25	Oneida	1.35
Chippewa	1.41	Outagamie	1.28
Clark	1.38	Ozaukee	1.27
Columbia	1.27	Pepin	1.41
Crawford	1.32	Pierce	1.42
Dane	1.26	Polk	1.42
Dodge	1.26	Portage	1.35
Door	1.20	Price	1.37
Douglas	1.46	Racine	1.29
Dunn	1.41	Richland	1.31
Eau Claire	1.38	Rock	1.28
Florence	1.31	Rusk	1.39
Fond du Lac	1.25	St. Croix	1.42
Forest	1.33	Sauk	1.28
Grant	1.29	Sawyer	1.41
Green	1.26	Shawano	1.32
Green Lake	1.27	Sheboygan	1.25
Iowa	1.28	Taylor	1.39
Iron	1.38	Trempeleau	1.38
Jackson	1.35	Vernon	1.34
Jefferson	1.27	Vilas	1.34
Juneau	1.31	Walworth	1.28
Kenosha	1.29	Washburn	1.43
Kewaunee	1.22	Washington	1.27
La Crosse	1.35	Waukesha	1.28
Lafayette	1.26	Waupaca	1.30
Langlade	1.34	Waushara	1.27
Lincoln	1.37	Winnebago	1.27
Manitowoc	1.24	Wood	1.33

WYOMING

Albany	1.09	Goshen	1.12
Big Horn	1.04	Hot Springs	1.04
Campbell	1.09	Johnson	1.06
Carbon	1.06	Laramie	1.12
Converse	1.09	Lincoln	1.13
Crook	1.12	Natrona	1.04
Fremont	1.04	Niobrara	1.12

WYOMING—Continued

County	Rate per bushel	County	Rate per bushel
Park	1.04	Teton	1.11
Platte	1.12	Uinta	1.13
Sheridan	1.06	Washakie	1.04
Sublette	1.09	Weston	1.12
Sweetwater	1.09		

(b) *Premiums and discounts.* The basic support rate shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
(1) *Class premiums and discounts.*	
(i) Premiums:	
Hard Amber Durum (U.S. No. 3 or better)[1]	+5
(ii) Discounts:	
Durum	−5
Red Durum	−20
Mixed Wheat (mixtures of classes other than contrasting classes)	−2
Mixed Wheat (mixtures of contrasting classes)	−10
(2) *Grade premiums and discounts.*	
(i) Premium:	
Heavy, U.S. No. 3 or better (Hard Red Spring only)[1]	+2
(ii) Discounts:	
U.S. No. 2	−1
U.S. No. 3	−3
U.S. No. 4	−6
U.S. No. 5	−9
Sample on one or more of the factors test weight, total damage (with not more than 3 percent heat damage), foreign material, and total defects (with not more than 3 percent heat damage), apply a discount of 14 cents. Add 1 cent for each pound or fraction thereof that test weight is below 50 pounds (49 pounds for Hard Red Spring and White Club) through 40 pounds and add 1 cent for each percent or fraction thereof that total defects are in excess of 21 percent. Total discount on these factors shall not exceed 30 cents per bushel if total defects are not in excess of 50 percent, or 45 cents per bushel if total defects are in excess of 50 percent.	−
Smut—degree basis:	
Light Smutty	−2
Smutty	−6
Garlic—degree basis:	
Light Garlicky	−5
Garlicky	−10
(3) *Protein premiums.* Applicable to grade U.S. No. 5 or better, Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem, and Burt.[1]	
Protein content (percent):	Cents per bushel
12.0–12.4	+ 1½
12.5–12.9	+ 3
13.0–13.4	+ 4½
13.5–13.9	+ 6
14.0–14.4	+ 7½
14.5–14.9	+ 9
15.0–15.4	+10½
15.5–15.9	+12
16.0–16.4	+13½
16.5–16.9	+15
17.0–17.4	+16½
17.5 and above	+18
(4) Variety discount	−20

[1] Not applicable to the undesirable varieties listed in subparagraph (4).

The following varieties referred to in these regulations as "undesirable varieties" are subject to the discount:

Hard Red Winter:	Pitic 62.
Blue Jacket.	Spinkcota.
Cache.[2]	Red River 68.[5]
Purkof.	White:
Red chief.[3]	Florence.
Stafford.	Gaines.[4]
Yogo.	Rex.
Hard Red Spring:	Siete Cerros 66.[7]
Henry.[6]	Soft Red Winter:
Kinney.	Nured.
Nainari 60.	Durum:
Penjamo 62.	Oviachic.

	Cents per bushel
(5) Weed control discount (where required by § 1421.25)	10
(6) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of wheat, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour and heating. Such discounts will be established not later than the time delivery of wheat to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.	

NOTE: Premiums and discounts are cumulative except only one grade discount shall be applied.

Effective date: Upon publication in the FEDERAL REGISTER (6–18–71).

Signed at Washington, D.C., on June 11, 1971.

CARROLL G. BRUNTHAVER.
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71–8541 Filed 6–17–71;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Termination of Designation of Massachusetts Under the Federal Meat Inspection Act

On May 18, 1971, there was published in the FEDERAL REGISTER (§ 331.2, 36 F.R.

[2] Except in Idaho and Utah.
[3] Including white seeded Red Chief.
[4] When grown east of Continental Divide or in Arizona and New Mexico.
[5] When grown in Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.
[6] Except in Washington.
[7] When grown in Arizona.

9003) a notice of designation of the State of Massachusetts under section 301(c)(1) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(1)). This designation was based on information that the State of Massachusetts had not developed and activated and was not enforcing State meat inspection requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, the State of Massachusetts requested the Secretary of Agriculture to resurvey the State program to determine if the State is now in a position to enforce such requirements. Upon a subsequent review by this Department of the meat inspection program of the State of Massachusetts, it has been determined that the State has developed and will enforce State meat inspection requirements at least equal to those imposed under titles I and IV of the Act, with respect to operations and transactions within the State which would be regulated under section 301(c)(1) of the Act.

Accordingly, pursuant to the authority in section 301(c)(3) of the Act (21 U.S.C. 661(c)(3)), the designation of the State of Massachusetts under section 301(c) of the Act is hereby terminated, effective upon publication of this notice in the FEDERAL REGISTER (6-18-71).

Done at Washington, D.C., on June 14, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-8635 Filed 6-17-71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11158; Amdt. 39-1233]

PART 39—AIRWORTHINESS DIRECTIVES

Dornier Model Do-28D-1 Airplanes

There have been reports of cracks in the landing gear wheel forks on Dornier Model Do-28D-1 airplanes that could result in failure of the wheel fork. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require periodic inspections of the wheel forks and replacement of forks found to be cracked on Dornier Model Do-28D-1 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DORNIER, G.m.b.H. Applies to Model Do-28D-1, Serials Nos. 4002 through 4049.

Within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the landing gear wheel forks for cracks in accordance with Dornier Service Bulletin No. 1039-1501 or an FAA-approved equivalent. If cracks are found during any inspection, before further flight replace the work with a serviceable part of the same part number.

This amendment becomes effective June 23, 1971.

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

Issued in Washington, D.C., on June 11, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-8585 Filed 6-17-71;8:48 am]

[Docket No. 71-SO-113; Amdt. 39-1232]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Airplanes

Amendment 39-1134, F.R. Doc. 70-17351, AD 70-26-4, as amended by Amendment 39-1196, F.R. Doc. 71-5978, requires initial and repetitive inspections of the stabilator balance weight support tube installed on Piper PA-28, PA-28R, PA-28S, PA-32, and PA-32S airplanes. The purpose of the inspection is to determine if tubes are cracked. Certain replacement tubes installed in accordance with Piper Service Letter No. 576 are exempt from the inspection requirement. After issuing Amendment 39-1196, the Agency determined it necessary to revise the list of applicable serial numbers and to clarify the necessity for initial and repetitive inspections after a new balance weight support tube has been installed in accordance with Piper Service Letter No. 576. Therefore, the AD is being further amended to revise the list of applicable serial numbers and to clarify the necessity for initial and repetitive inspections of the stabilator balance weight support tube.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1134, F.R. Doc. 70-17351, AD 70-26-4, as amended by Amendment 39-1196, F.R. Doc. 71-5978, is further amended as follows:

1. By amending the applicable serial numbers to read:

PA-28-140, Serial Nos. 28-20000 through 28-26946 and 28-7125000 through 28-7125334.
PA-28-150-160-180 and PA-28S-180, Serial Nos. 28-1 through 28-5859 and 28-7105001 through 28-7105126.
PA-28-235, Serial Nos. 28-10001 through 28-11378 and 28-7110001 through 28-7110011.
PA-28R-180, Serial Nos. 28R-30001 through 28R-31270 and 28R-7130001 through 28R-7130005.
PA-28R-200, Serial Nos. 28R-30482, 28R-35001 through 28R-35820, and 28R-7135001 through 28R-7135104.
PA-32-260, Serial Nos. 32-04, 32-1 through 32-1297, and 32-7100001 through 32-7100016.
PA-32-300 and PA-32S-300, Serial Nos. 32-15, 32-21, 32-40000 through 32-40974, and 32-7140001 through 32-7140050.

2. By amending the note at the end of paragraph 7 to read:

NOTE: When a new balance weight tube assembly, Part No. 63578-00V, 65310-00V, or 68432-00V is installed, an initial inspection after 500 hours' time in service on the assembly and repetitive inspections at 200-hour intervals will still be required.

3. By amending the last paragraph to read:

The installation of a new stabilator balance weight support tube, Part No. 69623-04V, 69623-02V, or 69624-02V, in accordance with Piper Service Letter No. 576 will eliminate the necessity for the initial and repetitive inspections required in Paragraphs I, II, and III.

NOTE: The above referenced new tubes may be identified by the presence of green paint on the cable attachment lugs.

Amendment 39-1134 became effective December 28, 1970.

Amendment 39-1196 became effective April 30, 1971.

This amendment becomes effective June 24, 1971.

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

Issued in East Point, Ga., on June 8, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-8584 Filed 6-17-71;8:48 am]

[Airspace Docket No. 71-SW-25]

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

Revocation of Transition Area

The purpose of this amendment is to revoke controlled airspace in the Durant, Okla., terminal area.

At Durant, Okla., there exists a 700-foot transition area which was designated on July 23, 1970. This controlled airspace was to accommodate a special approach procedure to serve Eaker Field, Durant, Okla. The instrument approach procedure for Eaker Field was based on utilization of the Perrin AFB VOR, Sherman, Tex., which is owned, operated, and maintained by the U.S. Air Force.

The Federal Aviation Administration has been informed that no later than

June 30, 1971, all military flight operations, associated military activities and services previously conducted or provided by Perrin AFB will cease. This will include decommissioning of the Perrin AFB VOR navigational facility which is tentatively scheduled for decommissioning on June 7, 1971.

As there is not another navigational aid within suitable proximity to Eaker Field, Durant, Okla., which can afford alternate instrument approach capability for Eaker Field, the previously designated Durant, Okla., controlled airspace necessary to accommodate the instrument approach procedure, i.e., the 700-foot transition area, must be revoked.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective August 19, 1971, as herein set forth.

In § 71.181 (36 F.R. 2140), the Durant, Okla., transition 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 June 8, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-8586 Filed 6-17-71;8:48 am]

[Airspace Docket No. 71-WE-16]

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

Alteration of Federal Airway Segment

On April 15, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7143) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a south alternate to VOR Federal airway No. 230 between Salinas, Calif., and Los Banos, Calif.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

In § 71.123 (36 F.R. 2010), V-230 is amended by deleting "Los Banos, Calif.;" and substituting "Los Banos, Calif., including a south alternate via INT Salinas, Calif., 100° and Los Banos, Calif., 245° radials;" therefor.

(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 Washington, D.C., on June 14, 1971.

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

[FR Doc.71-8587 Filed 6-17-71;8:48 am]

[Airspace Docket No. 71-WE-26]

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

Alteration of Control Zone

On April 27, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7865) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Tucson, Ariz. (Tucson International Airport), control zone.

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

Effective date. This amendment shall be effective 0901 G.m.t. August 19, 1971.

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

Issued in Los Angeles, Calif., on June 10, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Tucson, Ariz. (Tucson International Airport), control zone is amended as follows:

After the geographical coordinates of the Tucson International Airport, delete "* * * within 2 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile-radius zone to 14 miles west of the VORTAC; * * *" and substitute therefor "* * * within 3 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile-radius zone to 15 miles west of the VORTAC; * * *"

[FR Doc.71-8588 Filed 6-17-71;8:48 am]

[Airspace Docket No. 71-WE-28]

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

Alteration of Control Zone

On April 29, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8051) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would eliminate the control zone at Siskiyou County Airport, Calif.

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

Effective date. This amendment shall be effective 0901 G.m.t., August 19, 1971.

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

Issued in Los Angeles, Calif., on June 10, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Montague, Calif., control zone is deleted.

[FR Doc.71-8589 Filed 6-17-71;8:48 am]

[Airspace Docket No. 71-WE-29]

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

Alteration of Transition Area

On May 7, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8525) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fresno, Calif., transition area.

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

Effective date. This amendment shall be effective 0901 G.m.t., August 19, 1971.

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

Issued in Los Angeles, Calif., on June 10, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Fresno, CA, transition area is amended as follows: Delete all after "* * * ; that airspace extending upward from 1,200 feet above the surface * * *" and substitute therefor "* * * bounded by a line beginning at latitude 37°29'00" N., longitude 119°15'00" W., to latitude 36°49'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 119°09'00" W., to latitude 36°00'00" N., longitude 118°45'00" W., thence west via latitude 36°00'00" N., to longitude 119°30'00" W., thence north via longitude 119°30'00" W., to the west edge of V-23, thence north via the west edge of V-23 to latitude 36°37'00" N., to latitude 36°37'00" N., longitude 119°56'00" W., to latitude 37°02'00" N., longitude 120°18'00" W., to point of beginning * * *".

[FR Doc.71-8590 Filed 6-17-71;8:49 am]

[Airspace Docket No. 71-SO-72]

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

Designation of Transition Area

On May 5, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8405), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Dillon, S.C., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

DILLON, S.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dillon County Airport (lat. 34°27'00" N., long. 79°22'00" W.); within 2.5 miles each side of Florence VORTAC 046° radial, extending from the 5-mile radius area to 16 miles northeast of the VORTAC.

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

Issued in East Point, Ga., on June 11, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-8593 Filed 6-17-71;8:49 am]

[Airspace Docket No. 71-SO-66]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter Restricted Area R-5302 by lowering the designated altitude.

Albemarle Sound, N.C., Restricted Area R-5302 is presently designated from the surface to FL 200. The latest utilization report submitted by the Department of the Navy for R-5302 indicates retention of the portion of the area above 14,000 feet MSL is not justified. The Navy has also indicated there is no current requirement for use of the altitude above 14,000 feet MSL and requested the designated altitude be altered. Accordingly, action is being taken herein to lower the designated altitude of R-5302 from FL 200 to 14,000 feet MSL.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (6-18-71), as hereinafter set forth.

In § 73.153 (36 F.R. 2353) R-5302 Albemarle Sound, N.C., is amended by deleting "Designated altitude: Surface to FL 200." and substituting "Designated altitude: Surface to 14,000 feet MSL." therefor.

(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 Washington, D.C., on June 14, 1971.

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

[FR Doc.71-8591 Filed 6-17-71;8:49 am]

Title 21—FOOD AND DRUGS

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

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

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 130—NEW DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

Disclosure of NAS-NRC Drug Efficacy Study Group Evaluations in Drug Labeling and Advertising; Correction

F.R. Doc. 71-7915 appearing at page 11022 in the FEDERAL REGISTER of June 8, 1971, is corrected:

1. By changing the statutory citations preceding the first amendment and following the effective date to read "(secs. 201(n), 502, 505, 507, 701(a), 52 Stat. 1041, 1050-53, as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 321(n), 352, 355, 357, 371(a))".

2. By deleting "(21 U.S.C. 201(n), 502(a), (n))" from § 3.81(b)(1).

Dated: June 11, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8561 Filed 6-17-71;8:46 am]

PART 121—FOOD ADDITIVES

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

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2543) filed by the American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of diallyldimethylammonium chloride polymer with acrylamide, reaction product with glyoxal, as a dry and wet strength agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with foods. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

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

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Diallyldimethylammonium chloride polymer with acrylamide, reaction product with glyoxal, produced by copolymerizing not less than 90 weight percent of acrylamide and not more than 10 weight percent of diallyldimethylammonium chloride, which is then cross-linked with not more than 30 weight percent of glyoxal, such that a 10 percent aqueous solution has a minimum viscosity of 25 centipoises at 25° C. as determined by Brookfield viscometer Model RVF, using a No. 1 spindle at 100 r.p.m.	For use only as a dry and wet strength agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard in such an amount that the finished paper and paperboard will contain the additive at a level not in excess of 2 percent by weight of the dry fibers in the finished paper and paperboard.
* * *	* * *

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

sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6–18–71).

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

Dated: June 9, 1971.

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

[FR Doc.71–8562 Filed 6–17–71;8:46 am]

PART 121—FOOD ADDITIVES

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

PLASTICIZERS POLYMERIC SUBSTANCES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2529) filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of 1,3-butylene glycol-adipic acid polyester as a plasticizer in polyvinyl chloride homopolymers used in the manufacture of food-contact articles. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2511(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2511 **Plasticizers in polymeric substances.**

* * * * *

(b) List of substances.

	Limitations
* * *	* * *
1,3-Butylene glycol-adipic acid polyester (1,700–2,200 molecular weight) terminated with a 16 percent by weight mixture of myristic, palmitic, and stearic acids.	For use at levels not exceeding 33 percent by weight of polyvinyl chloride homopolymers used in contact with food (except foods that contain more than 8 percent of alcohol) at temperatures not to exceed room temperature. The average thickness of such homopolymers in the form in which they contact food shall not exceed 0.004 inch.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6–18–71).

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

Dated: June 9, 1971.

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

[FR Doc.71–8563 Filed 6–17–71;8:46 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Chloramphenicol-Prednisolone Ophthalmic Ointment Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (65–259V) filed by EVSCO Pharmaceutical Corp., 3345 Royal Avenue, Oceanside, N.Y. 11572, proposing the safe and effective use of chloramphenicol-prednisolone ophthalmic ointment in dogs and cats. The application is approved.

To facilitate referencing, EVSCO Pharmaceutical Corp. is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135a are being amended, as follows:

1. Part 135 is amended in § 135.501 by adding a new code No. 053 to paragraph (c), as follows:

§ 135.501 **Names, addresses, and code numbers of sponsors of approved applications.**

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
053	EVSCO Pharmaceutical Corp., 3345 Royal Avenue, Oceanside, N.Y. 11572.

2. Part 135a is amended by adding the following new section:

§ 135a.15 **Chloramphenicol-prednisolone ophthalmic ointment veterinary.**

(a) *Specifications.* The product conforms to the specification requirements in § 146d.303 of this chapter and is subject to the tests and methods of assay prescribed in § 141d.303 of this chapter. Each gram of the product contains the following active ingredients: 10 milligrams of chloramphenicol and 2 milligrams of prednisolone.

(b) *Sponsor.* See code No. 053 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in dogs and cats for the treatment of bacterial conjunctivitis and ocular inflammation caused by organisms susceptible to chloramphenicol.

(2) It is applied to the affected eye 4 to 6 times daily for the first 72 hours depending upon the severity of the condition. Continue treatment for 48 hours after an apparent cure has been attained.

(3) Therapy for cats should not exceed 7 days, prolonged use in cats may produce blood dyscrasia. As with other antibiotics, prolonged use may result in overgrowth of nonsusceptible organisms. If superinfection occurs or if clinical improvement is not noted within a reasonable period, discontinue use and institute appropriate therapy. All topical ophthalmic preparations containing corticosteroids, with or without an antimicrobial agent, are contraindicated in the initial treatment of corneal ulcers. They should not be used until the infection is under control and corneal regeneration is well under way. This chloramphenicol product must not be used in meat-, egg-, or milk-producing animals. The length of time that residues persist in milk or tissues has not been determined.

(4) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6–18–71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 8, 1971.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.71–8565 Filed 6–17–71;8:46 am]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Streptomycin-Dihydrostreptomycin Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (65–175V) filed by Pfizer Agricultural Division, Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017, proposing that the specifications for streptomycin-dihydrostreptomycin veterinary injectable solutions be changed to relax the limit for acceptance for streptomycin content in the combination drug. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(n), 82 Stat. 350–51; 21 U.S.C. 360b(n)) and under authority delegated to the Commissioner (21 CFR 2.120), § 141b.122 is revised to read as follows:

§ 141b.122 Dihydrostreptomycin-streptomycin sulfates solution veterinary.

(a) *Potency.* Proceed as directed in § 141b.108(a). Its total potency is satisfactory if it contains not less than 90 percent of the combined number of milligrams of dihydrostreptomycin and streptomycin than it is represented to contain.

(b) *Content of streptomycin sulfate.* Proceed as directed in § 141b.108(b), making appropriate dilutions so that the aliquot used for the colorimetric measurement contains 5.0 milligrams of streptomycin (estimated), and modify the calculations in accordance with the dilutions made. Its content of streptomycin is satisfactory if it contains not less than 40 percent and not more than 60 percent of the total potency as determined under paragraph (a) of this section.

(c) *Sterility, toxicity, pyrogens, histamine.* Proceed as directed in §§ 141b.102, 141b.103, 141b.104, and 141b.105.

(d) *pH.* Using the undiluted solution, proceed as directed in § 141a.5(b) of this chapter.

This change in specifications for the subject drug does not affect the drug's safety or efficacy and is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6–18–71).

(Sec. 512(n), 82 Stat. 350–51; 21 U.S.C. 360b(n))

Dated: June 10, 1971.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.71–8566 Filed 6–17–71;8:47 am]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b — CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Revocations

In the FEDERAL REGISTER of August 22, 1970 (35 F.R. 13487), the Commissioner of Food and Drugs announced (DESI 0095NV) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following articles:

1. Poul-Strep Dust; Poultry Health Service, 1445 Miami Road, Jacksonville, Fla. 32207.

2. Dihydrostreptomycin Sulfate Veterinary Dust; Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

3. Vetstrep Superdust; Animal Health Products, Merck Chemical Division, Merck & Co., Inc., Rahway, N.J. 07065.

The Academy concluded that these products are probably not effective for inhalation treatment of chronic respiratory disease or air sac infections in chickens. The Food and Drug Administration concurred with the Academy's evaluation.

The announcement allowed the above-named firms 6 months to provide adequate documentation in support of the labeling used for their listed drugs, and made provision for written comments or requests for an informal conference from interested persons.

In response, Chas. Pfizer & Co., Inc., stated they do not intend to pursue the requested revisions and updatings suggested by the announcement and requested that approval for Dihydrostreptomycin Sulfate Veterinary Dust be withdrawn. No other comments or requests for a conference were received.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions regarding use of dihydrostreptomycin sulfate for veterinary inhalation therapy due to a lack of substantial evidence that it will have the effectiveness it purports or is represented to have in the treatment of chronic respiratory disease or air sac infections in chickens. The Commissioner further concludes that certificates of safety and effectiveness heretofore issued for such articles should be revoked on the basis of an unwarranted hazard.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141b and 146b are amended by revoking the following sections and certificates of safety and effectiveness issued under these sections are also revoked:

Sec.
- 141b.130 Streptomycin-dihydrostreptomycin for inhalation therapy.
- 141b.135 Streptomycin and para-aminobenzoic acid powder for inhalation therapy; dihydrostreptomycin and para-aminobenzoic acid powder for inhalation therapy.
- 141b.137 Streptomycin-neomycin for inhalation therapy veterinary; dihydrostreptomycin-neomycin for inhalation therapy veterinary.
- 146b.112 Streptomycin for inhalation therapy; dihydrostreptomycin for inhalation therapy.
- 146b.125 Streptomycin-dihydrostreptomycin for inhalation therapy veterinary.
- 146b.130 Streptomycin and para-aminobenzonic acid powder for inhalation therapy; dihydrostreptomycin and para-aminobenzoic acid powder for inhalation therapy.
- 146b.132 Streptomycin-neomycin for inhalation therapy veterinary; dihydrostreptomycin-neomycin for inhalation therapy veterinary.

Any person who will be adversely affected by removal of any such drug from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the NAS–NRC evaluation and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the drugs would have the effectiveness claimed for their intended uses.

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER (6–18–71). If objections are filed, the effective date will be extended for ruling thereon.

(Secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b)

Dated: June 8, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71–8567 Filed 6–17–71;8:47 am]

PART 146d — CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL - CONTAINING DRUGS

Drugs for Veterinary Use; Chloramphenicol Labeling Requirements

In the FEDERAL REGISTER of February 18, 1971 (36 F.R. 3144), the Commissioner of Food and Drugs announced (DESI 0084NV) the conclusion of the Food and Drug Administration regarding certain chloramphenicol preparations for veterinary use following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group.

The announcement stated that for their safe use the chloramphenicol products named must be labeled for prescription use and comply with 21 CFR 1.106 (c). This requirement applies equally to all other chloramphenicol products for veterinary use and has previously been a requirement in their labeling to be eligible for certification.

Accordingly, the regulations providing for the certification of such drugs are amended below to reflect existing policy regarding the prescription requirements for such preparations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512(n), 52 Stat. 1050–51, as amended, 82 Stat. 343–51; 21 U.S.C. 352, 360b(n)) and under authority delegated to the Commissioner (21 CFR 2.120), §§ 146d.302(c)(2), 146d.303(c)(2), 146d.304(c)(2), 146d.306(c)(2), and 146d.308(c)(2) are revised to read as follows:

§ 146d.302 Chloramphenicol capsules.

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (ii), and except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act).

§ 146d.303 Chloramphenicol ointment (chloramphenicol cream).

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act).

§ 146d.304 Chloramphenicol ophthalmic.

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements prescribed by § 1.106(c) of this chapter (regulations issued under section 502(f) of the act).

§ 146d.306 Chloramphenicol palmitate oral suspension.

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except subdivisions (i)(*a*) and (ii), and except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements of § 1.106(c) of this chapter (regulations issued under section 502(f) of the act).

§ 146d.308 Chloramphenicol otic; chloramphenicol topical.

* * * * *

(c) * * *

(2) *If it is intended solely for veterinary use.* Its label and labeling shall comply with all the requirements of subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription," it shall be labeled in accordance with the requirements of § 1.106(c) of this chapter (regulations issued under section 502(f) of the act).

This order updates the subject regulations to reflect existing policy regarding the prescription requirements for these veterinary antibiotic drugs and thereby adds no new requirements; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (6–18–71).

(Secs. 502, 512(n), 52 Stat. 1050–51, as amended, 82 Stat. 343–51; 21 U.S.C. 352, 360b(n))

Dated: June 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8568 Filed 6–17–71;8:47 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl O-2-Pyrazinyl Phosphorothioate

A petition (PP 0F0914) was filed by the American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the insecticides and nematocide *O,O*-diethyl *O*-2-pyrazinyl phosphorothioate in or on the raw agricultural commodities snap beans and vines, corn, cottonseed, and sugar beets (roots and tops) at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

Part 120 of Chapter I of Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the insecticide and nematocide in meat, milk, poultry, and eggs. The uses are classified in the category specified in § 420.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.264 is revised to read as follows:

§ 420.264 *O,O*-Diethyl *O*-2-pyrazinyl phosphorothioate and its oxygen analog; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the insecticide and nematocide *O,O*-diethyl *O*-2-pyrazinyl phosphorothioate and its oxygen analog diethyl 2-pyrazinyl phosphate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, corn forage or fodder (including sweet corn, field corn, popcorn), corn grain, fresh corn including sweet corn (kernels plus cob with husks removed), cottonseed, mint, snap beans, snap bean vines, strawberries, and sugar beets (roots and tops).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6–18–71).

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

Dated: June 11, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-8604 Filed 6-17-71;8:50 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Parathion and/or Its Methyl Homolog

A petition (PP 0F0878) was filed by the National Agricultural Chemicals Association Industry Task Force for Parathion and Methyl Parathion, 1155 15th Street NW., Washington, DC 20005, proposing the establishment of tolerances for residues of the insecticide parathion and its methyl homolog in or on the raw agricultural commodities soybean hay at 1 part per million, cottonseed at 0.75 part per million, and soybeans at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

Part 120, Chapter I, Title 21, was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given the data submitted in the petition and other relevant material it is concluded that:

1. The proposed uses fall under § 420.6(a)(3) regarding residues in meat, milk, eggs, and poultry. Therefore, tolerances are not needed for these commodities.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.121 *Parathion or its methyl homolog; tolerances for residues* is amended by:

1. Inserting alphabetically the words "soybean hay" in the second paragraph "1 part per million * * *",

2. Inserting the new paragraph "0.75 part per million in or on cottonseed" before the paragraph "0.2 part per million * * *", and

3. Inserting the new paragraph "0.1 part per million in or on soybeans" after the paragraph "0.2 part per million * * *".

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6-18-71).

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

Dated: June 11, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-8605 Filed 6-17-71;8:50 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,3,6-Trichlorophenylacetic Acid

A petition (PP 1F1054) was filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing that § 420.283 be amended to provide for use of the dimethylamine salt of the herbicide 2,3,6-trichlorophenylacetic acid as well as the presently regulated sodium salt on sugarcane.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which the tolerance is being established, and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to the tolerance.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the herbicide in meat, milk, poultry, and eggs. The use is classified in the category specified in § 420.6(a)(3).

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.283 is revised to read as follows:

§ 420.283 2,3,6-Trichlorophenylacetic acid; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the herbicide 2, 3, 6-trichlorophenylacetic acid in or on sugarcane, such residues resulting from application of its dimethylamine or sodium salts.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6-18-71).

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

Dated: June 11, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-8606 Filed 6-17-71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Colorado	Pueblo	Pueblo				June 18, 1971.
Florida	Pinellas	Unincorporated areas.	I 12 103 0000 04 through I 12 103 0000 06	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Pinellas County Department of Planning, 315 Haven St., Clearwater, FL 33516.	Do.
Do	Volusia	South Daytona				Do.
Louisiana	Jefferson	Gretna	I 22 051 0950 03 I 22 051 0950 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	City Hall, Huey P. Long Ave., and 2d St., Gretna, LA 70053.	Do.
Maryland	Worcester	Ocean City	I 24 047 1150 03 I 24 047 1150 04	Department of Water Resources, State Office Bldg., Annapolis, Md. 21404. Maryland Insurance Department, 301 West Preston St., Baltimore, MD 21201.	Office of the City Engineer, Town of Ocean City, Ocean City, Md. 21842.	Do.
Massachusetts	Plymouth	Mattapoisett				Do.
Nevada	Clark	Las Vegas				Do.
New Jersey	Atlantic	Atlantic City	I 34 001 0090 03 I 34 001 0090 04	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the City Engineer, Room 603, City Hall, Atlantic City, N.J. 08401.	Do.
Do	do	Brigantine	I 34 001 0440 02	do	Office of the City Clerk, 1417 West Brigantine Ave., Brigantine, NJ 08203.	Do.
Do	do	Longport Borough.	I 34 001 1770 03	do	Borough Clerk's Office, Borough Hall, 2301 Atlantic Ave., Longport, NJ 08403.	Do.
Do	do	Margate City	I 34 001 1830 02	do	Office of the City Clerk, Washington and Ventnor Aves., Margate City, NJ 08402.	Do.
Do	do	Ventnor City	I 34 001 3440 02 I 34 001 3440 03	do	Office of the City Engineer, City Hall, Ventnor City, NJ 08406.	Do.
North Dakota	Pembina	Pembina	I 38 067 2500 02	State Water Commission, Bismarck, N. Dak., 58501. North Dakota Insurance Department, State Capitol, Bismarck, ND 58501.	City Hall, City of Pembina, Pembina, N. Dak. 58271.	Do.
Do	Ransom	Enderlin	I 38 073 0970 04 through I 38 073 0970 06	do	Office of the City Auditor, Enderlin, N. Dak. 58027.	Do.
Oregon	Lane	Springfield	I 41 039 1960 04 through I 41 039 1960 06	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Department of Commerce, Insurance Division, 158 12th St. NE., Salem, OR 97310.	Office of the City Manager, 223 North A, Springfield, OR 97477.	Do.
Pennsylvania	Northampton	Easton				Do.
Tennessee	Campbell	Jellico	I 47 013 1240 03	Office of Federal and Urban Affairs, 321 7th Ave., North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, Tenn. 37219.	Office of the Mayor, City of Jellico, Jellico, Tenn. 37762.	Do.
Texas	Guadalupe	Seguin	I 48 187 6290 03 I 48 187 6290 04	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Municipal Bldg., 205 North River St., Seguin, TX 78155.	Do.
Do	Live Oak	Three Rivers	I 48 297 6920 02	do	City Hall, City Square, Three Rivers, Tex. 78071.	Do.
Washington	Cowlitz	Unincorporated areas.				Do.

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

Issued: June 18, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-8544 Filed 6-17-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

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

§ 1915.3 **List of flood hazard areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Colorado	Pueblo	Pueblo				June 18, 1971.
Florida	Pinellas	Unincorporated areas.	H 12 103 0000 04 through H 12 103 0000 06	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Pinellas County Department of Planning, 315 Haven St., Clearwater, FL 33516.	June 17, 1970.
Do	Volusia	South Daytona				June 18, 1971.
Louisiana	Jefferson	Gretna	H 22 051 0950 03 H 22 051 0950 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	City Hall, Huey P. Long Ave. and 2d St., Gretna, LA 70053.	Aug. 14, 1970.
Maryland	Worcester	Ocean City	H 24 047 1150 03 H 24 047 1150 04	Department of Water Resources, State Office Bldg., Annapolis, Md. 21404. Maryland Insurance Department, 301 West Preston St., Baltimore, MD 21201.	Office of the City Engineer, Town of Ocean City, Ocean City, Md. 21842.	July 1, 1970.
Massachusetts	Plymouth	Mattapoisett				June 18, 1971.
Nevada	Clark	Las Vegas				Do.
New Jersey	Atlantic	Atlantic City	H 34 001 0090 03 H 34 001 0090 04	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the City Engineer, Room 603, City Hall, Atlantic City, N.J. 08401.	July 1, 1970.
Do	do	Brigantine	H 34 001 0440 02	do	Office of the City Clerk, 1417 West Brigantine Ave., Brigantine, NJ 08203.	May 15, 1970.
Do	do	Longport Borough.	H 34 001 1770 03	do	Borough Clerk's Office, Borough Hall, 2301 Atlantic Ave., Longport, NJ 08403.	July 10, 1970.
Do	do	Margate City	H 34 001 1830 02	do	Office of the City Clerk, Washington and Ventnor Aves., Margate City, NJ 08402.	July 11, 1970.
Do	do	Ventnor City	H 34 001 3440 02 H 34 001 3440 03	do	Office of the City Engineer, City Hall, Ventnor City, NJ 08406.	Aug. 12, 1970.
North Dakota	Pembina	Pembina	H 38 067 2500 02	State Water Commission, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, ND 58501.	City Hall, City of Pembina, Pembina, N. Dak. 58271.	June 19, 1970.
Do	Ransom	Enderlin	H 38 073 0970 04 through H 38 073 0970 06	do	Office of the City Auditor, Enderlin, N. Dak. 58027.	Oct. 13, 1970.
Oregon	Lane	Springfield	H 41 039 1960 04 through H 41 039 1960 06	Executive Department, State of Oregon, Salem, Oregon 97310. Oregon Department of Commerce, Insurance Division, 158 12th St. NE., Salem, OR 97310.	Office of the City Manager, 223 North A, Springfield, OR 97477.	Jan. 8, 1971.
Pennsylvania	Northampton	Easton				June 18, 1971.
Tennessee	Campbell	Jellico	H 47 013 1240 03	Office of Federal and Urban Affairs, 321 7th Ave., North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, Tenn. 37219.	Office of the Mayor, City of Jellico, Jellico, Tenn. 37762.	Nov. 28, 1970.
Texas	Guadalupe	Seguin	H 48 187 6290 03 H 48 187 6290 04	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Municipal Bldg., 205 North River St., Seguin, TX 78155.	Oct. 13, 1970.
Do	Live Oak	Three Rivers	H 48 297 6920 02	do	City Hall, City Square, Three Rivers, Tex. 78071.	July 1, 1970.
Washington	Cowlitz	Unincorporated areas.				June 18, 1971.

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

Issued: June 18, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-8545 Filed 6-17-71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7125]

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Extension of Transitional Period for Pooled Income Funds

Correction

In F.R. Doc. 71-8064 appearing on page 11032 in the issue of Tuesday, June 8, 1971, the citation in the third and fourth lines of the introductory text reading "section 6422(c)(5)" should read "section 642(c)(5)".

[T.D. 7122]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Returns and Annual Reports of Exempt Organizations; Correction

On June 8, 1971, T.D. 7122 was published in the FEDERAL REGISTER (36 F.R. 11025). The 25th line of subdivision (*g*) of § 1.6033-2(a)(2)(ii) of the Income Tax Regulations (26 CFR Part I), as prescribed by T.D. 7122 should have read "corporation) and who received the greatest amount of compensation in excess". Accordingly, replace the language of such line as printed at 36 F.R. 11027 with the language set forth above.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-8617 Filed 6-17-71;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5069]

[Sacramento 080012]

CALIFORNIA

Powersite Cancellation No. 207; Cancellation of Powersite Classification No. 138 in Part, and No. 273 in Its Entirety

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. § 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-1089-California, it is ordered as follows:

1. The departmental order of April 7, 1926, creating Powersite Classification No. 138, as modified November 30, 1926, and departmental order of May 22, 1933, creating Powersite Classification No. 273, respectively, are hereby cancelled so far as they affect the following described national forest lands:

SIERRA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

Powersite Classification No. 138

T. 9 S., R. 23 E.,
Sec. 18, NE¼NE¼.
T. 6 S., R. 24 E.,
Sec. 25, SW¼SE¼;
Sec. 35, SE¼SE¼;
Sec. 36, W½NE¼, S½SW¼, W½SE¼.
T. 7 S., R. 24 E.,
Sec. 1, lots 2, 3, and 4;
Sec. 2, lots 1, 2, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 10, E½NE¼, NE¼SE¼ (partly unsurveyed);
Sec. 11, N½NE¼, W½, NW¼SE¼, SW¼SE¼, SE¼SE¼;
Sec. 14, W½NE¼, NE¼SW¼, SE¼SW¼, NW¼SE¼;
Sec. 22, E½SE¼;
Sec. 23, NE¼NW¼, W½NW¼, W½SW¼;
Sec. 26, W½W½;
Sec. 35, W½NW¼, N½SW¼, SE¼SW¼.
T. 8 S., R. 24 E.,
Sec. 2, lots 2, 3, SW¼NE¼, W½SE¼;
Sec. 11, NW¼NE¼, E½W½;
Sec. 14, E½W½;
Sec. 23, E½NW¼, E½SW¼, SW¼SE¼;
Sec. 34, NE¼NE¼.
T. 9 S., R. 24 E.,
Sec. 8, W½SE¼ (unsurveyed);
Sec. 10, NW¼NW¼.
T. 6 S., R. 25 E.,
Sec. 30, lot 3, NE¼SW¼.
T. 8 S., R. 25 E.,
Sec. 11, E½SE¼, SW¼SE¼;
Sec. 12, S½N½, S½;
Sec. 13, N½N½;
Sec. 14, NW¼NE¼, S½NE¼, NE¼NW¼, SW¼NW¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼, NW¼NW¼SW¼, NE¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, SW¼SW¼;
Sec. 15, SW¼NE¼, N½SE¼NE¼, S½NW¼, W½NW¼SW¼, W½NE¼NW¼SW¼, S½SW¼, N½NE¼SE¼, SW¼NE¼SE¼, N½SE¼NE¼SE¼, SW¼SE¼NE¼SE¼, SW¼SE¼, SE¼NE¼SE¼SE¼, NW¼SE¼SE¼, N½SW¼SE¼SE¼, SW¼SW¼SE¼SE¼, E½SE¼SE¼SE¼;
Sec. 16, SE¼NE¼, NE¼SE¼, NE¼SE¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, SE¼, S½SW¼SE¼SE¼, SE¼SE¼SE¼;
Sec. 21, NE¼NE¼, SE¼SE¼;
Sec. 22, N½NE¼, W½W½NE¼NW¼, W½NW¼, SE¼NW¼, W½SW¼;
Sec. 28, E½NE¼, S½;
Sec. 31, SE¼SW¼, S½SE¼;
Sec. 32, NE¼SW¼, W½SW¼, N½SE¼, SW¼SE¼;
Sec. 33, NW¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼.
T. 9 S., R. 25 E.,
Sec. 6, N½NW¼ (unsurveyed).
T. 8 S., R. 26 E.,
Sec. 7, lots 1 to 4, incl., E½, E½W½;
Sec. 8, W½SW¼;
Sec. 17, NW¼NW¼;
Sec. 18, lot 1, N½NE¼, SW¼NE¼, NE¼NW¼.

Powersite Classification No. 273

T. 9 S., R. 23 E.,
Sec. 11, S½SE¼;
Sec. 16, SE¼SE¼;
Sec. 17, SE¼SW¼;
Sec. 20, SW¼NE¼, E½NW¼, SW¼, NW¼SE¼;
Sec. 21, N½NE¼, SW¼NE¼, W½SE¼NE¼, W½SE¼;
Sec. 28, W½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 29, SW¼NE¼, NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 32, N½NE¼;
Sec. 33, NW¼NW¼.

All land in the following described tracts within 50 feet of the marginal limits of the transmission lines of the Pacific Light and Power Corp.:

Powersite Classification No. 138

T. 9 S., R. 23 E.,
Sec. 5, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 10, SW¼SW¼, N½SE¼;
Sec. 11, S½NE¼, SE¼NW¼, NW¼SW¼;
Sec. 13, SW¼NW¼, N½NW¼SW¼;
Sec. 14, S½N½, N½S½;
Sec. 15, S½N½, N½S½;
Sec. 16, NE¼, E½NW¼, N½S½;
Sec. 17, SE¼NE¼, S½NW¼, NE¼SW¼, SE¼SW¼, N½SE¼.
T. 8 S., R. 24 E.,
Sec. 34, SE¼SE¼.
T. 9 S., R. 24 E.,
Sec. 2, lots 3 and 4;
Sec. 9, NE¼SE¼, SW¼SE¼;
Sec. 16, NW¼NE¼;
Sec. 18, lot 1;
Sec. 21, N½NW¼, E½SW¼NW¼, N½SE¼NW¼;
Sec. 28, W½W½;
Sec. 32, SE¼NE¼, E½SE¼;
Sec. 33, W½W½.

The areas described aggregate approximately 9,743 acres in Fresno and Madera Counties.

2. Much of the lands described in paragraph 1 are either patented, included in other withdrawals for waterpower purposes or for other purposes, or have been subject to the general determination of the Federal Power Commission issued April 17, 1922. The effect of this restoration shall not affect the withdrawals so reserving the lands. Some of it remains withdrawn subject to valid and existing rights-of-way in Power Projects 67, 120, 1354, 2017, 2174, and 2175 under the Act of June 10, 1920, supra. Some of the lands have been heretofore restored subject to the provisions of section 24 of the Federal Power Act, supra. As to the lands so restored, the effect of this order is to relieve the lands of the limitations prescribed by the said section 24.

The State of California has waived its preference right of application for highway rights-of-way and material sites as provided by section 24 of the Act of June 10, 1920, supra.

3. At 10 a.m., on July 16, 1971, the national forest lands, not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made of such lands. These lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land

Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8611 Filed 6-17-71;8:50 am]

[Public Land Order 5070]

[Arizona 4488]

ARIZONA

Withdrawal From Mineral Entry

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of the Interior:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 1, N½NW¼, SW¼NW¼, NW¼NE¼, including part of lot 9;
Sec. 2, SE¼NE¼, S½SW¼, N½SE¼, N½SW¼SE¼;
Sec. 3, lot 216;
Sec. 10, N½N½;
Sec. 11, W½W½, W½E½SW¼;
Sec. 14, W½E½NW¼, E½W½NW¼, E½SW¼, E½NW¼SW¼.

The areas described aggregate 940.98 acres in Pinal County.

2. The lands are embraced in a first form reclamation withdrawal made by the Secretary's Order of August 21, 1909, but were opened to mining location, entry and patent, pursuant to the Act of April 23, 1932, 47 Stat. 136, by departmental order of September 16, 1939. The lands are also embraced in Stock Driveway Withdrawal No. 164 (Arizona 6) of June 6, 1923. The withdrawal made by this order does not change the status of the lands, other than to segregate them from location and entry under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8612 Filed 6-17-71;8:50 am]

[Public Land Order 5071]

[Oregon 3346]

OREGON

Correction of Public Land Order No. 5045

The land description in Public Land Order No. 5045 of April 14, 1971, appearing in 36 F.R. 7416 of the issue of April 20, 1971, revoking Powersite Reserve No. 581, Waterpower Designation No. 3, so far as it refers to T. 38 S., R. 15 E., is corrected to read "T. 38 S., R. 5 E."

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8613 Filed 6-17-71;8:51 am]

[Public Land Order 5072]

[Fairbanks 031001]

ALASKA

Partial Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 43 Stat. 729, 49 U.S.C. section 214 (1964), it is ordered as follows:

1. The departmental order of July 2, 1941, withdrawing public lands as Air Navigation Site Withdrawal No. 161, as enlarged by departmental order of July 22, 1942, are hereby revoked so far as they affect the following described lands:

TANANA AIRPORT

Beginning at Corner No. 1, Air Navigation Site Withdrawal No. 161 of July 2, 1941, on the north side of the Yukon River about one-fourth mile west of the town of Tanana in latitude 65°11' N., longitude 152°05' W., from which a U.S. Coast and Geodetic Bench Mark and Magnetic Station, being a brass plug in a concrete block, bears N. 22°11' E., 443.4 feet.

From the point of beginning by metes and bounds: Thence N. 0°41' W., 750 feet; thence N. 89°19' E., 1,300 feet; thence N. 0°41' W., 600 feet; thence S. 89°19' W., 200 feet; thence N. 0°41' W., 4,200 feet; thence S. 89°19' W., 900 feet; thence S. 47°32' W., 2,276.7 feet; thence west 6,000 feet; thence S. 0°41' E., 2,250 feet more or less, to a point on the right bank of the Yukon River; thence meandering upstream along the right bank of the Yukon River from which the point of beginning bears N. 0°41' W., 80 feet; thence N. 0°41' W., 80 feet to Corner No. 1 and the point of beginning, containing 735 acres, more or less.

PARCEL NO. 1

Commencing at the northwest corner of Air Navigation Site Withdrawal No. 161 of July 2, 1941, proceed east 10,500 feet to the true point of beginning of this description; thence continue east 3,066 feet to a point; thence south 2,250 feet more or less to a point on the north bank of the Yukon River; thence meandering westerly 3,300 feet more or less along said bank to a point; thence north 1,800 feet more or less to the point of beginning; containing 142.5 acres more or less.

PARCEL NO. 2

Commencing at the northwest corner of ANSW 161, being the true point of beginning of this description, proceed east 6,500 feet to a point; thence south 3,000 feet more or less to a point on the north bank of the Yukon River; thence meandering west along said river bank 2,100 feet more or less to a point; thence west 800 feet to a point; thence south 1,250 feet more or less to a point on said river bank; thence meandering west along said river bank 3,700 feet more or less to the southwest corner of ANSW 161; thence north 4,400 feet more or less to the point of beginning; containing 531.9 acres more or less.

2. The lands described in paragraph 1 above as Tanana Airport have been quitclaimed to the State of Alaska for airport purposes by the Bureau of the Budget, effective October 1, 1965, pursuant to the Alaska Omnibus Act of June 25, 1959, 73 Stat. 152.

3. The lands in Parcels No. 1 and No. 2 in paragraph 1 above are wthdrawn by Publc Land Order No. 4,582 of January 17, 1969, as amended by Public Land Order No. 4962 of December 8, 1970, for the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska. They will be open to location for metalliferous minerals at 10 a.m. on July 16, 1971.

Inquiries concerning the land should be addressed to the Manager, Fairbanks District and Land Office, Fairbanks, Alaska 99701.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8573 Filed 6-17-71;8:47 am]

[Public Land Order 5073]

[Nevada 4592]

NEVADA

Withdrawal for National Forest Geological Area Campground Sites and Petroglyph Cave

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

TOIYABE NATIONAL FOREST
MOUNT DIABLO MERIDIAN

McCann Canyon Geological Area

T. 7 N., R. 47 E., unsurveyed,
Sec. 6, N½NW¼, SE¼NW¼.
T. 8 N., R. 47 E.,
Sec. 29, SW¼;
Sec. 30, SW¼NE¼, S½NW¼, S½;
Sec. 31;
Sec. 32, NW¼NW¼.

Broad Canyon Campground

T. 10 N., R. 42 E., unsurveyed,
Sec. 1, NW¼NW¼;
Sec. 2, NE¼NE¼.
T. 11 N., R. 42 E., partially unsurveyed,
Sec. 35, SE¼SE¼;
Sec. 36, SE¼NE¼, S½SW¼, N½SE¼, SW¼SE¼.

Desert Creek Campground

T. 9 N., R. 24 E.,
Sec. 19, E½SW¼, S½NW¼SE¼;
Sec. 30, S½NW¼NE¼, SW¼NE¼, E½W½SE¼, W½E½SE¼.

Mahogany Campground

T. 16 N., R. 43 E., partially surveyed,
Sec. 8, SE¼SE¼;
Sec. 9, S½SW¼, SW¼SE¼;
Sec. 16, NW¼NE¼, N½NW¼.

Gold Knob Campground

T. 15 N., R. 43 E., unsurveyed,
Sec. 1, N½NW¼.
T. 16 N., R. 43 E.,
Sec. 35, SE¼SE¼SE¼;
Sec. 36, S½S½SW¼.

Birch Creek Campground

T. 18 N., R. 44 E.,
Sec. 27, SW¼SW¼;
Sec. 28, SW¼NE¼, E½NE¼NW¼, N½NW¼NE¼NW¼, SE¼NW¼NE¼NW¼, SW¼NE¼NW¼, SE¼NW¼, W½SE¼, SE¼SE¼;
Sec. 34, N½NW¼.

Toquima Petroglyph Cave

T. 16 N., R. 46 E.,
Sec. 33, SW¼NE¼.

The areas described aggregate approximately 2,755 acres in Nye, Lander, and Douglas Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8634 Filed 6-17-71;8:52 am]

[Public Land Order 5074]

[Anchorage 5898]

ALASKA

Transfer of Lands From Department of the Air Force to Federal Aviation Administration; Public Land Order No. 639 Amended in Part

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729, 49 U.S.C. section 214 (1964), it is ordered as follows:

1. Subject to valid existing rights, the following described lands, which were withdrawn for use of the Department of the Air Force by Public Land Order No. 639 of April 26, 1950, as amended by Public Land Order No. 3920 of January 20, 1966, are hereby transferred to the jurisdiction of the Federal Aviation Administration, Department of Transportation for use as an administrative site:

COOK INLET, ALASKA

Fire Island, located approximately in latitude 61°10' N., longitude 150°15' W., near the head of Cook Inlet approximately 12 miles southwest of Anchorage.

Containing approximately 4,240 acres.

2. The transfer of jurisdiction made by this order shall be subject to Executive Order No. 3406 of February 13, 1921, which withdrew two areas totaling approximately 130 acres of the island for use of the Coast Guard for lighthouse purposes.

This order does not otherwise serve to change the provisions of Public Land Order No. 639, as amended by Public Land Order No. 3920.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8574 Filed 6-17-71;8:47 am]

[Public Land Order 5075]

[Nevada 051062]

NEVADA

Revocation of Public Land Order No. 2052

By virtue of the authority vested in the President and pursuant to Executive Order 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 2052 of February 18, 1960, which withdrew the following described land for use of the Bureau of Land Management as an administrative site is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 19 E.,
Sec. 21, S½NE¼NE¼NE¼.

The area described contains 5 acres in Washoe County.

The land has been patented to the city of Reno under the Recreation and Public Purposes Act of June 14, 1926, 44 Stat. 471, as amended, 43 U.S.C. § 869 et seq. (1964).

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8575 Filed 6-17-71;8:47 am]

[Public Land Order 5076]

[Sacramento 2258]

CALIFORNIA

Withdrawal for the Martis Creek Reservoir Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands, which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and from mineral leasing under the mineral leasing laws, for construction, operation, and maintenance of the Martis Creek Reservoir by the Corps of Engineers, Department of the Army:

TAHOE NATIONAL FOREST

MOUNT DIABLO MERIDIAN

T. 17 N., R. 17 E.,
Sec. 18, a portion of SE¼ described as follows: Beginning at the corner common to secs. 17, 18, 19, and 20, thence S. 88°26'42" W., 725.63 feet along the south line of said sec. 18 to the westerly line of a proposed access road; thence N. 9°25'46" W., 1,333.78 feet along said westerly line to the east-west centerline of the SE¼ of sec. 18; thence N. 88°06'-48" E., 917.57 feet along said east-west centerline to the east line of sec. 18, the south 1/16 corner between secs. 17 and 18; thence S. 1°09'29" E., 1,326.54 feet along said east line to the point of beginning and containing 24.97 acres, more or less. The coordinates used are based on California Zone 2.
Sec. 30, SE¼NE¼.

The areas described aggregate 64.97 acres in Nevada and Placer Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws and mineral leasing laws, nor does it alter the jurisdiction of the Secretary of Agriculture over the lands for purposes other than water resource development in connection with the Martis Creek Reservoir Project. The terms and conditions for utilization of the national forest lands for the construction and maintenance of the project facilities by the Corps of Engineers will be governed by the memorandum of agreement entered into by the Department of Agriculture and the Department of the Army, dated August 13, 1964, as may be amended and supplemented.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8614 Filed 6-17-71;8:51 am]

[Public Land Order 5077]

[Oregon 7602]

OREGON

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WHITMAN NATIONAL FOREST

WILLIAMETTE MERIDIAN

Phillips Lake Recreation Area

T. 10 S., R. 38 E.,
Sec. 26, NW¼NE¼, S½NE¼, NW¼;
Sec. 27, NE¼, NE¼NW¼, S½NW¼;
Sec. 28, S½NE¼, SE¼NW¼.
T. 10 S., R. 39 E.,
Sec. 30, lots 1 and 2, S½NE¼, E½NW¼.

The area described aggregates approximately 921 acres in Baker County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8576 Filed 6-17-71;8:47 am]

[Public Land Order 5078]

[Montana 3843-ND]

NORTH DAKOTA

Withdrawal of Lands for Oahe Dam and Reservoir Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands are

hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws, except for oil and gas, and reserved for use by the Corps of Engineers, Department of the Army, in connection with the Oahe Dam and Reservoir Project:

FIFTH PRINCIPAL MERIDIAN

T. 129 N., R. 79 W.,
Sec. 4, lots 4, 5, 6;
Sec. 5, lots 1, 2, 3.
T. 130 N., R. 79 W.,
Sec. 18, lot 1;
Sec. 33, lot 4.
T. 133 N., R. 79 W.,
Sec. 12, lots 1, 2, 3, 4.
T. 134 N., R. 79 W.,
Sec. 3, lot 7, E½SE¼.
T. 136 N., R. 79 W.,
Sec. 23, NE¼NE¼.
T. 137 N., R. 79 W.,
Sec. 19, lots 6 and 8;
Sec. 30, lot 1, NW¼NE¼, NE¼NW¼.
T. 137 N., R. 80 W.,
Sec. 9, lots 7, 8, SE¼SE¼;
Sec. 10, lots 2, 4, 5, 6, 7.

The areas described aggregate 928.91 acres in Emmons, Burleigh, and Morton Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8577 Filed 6-17-71;8:48 am]

[Public Land Order 5079]

[Oregon 7331 (Wash.)]

WASHINGTON

Revocation of Executive Order No. 6704

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 6704 of May 8, 1934, which withdrew the following described public domain land for use by the Department of Agriculture as a fire lookout site in connection with the administration of the Colville National Forest, is hereby revoked:

WILLAMETTE MERIDIAN

SWEDE PASS LOOKOUT

T. 38 N., R. 39 E.,
Sec. 18, W½ of lot 1.

The area described contains 20 acres in Stevens County.

2. At 10 a.m. on July 16, 1971, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 16, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land shall be open to location for nonmetalliferous minerals at 10 a.m. on July 16, 1971. The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8615 Filed 6-17-71;8:51 am]

[Public Land Order 5080]

[Oregon 6138 (Wash.)]

WASHINGTON

Correction of Public Land Order No. 5010

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 5010 of January 26, 1971, withdrawing lands for a national forest campground, electronic administrative site, and rock pits, appearing in 36 F.R. 1895-6 of the issue of February 3, 1971, so far as it described the name as Boulder Rock Pit No. 1, and the land under sec. 7, T. 24 N., R .4 W., as the SW¼SE¼, is hereby corrected to read "Boulder Creek Rock Pit No. 1" and "NW¼SE¼", and under Lake Cushman Rock Pit No. 2, sec. 9, T. 23 N., R. 5 W., line 5, the number 2347 is hereby corrected to read "2357".

2. The lands are national forest lands within the Olympic National Forest. At 10 a.m. on July 16, 1971, the land described as the SW¼SE¼ sec. 7, shall be open to such forms of disposition as may by law be made of such lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 10, 1971.

[FR Doc.71-8616 Filed 6-17-71;8:51 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 71-15(a)]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Hypochlorite Solution Containers

The purpose of this amendment is to allow carriage by water of hypochlorite solutions, not over 16 percent strength, in Department of Transportation specifications 6D (49 CFR 178.102) and 37M (49 CFR 178.134) overpacks with either DOT specifications 2S (49 CFR 178.35) or 2SL (34 CFR 178.35a) inside polyethylene liners. The amendment was proposed in a notice of proposed rule making (CGFR 71-15) issued on February 18, 1971 (36 F.R. 3128). Interested persons were invited to attend an informal hearing on March 30, 1971, and to submit written data, views, or comments on the proposal.

No oral comments were made at the public hearing. One written comment was received. This comment was also received by the Hazardous Materials Regulation Board regarding the proposed amendment for the same article in 49 CFR 173.277, which appeared in a notice of proposed rule making (Docket No. HM-78; Notice 71-5) issued on February 18, 1971 (36 F.R. 3130).

By a separate document published at page 11734 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board, in response to the written comment, has changed the expression of the oxidizing power from 11 percent to 16 percent. For the reasons given in that document, and the necessity for standardization, the Coast Guard has also made this change.

In addition, in response to the written comment, the proposed amendment has been changed by not designating specification DOT-6D as a nonreusable container, and specification DOT-6J steel barrel or drum, which appears in the present § 146.23-100, has been corrected to a specification DOT-6D.

In consideration of the foregoing, the article "Hypochlorite solutions containing more than 7 percent available chlorine by weight" in 46 CFR 146.23-100 is amended by revising in the fourth column, the outside containers "steel barrels or drums" for sodium hypochlorite solutions not over 16 percent strength to read as follows:

§ 146.23-100 Table F—Classification: Corrosive liquids.

* * * Required conditions for transportation * * * Cargo vessel.

* * * * *

Outside containers:

* * *

Authorized only for sodium hypochlorite solution not over 16% strength:

* * *

Steel barrels or drums:
(DOT 6D or 37M (NRC) WIC (DOT 2S, 2SL polyethylene) not over 55 gal. cap.

(R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655 (b)(1); 49 CFR 1.46(b))

Effective date. This amendment becomes effective on September 20, 1971.

Dated: June 11, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.71-8583 Filed 6-17-71;8:53 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-78; Amdt. No. 173-48]

PART 173—SHIPPERS

Hypochlorite Solutions in Specification 37M Steel Overpack With 2S or 2SL Inner Container

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the shipment of sodium hypochlorite, of not over 16 percent strength, in a specification 37M steel overpack with a specification 2S or 2SL inner container.

On February 18, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-78; Notice 71-5 (36 F.R. 3130), proposing to amend the regulations as stated above.

Interested parties were invited to give their views on this proposal. All commenters objected to what was interpreted as a proposed reduction in the strength of the sodium hypochlorite solutions now authorized to be shipped in DOT 6D composite packaging. The Board interpreted the current limitation of 16 percent strength sodium hypochlorite solution as being equivalent to 7.6 percent available chlorine by weight, based on the theoretical assumption that all the chlorine in the sodium hypochlorite would eventually become available. On such a basis, increasing the percent available chlorine to 11 percent for all hypochlorite solutions would be relaxing the restrictions on strength of solutions.

Research into this matter revealed that the term "available chlorine" commonly refers to the oxidizing power of the OCl radical which is equivalent to the oxidizing power of Cl_2. Thus, by calculation, the Board finds that according to industry terminology it proposed reduction of the strength of hypochlorite solutions authorized to be shipped in the subject packaging. This was not the intent of the Board.

During this rule-making action it became apparent that interest no longer exists for shipment of the chlorine dioxide solutions. In view of this and the difficulty in expressing oxidizing power with the term "available chlorine", the Board has reverted to the expression "authorized for not over 16 percent sodium hypochlorite solution only", now used in the regulations. The rule change does authorize use of the 37M/2S or 2SL composite packaging limited to not over 16 percent sodium hypochlorite solutions on the basis of satisfactory experience with the use of specification 37M steel overpacks for shipment of materials of equivalent hazard.

Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.277, subparagraph (a)(4) is amended to read as follows:

§ 173.277 Hypochlorite solutions.

(a) * * *

(4) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with inside specification 2S or 2SL (§§ 178.35, 178.35a of this chapter) polyethylene liners. Authorized for not over 16 percent sodium hypochlorite solution only.

* * * * *

This amendment is effective August 31, 1971; however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835 of Title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657, and title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

Issued in Washington, D.C., on June 11, 1971.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, by direction of Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-8582 Filed 6-17-71;8:53 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 235, 299]

CITIZEN IDENTIFICATION CARDS

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to U.S. Citizen Identification Cards. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

Section 235.10 is amended to read as follows:

§ 235.10 U.S. Citizen Identification Card.

(a) *General.* To facilitate identification in the United States by immigration officers and entry over land borders from foreign contiguous territory, a U.S. citizen who is physically present in the United States may apply at any district office in the United States for a U.S. Citizen Identification Card, Form I–197.

(b) *Eligibility.* No citizen shall be eligible for an identification card unless he is physically present in the United States at the time of application therefor and at the time of issuance of the card and, if other than a native-born citizen, has been issued a certificate of naturalization or citizenship.

(c) *Application.* An application for an identification card shall be made on Form I–196, accompanied by the fee required under § 103.7 of this chapter and one photograph 1½ inches by 1½ inches, and evidence of his birth in the United States or, in the case of a U.S. citizen who was not born in the United States, a certificate of naturalization or citizenship. The applicant, when notified to do so, and his parent or guardian if one is acting in his behalf, shall appear in person before an immigration officer in the United States for examination under oath or affirmation upon the application.

(d) *Denial of application.* If the decision of the district director is that the application shall be denied, notification thereof and the reasons therefor shall be furnished the applicant. No appeal shall lie from the denial of an application by the district director.

(e) *Issuance of identification card.* If the applicant establishes his citizenship and eligibility to the satisfaction of the district director, the identification card shall be issued to the applicant. The delivery of such card shall be made only in the United States.

(f) *Replacement.* An identification card which is in poor condition due to improper lamination or any other cause shall be surrendered to an immigration officer upon his demand. In such a case, a replacement card may be issued on submission of a properly executed Form I–196, without fee, subject to the eligibility requirements of paragraph (b) of this section. In all other cases an application for a replacement card shall be accompanied by the required fee.

(g) *Voidance.* An identification card may be declared void, without notice, by an immigration officer for proper cause. Possession of the card by other than the rightful holder, loss of citizenship by the person to whom the card was issued, or a determination that the card was obtained by fraud shall be grounds, though not exclusive, for voidance. A person to whom the card was issued shall be notified of the action taken and the reasons therefor. The card shall be surrendered immediately upon voidance. No appeal shall lie from a decision voiding an identification card.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The listing of forms in § 299.1 *Prescribed forms* is amended by deleting the Form I–179 and reference thereto.

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

Dated: June 14, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71–8627 Filed 6–17–71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 911, 915]

[Dockets Nos. AO–267–A5; AO–254–A6]

HANDLING OF LIMES AND AVOCADOS

Decision and Referendum Order With Respect to Proposed Further Amendment of the Marketing Agreements and Orders

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Homestead, Fla., on January 27, 1971, after notice thereof published in the FEDERAL REGISTER (35 F.R. 19362), on proposed further amendment of the respective marketing agreements and orders (7 CFR Parts 911; 35 F.R. 16626 and 915; 35 F.R. 16627) regulating the handling of Florida limes and avocados, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decisions in this proceeding were filed on May 3, 1971, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decisions, affording opportunity to file written exceptions thereto, were published in the FEDERAL REGISTER (F.R. Doc. 71–6400; 36 F.R. 8520, and F.R. Doc. 71–6401; 36 F.R. 8522) on May 7, 1971. No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decisions set forth in the FEDERAL REGISTER (F.R. Doc. 71–6400; 36 F.R. 8520, and F.R. Doc. 74–6401; 36 F.R. 8522) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Further amendment of the marketing agreements and orders. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Limes Grown in Florida," "Order Amending the Order, as Amended, Regulating the Handling of Limes Grown in Florida," "Marketing Agreement, as Amended, Regulating the Handling of Avocados Grown in South Florida," and "Order Amending the Order, as Amended, Regulating the Handling of Avocados Grown in South Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless the until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period April 1, 1970, through March 31, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area

(as defined in 7 CFR part 911), in the production of limes for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such limes; and

(2) Among the producers who, during the period April 1, 1970, through March 31, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR part 915), in the production of avocados for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such avocados.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Post Office Box 9, Lakeland, FL 33802, is hereby designated referendum agent to conduct said referenda.

The procedure applicable to each referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended," (7 CFR 900.400 et seq.).

The ballots used in each referendum shall contain a summary describing the terms and conditions of the applicable proposed amendatory order.

Copies of the aforesaid annexed orders, of the aforesaid referendum procedure, and of this order may be examined in the office of the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250.

Ballots to be cast in each referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreements, as amended, be published in the FEDERAL REGISTER. The respective regulatory provisions of the said marketing agreements are identical with those contained in the said orders as further amended by the annexed orders which will be published with this decision.

Dated: June 14, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] *Amending the Order, As Amended, Regulating the Handling of Limes Grown in Florida*

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on January 27, 1971, upon proposed amendments to the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911; 35 F.R. 16626) regulating the handling of limes grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby amended, regulates the handling of limes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order, as amended and as hereby amended, that makes necessary different terms and provisions applicable to different parts of such area;

(5) All handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of limes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby amended, as follows:

Paragraph (a) of § 911.52 *Issuance of regulations* is revised by adding thereto a new subparagraph (5) reading as follows:

§ 911.52 Issuance of regulations.

(a) * * *

(5) Provide that any or all requirements effective pursuant to subparagraphs (1), (3), and (4) of this paragraph applicable to the handling of limes shall be different for the handling of limes within the production area and for the handling of limes between the production area and any point outside thereof.

* * * * *

Order[1] *Amending the Order, as Amended, Regulating the Handling of Avocados Grown in South Florida*

§ 915.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on January 27, 1971, upon proposed amendments to the amended marketing agreement and Order No. 915, as amended (7 CFR Part 915; 35 F.R. 16627), regulating the handling of avocados grown in south Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby amended, regulates the handling of avocados grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area covered thereby as are necessary to give due recognition to the differences in production and marketing of avocados covered thereby; and

(5) All handling of avocados grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of avocados grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby amended, as follows:

Paragraph (a) of § 915.51 *Issuance of regulations* is revised by adding thereto a new subparagraph (5) reading as follows:

§ 915.51 **Issuance of regulations.**

(a) * * *

(5) Provide that any or all requirements effective pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph applicable to the handling of avocados shall be different for the handling of avocados within the production area and for the handling of avocados between the production area and any point outside thereof.

* * * * *

[FR Doc.71-8600 Filed 6-17-71;8:50 am]

[7 CFR Part 917]

[Docket No. AO-90-A5]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Decision (Partial) and Referendum Order With Respect to Proposed Amendment of the Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, Calif., on January 13, 1971, after notice thereof published in the FEDERAL REGISTER (35 F.R. 19579), on proposed further amendment of the marketing agreement and Order No. 917 (7 CFR Part 917; 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on May 7, 1971, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 71-6612; 36 F.R. 8735). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 71-6612; 36 F.R. 8735) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California" and "Amended Order Reguating the Handling of Fresh Pears, Plums, and Peaches Grown in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1970, through October 31, 1970 (which period is hereby determined to be a representation period for the purpose of such referendum), were engaged, in the State of California in the production of pears or plums for shipment in fresh form to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 917, as amended (7 CFR Part 917; 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in California.

W. B. Blackburn and G. P. Muck, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with these contained in the annexed order which will be published with this decision.

Dated: June 14, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, as amended, Regulating Handling of Fresh Pears, Plums, and Peaches Grown in California

§ 917.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on January 13, 1971, upon a proposed further amendment of the marketing agreement and order (7 CFR Part 917; 36 F.R. 7510) regulating the handling of fresh pears, plums, and peaches grown in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective time hereof, all han-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

dling of fresh pears, plums, and peaches grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 917.4 *Fruit* is revised to read as follows:

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) all varieties of peaches, and (c) all varieties of pears except Beurre Hardy, Beurre D'Anjou, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau.

4. Paragraphs (k), (q), and (r) of § 917.14 *District* are amended to read as follows:

§ 917.14 District.

* * * * *

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, and Ventura County.

* * * * *

(q) "Tehachapi District" includes and consists of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and Los Angeles County.

5. Paragraph (b) of § 917.18 *Nomination of grower members of the Control Committee* is revised to read as follows:

§ 917.18 Nomination of grower members of the Control Committee.

* * * * *

(b) A person nominated by any commodity committee for membership on the Control Committee shall be an individual person who produced fruit during the previous season, and who is a member or alternate member of the commodity committee which nominates him. Such persons shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

7. Section 917.20 *Designation of members of commodity committees* is amended to read as follows:

§ 917.20 Designation of members of commodity committees.

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 13 members. The members of each said committees shall be selected biennially for a term ending on the last day of February of odd numbered years, and such members shall serve until their respective successors are selected and have qualified. The members of each commodity committee shall be selected in accordance with the provisions of § 917.25.

12. The introductory language and paragraph (a) of § 917.35 *Powers and duties of each commodity committee* are amended to read as follows:

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties.

(a) With regard to the respective fruit for which it was established, to establish production research and marketing research and development projects as authorized under § 917.39, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purpose of this part: *Provided, however,* That the Pear and Plum Commodity Committees shall each approve actions under § 917.39 and make said recommendation pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than 8 members of each said committee: *Provided further,* That the Peach Commodity Committee shall approve such actions pursuant to § 917.39 or make said recommendations pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than 9 members of said committee.

* * * * *

12a. Section 917.39 *Market research and development* is amended to read as follows:

§ 917.39 Market research and development.

The committees, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of fruit. Such projects, with respect to plums may provide for any form of marketing promotion including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 917.37.

14. Paragraph (e) of § 917.61 *Termination* is revised to read as follows:

§ 917.61 Termination.

* * * * *

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1974, and ending February 15, 1975, to ascertain whether continuance of this part as to any fruit included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

* * * * *

[FR Doc.71-8601 Filed 6-17-71;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1902]

DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Procedures for Approval of State Plans

Pursuant to sections 8(g) and 18 of the Williams-Steiger Occupational Safety and Health Act of 1970, it is hereby proposed to issue rules setting forth the procedures and requirements for carrying out the provisions of section 18 of the Act relating to State plans for the development and enforcement of State occupational safety and health standards. Under section 18(b), any State desiring to assume responsibility for the development and enforcement of occupational safety and health standards relating to any occupational safety and health issue with respect to which a Federal standard has been issued under section 6 of the Act may submit a plan for assuming this responsibility of the Secretary of Labor. The Secretary shall approve any such plan which in his judgment, meets the requirements of section 18(c) of the Act.

Within 20 days following publication of this proposal in the FEDERAL REGISTER interested persons may submit written data, views, and arguments concerning the proposal to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210.

The proposal reads as follows:

PART 1902—STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Subpart A—General

Sec.

Subpart B—Criteria for State Plans

Subpart C—Procedure for Submission and Approval of State Plans

AUTHORITY: The provisions of this Part 1902 issued under secs. 8(g), 18, 84 Stat. 1600, 1608.

Subpart A—General

§ 1902.1 Purpose and scope.

(a) This part applies the provisions of section 18 of the Williams Steiger Occupational Safety and Health Act of 1970 (hereinafter, the "Act") relating to

State plans for the development and enforcement of State occupational safety and health standards. The provisions of this part set forth the procedures for approving or rejecting State plans submitted to the Secretary. In the Act, Congress declared its purpose and policy to be "encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws." Section 18(b) provides that any State which desires to assume responsibility for the development and enforcement therein of occupational safety and health standards relating to issues covered by corresponding standards promulgated by the Secretary of Labor under section 6 of the Act shall submit a State plan to the Secretary.

(b) Section 18(c) of the Act sets out the criteria which the plan shall meet either initially or upon modification if it is to be approved. Foremost among these criteria is the requirement that the plan must provide for the development of State standards and the enforcement of such standards which will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 of the Act which relate to the same issues.

(c)(1) After the Secretary approves a State plan submitted under section 18(b), he may but is not required to exercise his enforcement authority with respect to Federal standards corresponding to standards approved under the plan until he determines, in accordance with section 18(e) of the Act, on the basis of actual operations under the plan that the State is applying the criteria of section 18(c) of the Act. The Secretary shall not make this determination (i) for at least 3 years after approval of the plan, and (ii) until the State has completed all the steps specified in its plan which are designed to make it equally effective with the Federal program and the Secretary has had at least 1 year in which to evaluate the program on the basis of actual operations. After the determination, the Secretary's enforcement authority shall not apply with respect to any occupational safety or health issue covered by the plan. Notwithstanding plan approval and a determination under section 18(e) that the section 18(c) criteria are being followed, the Secretary shall make a continuing evaluation of the manner in which the State is carrying out the plan.

(2) Whenever the Secretary determines, after giving notice and affording the State an opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the plan or any assurance contined therein, he shall withdraw approval of such plan in whole or in part and upon notice the State shall cease operations under any disapproved plan or part thereof, except that it will be permitted to retain jurisdiction as to any case commenced before withdrawal of approval.

(3) A determination of approval of a State plan under section 18(e) does not affect the authority of the Secretary to enforce Federal standards covering issues not included under the State plan.

(d) It is the policy of the Secretary to encourage the assumption by the States of the fullest responsibility for the development and enforcement of their own occupational safety and health standards. Similarly, this assumption of responsibility includes State development and enforcement of standards on as many occupational safety and health issues as possible. To these ends, the Secretary, through the Assistant Secretary for Occupational Safety and Health, intends to cooperate with the States so that they can obtain approval of plans for the development and enforcement of State standards, which will be at least as effective as the Federal standards and enforcement.

(e) After the Secretary has approved a plan, he may approve one or more grants under section 23(g) of the Act to assist the State in administering and enforcing its program for occupational safety and health in accordance with appropriate instructions or procedures to be promulgated by the Secretary.

§ 1902.2 General policies.

(a) *Policy.* (1) The Secretary will approve a State plan which provides for an occupational safety and health program with respect to covered issues that in his judgment meets the criteria set forth in section 18(c).

(2) That section requires a State plan to meet certain specific criteria which set forth in § 1902.3. Among these is the requirement that the State plan provide for the development and enforcement of standards which will be at least as effective in providing safe and healthful employment and places of employment as standards promulgated and enforced under section 6 of the Act. In determining whether a State plan satisfies this requirement, the Secretary will measure the plan against the indices of equal effectiveness set forth in § 1902.4.

(b) *Determinations of equal effectiveness.* (1) A State plan will be deemed at least as effective as the Federal program if, when measured against the indices set forth in § 1902.4, it is found to contain provisions which are in all relevant respects identical to corresponding Federal provisions, or if it is different in relevant respects but the State can show by means of factual or other data that despite such variations the State's plan for development and enforcement of standards will be at least as effective as the Federal program.

(2) A State plan may be approved although the State standards, procedures for development of standards, or its enforcement program, upon submission, are not at least as effective as the corresponding Federal program when measured against the indices set forth in § 1902.4, provided the State undertakes the necessary steps to make them so. In such case the State plan shall include the specific actions the State proposes to take and set forth a time schedule, not to exceed 3 years, within which the State program will meet the requirements of equal effectiveness, including the date or dates within which intermediate and final action will be accomplished. If necessary program changes require legislative action, a copy of a bill or a draft of legislation that will be or has been proposed for enactment, with a statement of the Governor's support of the legislation, shall be submitted. On the basis of the State's submission the Secretary will approve the plan if he finds that there is a reasonable expectation that the requirements of equal effectiveness will be met within the proposed schedule. In such case, the Secretary shall not make a determination under section 18(e) that a State is applying the criteria of section 18(c) until the State has completed all the steps specified in its plan which are designed to make it at least as effective as the Federal program, and the Secretary has had at least 1 year to evaluate the plan on the basis of actual operations.

(c) *Scope of State plan.* (1) The State plan shall include standards which are as broad in coverage as one or more subparts of Part 1910 of this chapter dealing with the same industrial, occupational, or hazard grouping, except that for good reason shown the Secretary may approve a plan with a different coverage if he finds it to be administratively practicable. An example of different coverage which might be administratively practicable would be a plan covering one or more major subject categories in Subpart G, Occupational Health and Environment, or Subpart R, Special Industries. The plan should describe the occupational safety and health issue or issues and the State standard or standards applicable to each such issue or issues over which it desires to assume enforcement responsibility in terms of the corresponding Federal industrial, occupational or hazard groupings, and set forth the reasons, supported with appropriate data, for any variations the State proposes from the coverage of Federal standards.

(2) The State plan shall apply to all employers and employees within the affected industry, occupational or hazard grouping unless the Secretary finds that the State has shown good cause why any group or groups of employers or employees should be excluded.

Subpart B—Criteria for State Plans

§ 1902.3 Specific criteria.

(a) An acceptable State plan must meet the specific criteria set forth in this section.

(b) Description of State Agency:

(1) The State plan shall designate a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State.

(2) The plan shall also describe the authority and responsibilities vested in such agency or agencies.

(3) A State agency or agencies must be designated with overall responsibility for administering the plan throughout the State. However, the State may delegate responsibility and authority for the development or enforcement of standards to agencies of political subdivisions of the State, provided the State agency or agencies is given adequate authority by statute, regulation, or agreement, to ensure that local agencies of political subdivisions will fulfill the commitments of the State under the plan.

(c) Standards:

(1) The State plan shall include or provide for the development of, and contain assurances that the State will continue to develop, standards which are at least as effective as those promulgated under section 6 of the Act. Indices of the effectiveness of standards and standards setting procedures against which the Secretary will measure the State plan in determining whether it is approvable are set forth in § 1902.4(b).

(2) The State plan may not include standards which require products distributed and used in interstate commerce (such as products used by persons employed in manufacturing or construction in the course of their employment) to be made according to specifications different from those generally used except when required by compelling local conditions, and when application of such specifications does not place an undue burden on interstate commerce. This provision, reflecting section 18(c)(2) of the Act, is interpreted to apply to those products that are normally used or distributed in interstate commerce. It is not interpreted as being applicable to products designed solely for use on or in a particular local situation; i.e., customized products not normally available in the open market and differing substantially from such products.

(d) Enforcement:

(1) The State plan shall provide a program for the enforcement of the State standards which is at least as effective as that provided in the Act, and provide assurances that the State's enforcement program will continue to be at least as effective as the Federal program. Indices of the effectiveness of a State's enforcement plan against which the Secretary will measure the State plan in determining whether it is approvable are set forth in § 1902.4(c).

(2) The State plan shall require employers to comply with all applicable State occupational standards covered by the plan and all applicable rules and regulations issued thereunder, and employees to comply with all standards, rules, regulations, and orders applicable to their conduct.

(e) Right of entry and inspection: The State plan shall contain adequate assurance that inspectors will have a right to enter and inspect covered workplaces which is at least as effective as that provided in section 8 of the Act. Where such entry or inspection is refused, the State agency or agencies shall have the authority, through appropriate legal process, to compel such entry and inspection.

(f) Prohibition against advance notice: The State plan shall contain a prohibition against advance notice of inspections unless expressly authorized by the head of the designated agency or agencies or his representative under circumstances similar to those authorized under the Act.

(g) Legal authority: The State plan shall contain satisfactory assurances that the designated agency or agencies have or will have the legal authority necessary for the enforcement of its standards.

(h) Personnel: The State plan shall provide assurances that the designated agency or agencies have or will have qualified personnel necessary for the enforcement of the standards. For this purpose qualified personnel means persons employed on a merit basis. Compliance with the standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Labor, Secretary of Health, Education, and Welfare, and the Secretary of Defense, will be deemed to meet this requirement.

(i) Resources: The State plan shall contain satisfactory assurances through the use of budget, organizational description, and any other means that the State will devote adequate funds for the administration and enforcement of the program. The Assistant Secretary will make periodic evaluations of the adequacy of the State resources devoted to the plan.

(j) State and local government employees: The State plan shall include, to the extent permitted by State law, an effective and comprehensive occupational safety and health program covering all employees of public agencies of the State and its political subdivisions. Such program shall be as effective as the standards contained in the plan which are applicable to employees covered by the plan.

(k) Employer records and reports: The State plan shall provide assurances that employers covered by the plan will maintain records and make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect.

(l) State agency reports to the Secretary: The State plan shall provide assurances that the designated agency or agencies shall make such reports to the Secretary in such form and containing such information as he may from time to time require. The agency or agencies shall establish specific goals, including measures of performance, output and results which will determine the efficiency and effectiveness of the State program, and shall make periodic reports to the Secretary on the extent to which the State, in implementation of its plan, has attained these goals. Reports will also include data and information on the implementation of the specific inspection and voluntary compliance activities included within the State plan. Further, these reports shall contain such statistical information pertaining to work related deaths, injuries, and illnesses in employments and places of employment covered by the plan as the Secretary may from time to time require.

§ 1902.4 Indices of equal effectiveness.

(a) In determining whether a State plan provides for the development and enforcement of standards at least as effective as Federal standards and enforcement, the Secretary will, as provided in § 1902.2(b), measure the State plan against the indices listed herein. Any State may, if it wishes, meet these indices by establishing the same procedures, criteria, rules, etc., as have been established by the Secretary under the Act for purposes of Federal enforcement. A State plan may be deemed to provide for at least equally effective standards and enforcement if it sustains a lack of need for any of the indices listed herein.

(b) Standards: The indices for evaluation of a State's plan with regard to standards follow. The Secretary will consider whether the State plan:

(1) Provides for standards with respect to specific issues which are or will be at least equally effective as the standards promulgated under section 6 of the Act relating to the same issues. In the case of any standards dealing with toxic materials or harmful physical agents, these standards should, to the extent feasible, assure that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.

(2) Provides an adequate method to assure that its standards will continue to be at least equally effective with Federal standards.

(3) Provides a procedure for the promulgation of standards which affords interested persons an opportunity to be heard, and which includes procedures for consideration of expert technical knowledge. The State may, if it wishes, satisfy this index by relying on the opportunity for a hearing and consideration of expert technical knowledge which is provided at the Federal level before adoption of Federal standards under section 6.

(4) Provides for the granting of variances from State standards where the petitioning employer (or employers) shows that the practices, means, methods, or processes used or proposed to be used will provide employment and places of employment to affected employees as safe and as healthful as would be provided if he complied with State standards. The State plan may provide for other variances which correspond to variances authorized under the Act. The Secretary will also consider whether the plan provides for affected employees and employers to be given an opportunity to participate in hearings on the granting of such variances.

(5) Provides for prompt issuance of temporary standards in case of emergency.

(6) Contains provision to enable employees to protect and care for themselves; such as, by means of providing them with information regarding hazards, suitable precautions, relevant symptoms and emergency treatment in case of exposure. The Secretary will also consider whether the plan provides, where

appropriate, for medical examinations or tests of exposed employees at employer cost.

(7) Contains appropriate provision for protective equipment and technological monitoring of hazards.

(8) Identifies where appropriate the specific characteristics and needs within the State that will determine or affect the nature and scope of an effective occupational safety and health program. The Secretary will also consider whether the State plan contains adequate assurance that occupational safety and health issues to be covered by the plan will be related to such needs and whether in developing standards the State will give appropriate consideration to such needs and priority to issues involving recognized hazards that are causing or likely to cause death or serious physical harm to employees or in places of employment with the State.

(c) Enforcement: The indices for measurement of a State plan with regard to enforcement follow. The Secretary will consider whether the plan:

(1) Provides for prompt inspection in response to complaints where there are reasonable grounds to believe that a hazardous condition exists, and for regular compliance inspections of covered workplaces. To demonstrate the adequacy of its provision for regular compliance inspections of workplaces, the submittal should include a schedule of inspections, including the number and type of workplaces to be inspected, and a description of how inspection sites will be selected.

(2) Provides for an opportunity for workers and their designated representatives before, during, and after inspections to bring possible violations of the standards to the attention of the representative of the agency with enforcement authority.

(3) Provides for employees and their representatives to be informed when the designated agency or agencies decide not to initiate enforcement proceedings on the basis of information furnished by such employees or their representatives. The Secretary will also consider whether the plan gives employees and their representatives an opportunity for informal review when a decision not to initiate enforcement proceedings is made.

(4) Provides that employees will be informed of their rights and responsibilities under State law, and will be given access to full information about specific standards.

(5) Provides necessary and appropriate protection to an employee against discharge or discrimination in terms and conditions of employment because he has filed a complaint, testified, or otherwise acted to exercise rights under the act for himself or others.

(6) Requires notice to be given to any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by applicable safety and health standards or provides some other effective means of allowing employees to protect themselves. The Secretary will also consider whether the plan provides for the keeping of records of any employee exposure to toxic materials and harmful physical agents, and for such records to be available to employees.

(7) Provides procedures for the prompt restraining or elimination of any conditions or practices in employment or any place of employment that are subject to the plan and which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for in the plan.

(8) Provides adequate safeguards to assure that any trade secrets obtained in the course of an inspection or proceeding for enforcement will be kept confidential.

(9) Gives the State agency (or agencies) access to compulsory process or some effective procedure to enable it to obtain necessary evidence or testimony in connection with inspection and enforcement proceedings.

(10) Provides for prompt notice to employers and employees when a possible serious violation of standards has occurred.

(11) Provides effective sanctions against employers who violate standards and orders.

(12) Provides for an employer to have the right to administrative or judicial review of notices of alleged violation and proposed penalties. The Secretary will consider whether the employer will be afforded an opportunity for a full hearing on the issues in the proceeding, with the right to be heard and represented by council, and whether representatives of employees will be afforded the right to participate in administrative or judicial review proceedings.

(13) Provides that the State intends to undertake programs to increase voluntary compliance by employers. For this purpose, the State submittal should include the schedule it plans for training and professional consultations with employers and employees.

(d) Modified or additional indices: Upon his own motion or after consideration of data, views and arguments received in any proceeding held under Subpart C of this part, the Assistant Secretary may prescribe modified or additional indices for any State plan. Any modifications or additions to indices shall be in furtherance of the purpose of this part, as expressed in § 1902.1.

§ 1902.5 Delegation of authority.

The powers of the Secretary under this part shall be exercised by the Assistant Secretary of Labor for Occupational Safety and Health who is empowered to subdelegate such powers.

§ 1902.6 Intergovernmental Cooperation Act of 1968.

This part shall be construed in a manner consistent with the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201–4233), and any regulations pursuant thereto.

Subpart C—Procedure for Submission and Approval of State Plans

§ 1902.10 Submission.

(a) An authorized representative of the State agency or agencies responsible for administering the plan shall submit the plan (with 10 copies) to the nearest Regional Administrator of the Occupational Safety and Health Administration, U.S. Department of Labor. The State plan shall be accompanied by any supporting papers (and 10 copies) relating to the requirements specified in Subpart B of this part. In addition, the plan shall be accompanied by an original and 10 copies of any State occupational safety and health standards which are covered by the plan, including copies of any enabling or specific State laws and regulations relating to such standards. Whenever any of the representations of a State concerning the requirements of Subpart B of this part are dependent upon any judicial or administrative interpretations of the pertinent State standards or their enforcement, citations to any pertinent judicial decisions shall be furnished and copies of any pertinent administrative decisions shall be furnished (10 copies).

(b) Upon receipt of State plan the Regional Administrator shall make forthwith a preliminary examination of the plan. In the event his examination reveals any apparent defect or defects in the plan, the Regional Administrator shall promptly offer technical assistance to the State agency for the curing of such defect or defects. After his preliminary examination, and after the State has had an opportunity to cure any apparent defects, the Regional Administrator shall promptly submit the plan to the Assistant Secretary for Occupational Safety and Health, hereinafter referred to as the Assistant Secretary.

(c) When the Assistant Secretary receives a plan from a Regional Administrator he shall promptly examine the plan and any supporting materials. Whenever the examination discloses no cause for rejecting the plan, the Assistant Secretary shall follow the procedure prescribed in § 1902.11. Whenever the examination discloses cause for rejection of the plan, the Assistant Secretary shall follow the procedure prescribed in § 1902.12.

§ 1902.11 Proposed approval procedure.

(a) The Assistant Secretary shall publish in the FEDERAL REGISTER a notice which shall:

(1) Describe briefly the contents of the plan;

(2) Announce the proposed approval of the plan;

(3) Announce that the plan or copies thereof may be inspected at the national office of the Occupational Safety and Health Administration and the office of the Regional Administrator involved; and

(4) Afford interested persons an opportunity to submit data, views, and arguments in writing, orally, or both, on the proposed approval of the plan and

any related subjects and issues which may be specified. The time permitted for such comments shall be specified in such notice but shall not exceed 30 days from the date of publication.

(b) After consideration of all relevant matter presented the Assistant Secretary shall either approve or propose to reject the plan. In the event of approval of the plan, a notice to that effect shall be published in the FEDERAL REGISTER. In the event of a proposed rejection of a plan, the Assistant Secretary shall follow the procedures prescribed in § 1902.12.

§ 1902.12 Proposed rejection procedure.

(a) *General.* Whenever as a result of an initial examination of a plan or following the procedure prescribed in § 1902.11, the Assistant Secretary proposes to reject a State plan, he shall follow the procedures prescribed in the remaining paragraphs of this section.

(b) *Notice.* The Assistant Secretary shall publish a notice in the FEDERAL REGISTER which shall:

(1) Describe briefly the contents of the State plan;

(2) Announce his proposed rejection of the plan and state the reasons therefor;

(3) Announce that the plan or copies thereof may be inspected at the national office of the Occupational Safety and Health Administration and the office of the Regional Administrator involved;

(4) Afford interested persons an opportunity to submit written evidence in question-and-answer form (original and four copies) on the proposed rejection of the plan and any subjects or issues relating to the reasons for proposed rejection, together with any proposed findings and conclusions concerning the disposition of such issues and supporting arguments;

(5) Afford interested persons under 5 U.S.C. 556 an opportunity to show that they would be prejudiced by submitting in writing all, or part of the, evidence relating to the proposal or any subsidiary subjects or issues involved; and

(6) Specify a reasonable time, not to exceed 30 days, for the submission of written evidence and any possible showing of prejudice.

(c) *Oral hearing.* In the event the Assistant Secretary finds that the rights of any interested persons under 5 U.S.C. 556 would be prejudiced by the disposition of the proposal and any subsidiary subjects or issues based only on the submission of written evidence, he shall provide an opportunity for hearing affording to such interested persons the rights specified in 5 U.S.C. 556. The Assistant Secretary shall, in such event, publish a notice of hearing. The rules of procedure for such a hearing shall be specified in the notice.

(d) *Tentative decision.* (1) On the basis of the whole record, the Assistant Secretary shall issue a tentative decision either approving or rejecting the State plan. The tentative decision shall include a statement of the findings and conclusions and reasons or bases therefor on all material issues of fact, law, or discretion which have been presented. The tentative decision shall be published in the FEDERAL REGISTER.

(2) The State agency and other interested persons filing written evidence in response to the notice prescribed under paragraph (b) of this section may waive the tentative decision. In such event the Assistant Secretary shall issue a final decision.

(e) *Exceptions to tentative decisions; final decision.* (1) Interested persons shall have an opportunity to file exceptions to a tentative decision and objections to such exceptions within periods of time to be specified in the tentative decision. An original and four copies of any exception or objections shall be filed.

(2) Thereafter the Assistant Secretary shall issue a final decision ruling upon each exception filed. The final decision shall be published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 14th day of June 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-8630 Filed 6-17-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 135g, 141a, 146a, 146c, 146e]

INTRAMAMMARY INFUSION PRODUCTS FOR TREATING MASTITIS

Proposed Revocation of Food Additive Regulations and Antibiotic Certification Provisions; Interim Procedure

In the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6602), 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 of reports received from the Academy on certain intramammary infusion products containing certifiable antibiotics intended for use in treating mastitis in milk-producing animals.

The announcement invited the manufacturers of the drugs and any other interested persons to submit pertinent data on the drugs' effectiveness.

No adequate data were received in response to the announcement, and available information fails to provide substantial evidence of effectiveness of the drugs containing certifiable antibiotics named in said announcement for their recommended use in treating mastitis in milk-producing animals.

Having considered the available information, the Commission finds that all intramammary infusion products containing certifiable antibiotics must meet the standards set by the Academy.

In response to the announcement, certain firms have made commitments to conduct controlled studies to comply with said announcement. Based on these commitments and the length of time required to generate adequate information under conditions of use, the Commissioner concludes that as an interim procedure, firms now marketing intramammary infusion products containing certain certifiable antibiotics shall be permitted 1 year in which to submit new animal drug applications and complete data to comply with said announcement. Products that will be permitted during this time must comply with the regulations as amended by this order.

Accordingly, based on the foregoing and a review of certain other drug products covered by present regulations, the Commissioner proposes to revoke certain food additive regulations providing for intramammary infusion products (21 CFR Part 121); to revoke corresponding tolerances for residues of such preparations in food (21 CFR Part 135g); and to delete from the antibiotic drug regulations provisions for certification of certain intramammary infusion products (21 CFR Parts 146a, 146c, 146e).

If the amendments proposed herein are adopted, intramammary infusion products certified under §§ 146a.9, 146a.10, 146a.20, 146a.22, 146a.23, 146a.24, 146a.25, 146a.26, 146a.47, 146a.50, 146a.52, 146a.54, 146a.56, 146a.66, 146a.70, 146a.87, 146a.89, 146a.108, 146a.111, 146a.112, 146c.223, 146c.268, and 146e.429 will no longer be eligible for certification nor shall any products covered by § 146a.45 be eligible for certification if they contain nitrofurazone.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 507, 512, 59 Stat. 463, as amended, 72 Stat. 1785–88, as amended, 82 Stat. 343–51; 21 U.S.C. 348, 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Parts 121, 135g, 141a, 146a, 146c, and 146e be amended:

1. In § 121.249(a), by revoking subparagraphs (1), (3), (6), and (7).

2. By revoking §§ 121.314, 121.315, 121.316, and 121.317.

3. By revoking §§ 135g.3, 135g.66, 146a.9, 146a.10, 146a.20, 146a.23, and 146a.25.

4. In § 146a.26(a), by deleting all of the second sentence and by deleting from the fourth sentence ", except if it is packaged and labeled solely for udder instillations of cattle, its potency is not less than 2,000 units per gram."

5. By revising § 146a.45(a) and (d)(2)(i) and (ii) and (3)(iii) to read as follows:

§ 146a.45 Procaine penicillin G in oil.

(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin G in oil is a suspension of procaine penicillin G in a refined vegetable oil, with or without the addition of one or more suitable and harmless dispersing agents and with or without the addition of a hardening agent. If it is intended solely for veterinary use and is conspicuously so labeled, it may contain furaltadone in ac-

cordance with § 121.249(a)(5) of this chapter.

Its potency is 300,000 units per milliliter, except if it is packaged and labeled solely for veterinary use and is conspicuously so labeled.

Its moisture content is not more than 1.4 percent. It is sterile, unless it is packaged and labeled solely for udder instillations of cattle, except that it is sterile if it is packaged and labeled solely for udder instillations of cattle and it contains furaltadone. The procaine penicillin G used conforms to the requirements of § 146a.44(a), except if the procaine penicillin G in oil is packaged and labeled solely for udder instillations of cattle and is not required to be sterile, the penicillin used is exempt from the requirements of paragraph (a) (2), (3), and (4) of that section. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium. If the hardening agent is a hydrogenated and deodorized peanut oil, it is free from rancidity; it has an iodine value of not more than 10; its free fatty acid content as oleic acid is not more than one-tenth of 1 percent; and its melting point is 64±2° C.

* * * * *

(d) * * *

(2) * * *

(i) The batch; potency, sterility (unless it is intended solely for udder instillations of cattle and is not required to be sterile), and moisture.

(ii) The procaine penicillin G used in making the batch; potency, moisture, pH, crystallinity, penicillin K content (unless it is crystalline penicillin G), procaine penicillin G content, and, unless the batch of procaine penicillin G in oil is intended solely for udder instillations of cattle and is not required to be sterile, toxicity, sterility, and pyrogens.

(3) * * *

(iii) In case of an initial request for certification, the vegetable oil and each dispersing and hardening agent or other ingredient used in making the batch: One package of each containing, respectively, approximately 250 grams and 5 grams.

* * * * *

6. In § 146a.52(a):

a. Subparagraph (1), second sentence, by deleting ", except if the batch of procaine penicillin and crystalline penicillin in oil is intended solely for udder instillations of cattle, the crystalline penicillin used is exempt from the requirements of paragraph (a) (2), (3), and (4) of that section."

b. Subparagraph (3), first sentence, by deleting "(unless it is intended for udder instillations of cattle)" and "and, unless the batch of procaine penicillin and crystalline penicillin in oil is intended solely for udder instillations of cattle,".

7. In § 146a.54(a)(3), first sentence, by deleting "if it is packaged and labeled solely for udder instillations of cattle it may contain papain;".

8. By revoking § 146a.56.

9. By revising § 146a.57(a) (1) and (2) to read as follows:

§ 146a.57 Procaine penicillin and streptomycin in oil veterinary; procaine penicillin and dihydrostreptomycin in oil veterinary.

(a) * * *

(1) It contains not less than 2.0 milligrams of streptomycin or dihydrostreptomycin per milliliter. The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101(a) or § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine, or by § 146b.114(a) of this chapter, except that if it is intended for udder instillations of cattle the dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine, or by § 146b.114(a) of this chapter, except the standard for toxicity.

(2) It may contain cortisone or a suitable derivative of cortisone, and/or one suitable sulfonamide, if it is intended solely for udder instillations of cattle, which ingredient, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium. If it is intended solely for udder instillations of cattle, it may be packaged in containers with one or more suitable inert gases.

* * * * *

10a. By revising the heading of § 141a.93 to read as follows:

§ 141a.93 Procaine penicillin G-neomycin in oil, veterinary.

* * * * *

b. By revising § 146a.62 to read as follows:

§ 146a.62 Procaine penicillin G-neomycin in oil, veterinary.

Procaine penicillin G-neomycin in oil conforms to all requirements and is subject to all procedures prescribed by § 146a.45 for procaine penicillin G in oil, except that:

(a) It contains neomycin sulfate. The neomycin sulfate used in making the batch conforms to the standards prescribed by § 146e.410 of this chapter, except the standard for toxicity.

(b) It may contain cortisone or a suitable derivative of cortisone and/or one suitable sulfonamide.

(c) In addition to the labeling requirements prescribed by § 146a.45(c), each package shall bear on the outside wrapper or container and the immediate container the statement "For udder instillation of cattle only." If it contains cortisone or a derivative of cortisone and/or a sulfonamide, each package shall bear on its label and labeling, after the name "procaine penicillin G-neomycin in oil," wherever it appears, the words "with ------," the blank being filled in with the established names of such other ingredients, in juxtaposition with such name.

(d) In addition to complying with the requirements of § 146a.45(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, moisture, and pH; and the number of units of procaine penicillin G and the number of milligrams of neomycin in each gram or milliliter of the batch. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making the batch.

11. By revoking §§ 146a.70 and 146a.87.

12. By adding to § 146a.89(a) a new subparagraph, as follows:

§ 146a.89 Penicillin-streptomycin-neomycin in oil; penicillin-dihydrostreptomycin-neomycin in oil; penicillin-streptomycin-neomycin ointment; penicillin-dihydrostreptomycin-neomycin ointment.

* * * * *

(a) * * *

(4) If it is intended solely for veterinary use, it is packaged and labeled either for subcutaneous injection in fowl or for use in the eyes and ears of animals.

* * * * *

13. By revoking § 146a.108.

14. In § 146a.111(a), fifth sentence, by deleting ", except that if the drug is intended for use by udder instillation, each single dose as recommended in its labeling contains not more than 100,000 units of penicillin."

15. By revoking §§ 146a.112, 146c.223, 146c.268, and 146e.429.

16. In § 146a.24(c)(2)(ii), by deleting "§ 121.314 or".

17. In § 146a.47(c)(2)(iii), by deleting "§ 121.315 or".

18. In § 146a.50(e), by deleting "§ 121.316 or".

19. In § 146a.66(c)(2)(ii), by deleting "§ 121.317 or".

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

Dated: June 10, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8570 Filed 6-17-71;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 76]

[Docket No. R-71-100]

EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

Notice of Proposed Rule Making

The Department of Housing and Urban Development is considering amending Title 24 of the Code of Federal Regulations to include a new Part 76 entitled "Employment Opportunities for Lower Income Persons in Connection with Assisted Projects." The proposed amendment, issued pursuant to section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, would establish procedures to encourage the employment on assisted projects of lower income persons residing in the project locale, and the award of project-related contracts to businesses similarly located.

The proposed regulations, the purpose of which is more fully set forth under § 76.1, relate to public property, loans, grants, benefits, or contracts, and are not subject to the rule making requirements of 5 U.S.C. 553. However, recently announced Department policy provides that rules and regulations, as broadly defined by the promulgating notice, 36 F.R. 4291, will be published for proposed rule making. Accordingly, interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements with regard to the proposed regulations. Communications should identify the proposed rule by the above docket number and title and should be filed in triplicate with the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410. All relevant material received on or before July 19, 1971, will be considered by the Assistant Secretary before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed rule is issued pursuant to section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

The proposed Part 76 reads as follows:

PART 76—EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS WITHIN THE PROJECT LOCALE

Subpart A—General

AUTHORITY: The provisions of this Part 76 are issued under section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Subpart A—General

§ 76.1 Purpose and scope of part.

(a) The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development for carrying out his responsibilities under section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u. That section requires that:

> In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—
>
> (1) Require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and
>
> (2) Require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.

(b) In the development of these regulations the Secretary has consulted with the Secretary of Labor and the Administrator of the Small Business Administration and mutual agreement has been reached with respect to the coordination of employment and training efforts and contracts awards under these regulations by the Department of Housing and Urban Development, the Department of Labor, and the Small Business Administration.

(c) The Secretary will issue such further regulations in connection with his responsibilities under section 3 of the Housing and Urban Development Act of 1968, as he finds appropriate and may, as needed, amplify any regulations issued pursuant to section 3, through guidelines, handbooks, circulars, or other means.

§ 76.5 Definitions.

As used in this part—

(a) "Applicant" means any entity seeking assistance for a section 3 covered project including, but not limited to, mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders, or property managers.

(b) "Business concerns located within the section 3 covered project area" means those individuals or firms located within the relevant section 3 covered project area as determined pursuant to § 76.15 which are small and owned by persons considered by the Small Business Administration to be socially or economically disadvantaged.

(c) "Business concerns owned in substantial part by persons residing in the section 3 covered project area" means those business concerns which are 51 percent or more owned by persons residing within the relevant section 3 covered project as determined pursuant to § 76.15 and which are small and owned by persons considered by the Small Business Administration to be socially or economically disadvantaged.

(d) "Contracting party" means any entity which contracts with a contractor for the performance of work in connection with a section 3 covered project.

(e) "Contractor" means any entity which performs work in connection with a section 3 covered project.

(f) "Department" means the Department of Housing and Urban Development.

(g) "Lower income resident of the area" means any individual who resides within the area of a section 3 covered project and whose family income does not exceed 80 percent of the median income in the Standard Metropolitan Statistical Area (or the county, if not within an SMSA) in which the section 3 covered project is located.

(h) "Political jurisdiction" means a politically organized community with a

governing body having general governmental powers.

(i) "Recipient" means any entity who received assistance for a section 3 covered project including, but not limited to, mortgagors, developers, local public bodies, nonprofit or limited dividend sponsors, builders or property managers.

(j) "Secretary" means the Secretary of Housing and Urban Development.

(k) "Section 3" means section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u.

(l) "Section 3 clause" means the contract provisions set forth in § 76.20(b).

(m) "Section 3 covered project" means any project assisted by any program administered by the Secretary in which loans, grants, subsidies, or other financial assistance are provided in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development (except where the financial assistance available under such program is solely in the form of insurance or guaranty).

(n) "Subcontractor" means any entity (other than a person who is an employee of the contractor) which has agreed or arranged with a contractor to undertake a portion of the contractor's obligation or the performance of work in connection with a section 3 covered project.

§ 76.10 Delegation to Assistant Secretary for Equal Opportunity.

Except as otherwise provided in this part, the functions of the Secretary referred to herein will be delegated to the Assistant Secretary for Equal Opportunity.

§ 76.15 Determination of the area of a section 3 covered project.

(a) The area of a section 3 covered project shall be determined as follows:

(1) The boundaries of a section 3 covered project located within a geographic area designated pursuant to the provisions of title I of the Housing Act of 1949, 42 U.S.C. 1450, or pursuant to the provisions of title I of the Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301, shall be coextensive with the boundaries of that geographic area.

(2) The boundaries of a section 3 covered project not located within a geographic area designated pursuant to title I of the Housing Act of 1949, or title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall be coextensive with the boundaries of the smallest political jurisdiction in which the project is located.

(3) To the extent that goals (established pursuant to Subparts B, C, and D of this part) cannot be met within a section 3 covered project area as determined pursuant to subparagraph (1) of this paragraph, the boundaries of the smallest political jurisdiction in which the section 3 covered project is located shall be designated as the relevant section 3 covered project area.

(b) The Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director, as appropriate, shall determine the boundaries of each section 3 covered project; develop a "Project Area Map" if the project area is determined pursuant to paragraph (a)(1) of this section, showing the section 3 covered project area, and the smallest political jurisdiction in which it is located, except where the project area is a Model Cities area which is coextensive with the city itself; and publish the "Project Area Map" in a newspaper serving the community in which the section 3 covered project area is located.

§ 76.20 Assurance of compliance with regulations.

(a) Every contract or agreement for a grant, loan, subsidy, or other direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, entered into by the Department of Housing and Urban Development shall contain provisions requiring the applicant or recipient to carry out the provisions of section 3, the regulations set forth in this part, and any applicable rules and orders of the Department issued thereunder prior to approval of its application for assistance for a section 3 covered project.

(b) Every applicant, recipient, contracting party, contractor, and subcontractor shall incorporate, or cause to be incorporated, in all contracts for work in connection with a section 3 covered project, the following clause (referred to as a section 3 clause):

A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

B. The parties to this contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR ------, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR ------. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR ------ and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR ------, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by rules, regulations, or applicable policy of the Department of Housing and Urban Development governing the program under which Federal assistance to the project is provided.

§ 76.25 Bidding and negotiation requirements.

(a) Every applicant and recipient shall require prospective contractors for work in connection with section 3 covered projects to provide, prior to the signing of the contract, a preliminary statement of work force needs (skilled, semiskilled, unskilled labor and trainees by category) where known; where not known, such information shall be supplied prior to the signing of any contract between contractors and their subcontractors.

(b) When a bidding procedure is used to let the contract, the invitation or solicitation for bids shall advise prospective contractors of the requirements of these regulations. When the contract is let pursuant to negotiation or methods other than formal bidding procedures, prospective contractors shall be advised by the contracting party of the requirements of these regulations as part of the contract specifications.

§ 76.30 Other applicant and recipient obligations.

Every applicant and recipient shall assist and actively cooperate with the Secretary in obtaining the compliance of their contractors and subcontractors with the requirements of these regulations, including cooperation and assistance in distributing and collecting forms and information, and in notifying contracting parties and contractors of violations of these regulations, and shall refrain from entering into any contract with any contractor after notification by the Department that the contractor has been found in violation of these regulations pursuant to § 76.110(j).

§ 76.35 Effectuation of applicant obligations in direct and indirect relationships.

(a) Where the applicant for assistance under a section 3 covered project and the recipient of such assistance are not one and the same, the recipient shall be regarded as the successor in interest of

the applicant and shall have the same obligations as the applicant with respect to compliance with these regulations. These obligations shall be incorporated specifically or by reference in the loan or grant agreement or other contract or agreement through which the assistance is provided to the recipient.

(b) Where the applicant or recipient itself will perform all or part of the work in connection with a section 3 covered project within the meaning of these regulations, with either permanent or temporary staff by force account, it will provide the Department with all forms and assurances required of a contractor or subcontractor by these regulations prior to the execution of any loan or grant agreement or other contract or agreement through which assistance is provided.

(c) Where the applicant, recipient or contractor sells, leases, transfers or otherwise conveys land upon which work in connection with a section 3 covered project within the meaning of these regulations is to be performed (for example, under the Urban Renewal or Neighborhood Development program), it shall include in each contract or subcontract for work on such land a clause requiring the purchaser, lessee, or redeveloper to assume the same obligations as a contractor for work under section 3 of these regulations (including the incorporation of the Assurance of Compliance language specified in § 76.20).

(d) Each such purchaser, lessee, or redeveloper shall be relieved of such obligations upon satisfactory completion of all work to be performed under the terms of the redevelopment contract.

Subpart B—Utilization of Lower Income Area Residents as Trainees

§ 76.40 General.

Each applicant, recipient, contractor or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligation to utilize lower income project area residents as trainees to the greatest extent feasible by:

(a) Utilizing the maximum number of persons in the various training categories in all phases of the work to be performed under the section 3 covered project; and

(b) Filling all vacant training positions with lower income project area residents except for those training positions which remain unfilled after a good faith effort has been made to fill them with eligible lower income project area residents.

§ 76.45 Establishing number of trainees.

(a) For the building construction occupations, the number of trainees or apprentices for each occupation shall be determined pursuant to regulations issued by the Secretary of Labor.

(b) For nonconstruction occupations or for any building construction occupations for which ratios are not determined pursuant to regulations of the Secretary of Labor, the number of trainees for each occupation shall be that number which can reasonably be utilized in each occupation on each phase of a section 3 covered project. The applicant, recipient, contractor, or subcontractor shall initially determine the maximum number of trainees for each occupation and submit that determination along with its justification to the Department.

§ 76.50 Good faith effort.

(a) Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort as required by § 76.40 has been made to fill all training positions with lower income area residents shall, as a minimum, set forth evidence acceptable to the Secretary that it has:

(1) Obtained from the Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director having jurisdiction over the section 3 covered project, the "Section 3 Project Area Map," if available; and

(2) Attempted to recruit from the appropriate areas the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service.

(3) Maintain a list of all lower income area residents who have applied either on their own or on referral from any source, and employ such persons, if otherwise eligible and if a trainee vacancy exists. If the contractor has no vacancies, the applicant, if otherwise eligible, shall be listed for the first available vacancy.

(b) Any applicant, recipient, contractor, or subcontractor which fills vacant apprentice or trainee positions in its organization from sources other than those specified in paragraph (a), subparagraph (2) of this section immediately prior to undertaking work pusuant to a section 3 covered project shall set forth evidence acceptable to the Secretary that its actions were not an attempt to circumvent these regulations.

Subpart C—Utilization of Lower Income Area Residents as Employees

§ 76.55 General.

Each applicant, recipient, contractor or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligation to utilize lower income project area residents as employees to the greatest extent feasible by:

(a) Identifying the number of positions in the various occupational categories including skilled, semiskilled, and unskilled labor, needed to perform each phase of the section 3 covered project;

(b) Identifying, of the positions identified in paragraph (a) of this section, the number of positions in the various occupational categories which are currently occupied by regular, permanent employees;

(c) Identifying, of the positions identified in paragraph (a) of this section, the number of positions in the various occupational categories which are not currently occupied by regular, permanent employees;

(d) Establishing, of the positions identified in paragraph (c) of this section, a goal which is consistent with the purpose of this subpart within each occupational category of the number of positions to be filled by lower income residents of the section 3 covered project area; and

(e) Making a good faith effort to fill all of the positions identified in paragraph (d) of this section with lower income project area residents.

§ 76.60 Good faith effort.

(a) Each applicant, recipient, contractor, or subcontractor seeking to establish that a good faith effort as required by paragraph (e) of § 76.55 has been made to fill all employment positions identified in paragraph (d) of § 76.55 with lower income project area residents shall, as a minimum, set forth evidence acceptable to the Secretary that it has:

(1) Obtained from the Department's Regional Administrator, Area Office Director, or FHA Insuring Office Director having jurisdiction over the section 3 covered project, the "Section 3 Project Area Map", if available; and

(2) Attempted to recruit from the appropriate areas the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Project Area Committees (PAC) in urban renewal areas, Model Cities citizen advisory boards, Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, or the U.S. Employment Service.

(b) Any applicant, recipient, contractor, or subcontractor which fills vacant § 76.55(d) employment positions in its organization immediately prior to undertaking work pursuant to a section 3 covered contract shall set forth evidence acceptable to the Secretary that its actions were not an attempt to circumvent these regulations.

(c) When lower income resident workers apply, either on their own initiative or on referral from any source, the recipient, contractor, or subcontractor shall determine the qualifications of such persons and shall employ such persons if their qualifications are satisfactory and the contractor has openings. If the recipient, contractor, or subcontractor is unable to employ the workers, such persons shall be listed for the first available opening.

Subpart D—Utilization of Business Located in or Owned in Substantial Part by Persons Residing in the Area

§ 76.65 General.

Each applicant, recipient, contractor, or subcontractor undertaking work on a

section 3 covered project shall assure that to the greatest extent feasible, contracts for work to be performed in connection with the project are awarded to business concerns located within the section 3 covered project area or business concerns owned in substantial part by persons residing in the section 3 covered area. The Department, in consultation with the Small Business Administration will establish for the section 3 covered project area a registry of business concerns which meet the definition contained in § 76.5 (b) and (c) of these regulations. Each applicant, recipient, contractor, or subcontractor undertaking work in connection with a section 3 covered project shall fulfill his obligations to utilize business concerns located within or owned in substantial part by persons residing in the section 3 covered project area by developing and implementing an affirmative action plan.

§ 76.70 Development of an affirmative action plan.

In developing an affirmative action plan, each applicant, recipient, contractor, and subcontractor preparing to undertake work pursuant to a section 3 covered contract shall:

(a) Set forth the approximate number and dollar value of all contracts proposed to be awarded to all businesses within each category (type or profession) over the duration of the section 3 covered project in question.

(b) Analyze the information set forth in paragraph (a) of this section and the availability of eligible business concerns within the project area doing business in professions or occupations identified as needed in paragraph (a), of this section, and set forth a goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the section 3 covered project.

(c) Outline the anticipated program to be used to achieve the goals for each business and/or professional category identified. This program should include but not be limited to the following actions:

(1) Insertion in the bid documents, if any, of the affirmative action plan of the applicant, recipient, contractor, or subcontractor letting the contract; and

(2) Identification within the bid document, if any, of the applicable section 3 project area.

(d) Indicate the anticipated process and steps which have been taken and/or will be taken to secure the cooperation of contractors, subcontractors, and unions in meeting the goals and carrying out the affirmative action plan developed pursuant to this subpart.

(e) Take steps to insure that the appropriate business concerns included in the Department's registry for the section 3 covered project area are notified of pending contractual opportunities either personally or through locally utilized media.

(f) Take steps to insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a section 3 covered project area.

(g) Where competitive bids are solicited, require the bidders to submit their utilization goals, and their affirmative action plans for accomplishing their goals, and in evaluating each bid, to determine its responsiveness, carefully evaluate the bidders' submission to determine whether the affirmative action plan proposed will accomplish the stated goals.

(h) Where advantageous, seek the assistance of local officials of the Department in preparing and implementing the affirmative action plan.

Subpart E—Participation in Approved Programs

§ 76.75 Participation as evidence of compliance with section 3 requirements.

Any applicant, recipient, contractor, or subcontractor may fulfill his obligations under Subparts B, C, and D of this part, respectively, to utilize lower income project area residents as trainees or employees on section 3 covered projects, and to award contracts to business concerns located in, or owned in substantial part by residents of, section 3 covered project areas by presenting evidence satisfactory to the Secretary that he is a cooperating participant in a federally assisted or other public program approved by the Department of Housing and Urban Development which provides training, employment, and/or business opportunities to lower income persons and business concerns which meet the definition in § 76.5 (b) and (c). The Secretary shall, from time to time, make public a list of those training, employment, and/or business opportunity programs approved by the Department.

Subpart F—Grievance and Compliance Review

§ 76.80 Who may file grievance.

Any lower income resident of the project area, for himself or as a representative of persons similarly situated, seeking employment or training opportunities with an applicant, recipient, contractor, or subcontractor, or any business concern located in, or owned in substantial part by persons residing within a project area seeking contract opportunities from any applicant, recipient, contractor, or subcontractor, for itself or as a representative of persons or firms similarly situated, may personally or by an authorized representative file a grievance alleging noncompliance with section 3, these regulations, or obligations undertaken pursuant thereto.

§ 76.85 Content of grievance filings.

(a) The grievance should include: (1) The name and address of the grievant, (2) the name and address of the grievant's business, if applicable, (3) the name and address of the applicant, recipient, contractor, or subcontractor (in this subpart called "respondent"), (4) a description of the acts or omissions giving rise to the grievance, and (5) the corrective action sought.

(b) Where a grievance contains incomplete information, the Secretary shall seek promptly the needed information from the grievant. In the event such information is not furnished to the Secretary within sixty (60) days of the date of such request, the grievance may be closed.

§ 76.90 Form of grievance filings.

Each grievance shall be in writing and signed.

§ 76.95 Place of filing.

A grievance may be filed by mailing it to the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410, or by presenting it at any Regional Office, Area Office, or FHA Insuring Office of the Department. Any employee of the Department receiving a grievance shall forward the same directly to the Assistant Secretary for Equal Opportunity.

§ 76.100 Time of filing.

A grievance must be filed not later than ninety (90) days from the date of the action (or omission) upon which the grievance is based, unless the time for filing is extended by the Secretary upon good cause shown.

§ 76.105 Processing of grievance filings.

(a) Upon receipt of a grievance a copy thereof shall be furnished the respondent by certified mail or through personal service.

(b) The Secretary shall conduct an investigation of each grievance filed, and shall give notice in writing to the grievant and the respondent as to whether he intends to resolve it.

(c) Notwithstanding paragraphs (a) and (b) of this section, where the allegations of a grievance on their face, or as amplified by the statements of the grievant, disclose that the grievance is not timely filed or otherwise fails to state a valid claim for relief under these regulations or any other authority within the jurisdiction of the Department, the Secretary may dismiss the grievance without further action. To the extent that Executive Order 11246 relating to Equal Opportunity in Employment applies to the subject matter of the grievance, the procedures required by applicable regulations implementing that order shall be followed.

(d) If the Secretary decides not to resolve a grievance, or to dismiss it under paragraph (c) of this section, he shall advise the grievant of the disposition of his grievance. Respondent shall also be notified in any case where he has been served with a copy of the grievance.

(e) Any party adversely affected by a determination under paragraph (b) or

(c) of this section may, within 5 days of receipt of a notice of determination, request that the Secretary reconsider his action. Such request for reconsideration will be granted only on the basis of additional material evidence not previously available to the party requesting reconsideration or for other good cause shown.

(f) If the Secretary decides to resolve a grievance, he shall endeavor to eliminate or correct the matters complained of in the grievance by informal methods of conference, conciliation, and persuasion.

(g) In conciliating a grievance, the Secretary shall attempt to achieve a just resolution of the grievance including (1) specific relief for the grievant, (2) affirmative actions by the respondent to relieve the effects of past violation and preclude the occurrence of future violation, and (3) appropriate reporting requirements. Notice of a proposed disposition of a grievance and of the terms of a proposed settlement, if any, shall be given to the parties, or their representatives, by the Secretary, in writing. If satisfactory, the proposed settlement shall be signed by the grievant and the respondent, or their representatives, and approved by the Secretary. The Secretary may, from time to time, review compliance with the terms of any settlement agreement and may, upon a finding of noncompliance, reopen the grievance or take such enforcement action as is provided for under the settlement agreement or as may otherwise be appropriate.

(h) Should a respondent fail or refuse to confer with the Secretary or fail or refuse to make a good faith effort to resolve the grievance, or should the Secretary find for any other reason that voluntary agreement is not likely to result, the Secretary may terminate his efforts to conciliate the dispute. In the latter event the parties shall be notified promptly, in writing, that such efforts have been unsuccessful.

(i) If the Department is unable to obtain voluntary compliance, the Secretary shall advise the parties in writing of his proposed resolution of the grievance. Such resolution shall become final and binding on the parties, unless within 15 days after the receipt of notification, either party files with the Secretary a written request for a hearing on the matter.

§ 76.110 Hearings.

(a) Whenever a hearing is requested, reasonable notice shall be given by registered or certified mail, return receipt requested, to the parties. This notice shall advise the parties of the action proposed to be taken, the specific provision under which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action. In addition, it shall either (1) fix a date not less than 20 days after the date of such notice within which the parties may request of the Secretary that the matter be scheduled for hearing or (2) advise the parties that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be subject to change for cause. The requesting party may waive a hearing and in lieu thereof submit written information and argument for the record. The failure of the requesting party to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is available.

(b) Hearings shall be held in or near the section 3 covered project area in question, or at such other location as will serve the convenience of parties and witnesses, at a time fixed by the Secretary. Hearings shall be held before the Secretary or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344.

(c) In all proceedings under this section, the respondent and grievant, if any, shall have the right to be represented by counsel.

(d) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557, and in accordance with such rules of procedure issued by HUD as are proper relating to the conduct of the hearing, the issuance of notice except that provided in paragraph (a) of this section, the taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters. HUD, the respondent, and the grievant, if any, shall be entitled to introduce all relevant evidence on the issues as stated in the notice of hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(e) Technical rules of evidence shall not apply to hearings conducted pursuant to this paragraph but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where deemed reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the Department of Housing and Urban Development, the respondent, and the grievant, if any, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(f) If the hearing is held by a hearing examiner, he shall either render an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision to the Secretary for a final decision. A copy of such initial decision or certification shall be mailed to the respondent and the grievant, or their representative, by certified or registered mail, return receipt requested. Where the initial decision is made by the hearing examiner, the respondent or grievant may within 30 days of the mailing of such notice of initial decision file with the Secretary exceptions to the initial decision, with reasons therefor. In the absence of exception, the Secretary may on his own motion, within 45 days after the initial decision, serve on the respondent and grievant, a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review, the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. If no exception is taken or notice of review issued, the initial decision shall constitute the final decision of the Secretary.

(g) Whenever a record is certified to the Secretary for decision or he reviews the decision of a hearing examiner pursuant to paragraph (f) of this section, or whenever the Secretary conducts the hearing, the respondent and grievant shall be given reasonable opportunity to file briefs or other written statements of their contentions, and a copy of the final decision of the Secretary shall be given in writing to the respondent, and to the grievant by certified or registered mail, return receipt requested.

(h) Whenever a hearing is waived pursuant to paragraph (a) of this section, a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the respondent, and to the grievant, by certified or registered mail, return receipt requested.

(i) Each decision of a hearing examiner or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements of section 3 of the Housing and Urban Development Act of 1968 or the regulations which the respondent has not complied with.

(j) The final decision may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of section 3 and these regulations. The decision may also include provisions designed to assure that no contract will thereafter be entered into with a respondent determined by such decision to be in default in its performance of its contractual obligations or to have otherwise failed to comply with these regulations, unless the respondent corrects its noncompliance and satisfies the Secretary that it will fully comply with section 3 and these regulations.

(k) The General Counsel shall represent the Department at all hearings and shall receive copies of all notices, decisions and other documents which are forwarded to the parties.

(l) The applicant or recipient, if not a party, shall be invited to participate in the hearing and shall receive copies of all notices, decisions, and other documents which are forwarded to the parties.

§ 76.115 Compliance reviews and procedures.

In order to determine whether the responsibilities imposed upon him by section 3 and these regulations are being properly carried out, the Secretary shall periodically conduct section 3 compliance

reviews of selected applicants, recipients, contractors, and subcontractors. A compliance review shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned section 3 policies, and conditions resulting therefrom. Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through the conciliation process set forth in § 76.105(g). Compliance reviews may be conducted prior to award of contracts in any case where the Secretary has reasonable grounds, based on a substantiated grievance, the Department's own investigation, or other substantial evidence, to believe that the applicant, recipient, contractor, or subcontractor or will be unable or unwilling to comply with section 3 and the provisions of this part.

Subpart G—Miscellaneous

§ 76.120 Reporting and recordkeeping.

In order to insure that the Secretary is kept informed of the progress being made by the applicant, recipient, contractor, and subcontractor in meeting their obligations under these regulations, each applicant, recipient, contractor, and subcontractor is required to:

(a) Maintain such records and accounts and furnish such information and reports as are required by the Secretary under these regulations or pursuant thereto and permit the Secretary access to books, records and premises for purposes of investigation in connection with a grievance or to ascertain compliance with these regulations or the rules and orders of the Department issued thereunder.

(b) Advise the Secretary within 15 days of the award of any contract under a section 3 covered project of the steps which have been and will be taken to comply with the requirements of Subparts B, C, and D of this part.

§ 76.125 Implementing procedures and instructions.

Assistant Secretaries of the Department administering programs subject to this regulation may issue such procedures and instructions as are necessary to implement the provisions of section 3 and this part. A copy of such procedures and instructions shall be forwarded to the Secretary for approval prior to issuance.

§ 76.130 Labor standards.

All labor standards applicable by statute, regulations, or other administrative issuance shall apply to section 3 covered projects.

§ 76.135 Effective date.

This part shall become effective on [ ] 1971 for all applications for assistance under section 3 covered by projects which are made after such date within the meaning of the program in question. However, nothing in this part shall effect requirements already imposed on applicants, recipients, and contractors, and subcontractors pursuant to section 3.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-8618 Filed 6-17-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-104]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Covington, Ky., and Cincinnati, Ohio, control zones and the Cincinnati, Ohio, transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Covington and Cincinnati control zones, described in § 71.171 (36 F.R. 2055), would be redesignated as follows:

COVINGTON, KY.

Within a 5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 1.5 miles each side of Runway 36 ILS localizer south course, extending from the 5-mile-radius zone to the LOM; within 3 miles each side of Cincinnati VORTAC 223° radial, extending from the 5-mile-radius zone to 8.5 miles southwest of the VORTAC; within 1.5 miles each side of Runway 18 ILS localizer north course, extending from the 5-mile-radius zone to Addyston LOM.

CINCINNATI, OHIO

Within a 5-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'18" W.); within 2 miles each side of Runway 20L ILS localizer northeast course, extending from the 5-mile-radius zone to Madeira RBN; within 1.5 miles each side of the 227° bearing from Lunken RBN, extending from the 5-mile-radius zone to the RBN.

The Cincinnati 700-foot transition area, described in § 71.181 (36 F.R. 2140), would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 9.5 miles east and 4.5 miles west of Runway 36 ILS localizer south course, extending from the 11.5-mile-radius area to 18.5 miles south of the LOM; within 3 miles each side of Runway 9R ILS localizer west course, extending from the 11.5-mile-radius area to 8.5 miles west of Burlington RBN; within 9.5 miles west and 4.5 miles east of Runway 18 ILS localizer north course, extending from the 11.5-mile-radius area to 18.5 miles north of the LOM; within a 12-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'18" W.); within 3 miles each side of the 044° bearing from Lunken RBN, extending from the 12-mile-radius area to 8.5 miles northeast of the RBN.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Covington/Cincinnati terminal area in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

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

Issued in East Point, Ga., on June 10, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-8592 Filed 6-17-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-110]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Paducah, Ky., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch.

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

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Paducah control zone, described in § 71.171 (36 F.R. 2055 and 3518), would be redesignated as:

Within a 5-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 3 miles each side of the 234° bearing from Paducah RBN, extending from the 5-mile-radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of Cunningham VORTAC 045° radial, extending from the 5-mile-radius zone to 11 miles northeast of the VORTAC.

The Paducah transition area, described in § 71.181 (36 F.R. 2055 and 3518) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 5 miles each side of Cunningham VORTAC 225° radial, extending from the 10-mile-radius area to 11.5 miles southwest of the VORTAC.

The proposed alterations are required to provide controlled airspace protection for IFR operations in Paducah terminal in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

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

Issued in East Point, Ga., on June 10, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-8594 Filed 6-17-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-111]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the London, Ky., control zone and transition area and the Somerset, Ky., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The London control zone, described in § 71.171 (36 F.R. 2055), would be redesignated as:

Within a 5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.); within 3 miles each side of London VOR 202° radial, extending from the 5-mile-radius zone to 8.5 miles south of the VOR.

The London and Somerset transition areas, described in § 71.181 (36 F.R. 2140), would be redesignated as follows:

LONDON, KY.

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.).

SOMERSET, KY.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Somerset-Pulaski County Airport (lat. 37°03'24" N., long. 84°36'45" W.); within 3 miles each side of the 230° bearing from Somerset RBN (lat. 37°03'19" N., long. 84°36'58" W.), extending from the 8.5-mile-radius area to 8.5 miles southwest of the RBN.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the London and Somerset terminals in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

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

Issued in East Point, Ga., on June 10, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-8595 Filed 6-17-71;8:49 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1-11; Notice 6]

REAR UNDERRIDE PROTECTION

Termination of Notice of Proposed Rule Making

Notices proposing a motor vehicle safety standard on rear underride protection, applicable to trucks and trailers, were published October 14, 1967 (32 F.R. 14278), March 19, 1969 (34 F.R. 5383), and August 14, 1970 (35 F.R. 12956). Based upon the information received in response to the notices and evaluations of cost and accident data, the Administration has concluded that, at the present time, the safety benefits achievable in terms of lives and injuries saved would not be commensurate with the cost of implementing the proposed requirements. For the information of all interested persons, notice is hereby given that the rulemaking action is terminated, and that no final rule will be issued on this subject without further notice of proposed rulemaking.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on June 15, 1971.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.71-8643 Filed 6-17-71;8:53 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 22952]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Modification of Schedule and Reports

JUNE 14, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 241 of its Economic Regulations (14 CFR Part 241) to modify Schedule T-41 Charter and Special Services Revenue Aircraft Miles Flown of Form 41 reports required to be filed by certificated combination carriers and all-cargo carriers.

The principal features of the proposed amendments are described in the explanatory statement below and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a), 401(e)(6), and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 82 Stat. 867), 766; 49 U.S.C. 1324, 1371, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 19, 1971, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room

712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

The member carriers of the National Air Carrier Association (NACA) have petitioned the Board to institute a rule making proceeding to amend Parts 207 (Charter Trips and Special Services) and 241 (Uniform System of Accounts and Reports for Certificated Air Carriers) with respect to the reporting of off-route charter data by certificated route carriers. The purpose of the rule, according to the NACA carriers, is to enable the Board to ascertain whether the certificated route carriers are complying with the volume and frequency/regularity restrictions of Part 207 of the Board's Economic Regulations. They would have the Board require a new schedule to be filed quarterly comprising data as to charters performed by certificated route carriers in addition to the annual report on Schedule T–41, Charter and Special Services Revenue Aircraft Miles of Form 41 reports. Further, the NACA carriers would require the certificated route carriers to set forth on a schedule their "base revenue plane miles" as defined in Part 207[1] rather than the present complicated method of ascertaining such figure from existing schedules of Form 41 reports.[2] Finally, they ask for a provision in Part 207 requiring that certificated route carriers file reports in accordance with Part 241, that the Board add items on Form 41 reports showing total off-route charter trips during the quarter and the year to the date of the quarterly report on a revenue plane-mile basis, and that it require the dates and points of origin and destination of each off-route Hawaiian, transatlantic and transpacific charter trip[3] performed during the quarter.

Existing Part 207 provides that a route carrier "shall not during any calendar year perform off-route charter trips which in the aggregate on a revenue plane-mile basis exceed two percent of the base revenue plane miles flown by it during the preceding calendar year." In addition, the part imposes frequency and regularity restrictions on all off-route charters including Hawaiian, transatlantic and transpacific charter trips as defined therein. According to the NACA carriers, the purpose of these restrictions is to emphasize the primary role of the route carriers to provide scheduled services and to contribute to the financial strength and success of the supplementals in their role as charter specialists. They maintain that the existing reporting requirements are deficient in that the NACA carriers are not able to ascertain whether the volume and frequency/regularity limitations on off-route charters in the part have been complied with. According to the NACA carriers, the changes in Parts 207 and 241 which they propose would accomplish the intended purpose of making it easier to monitor compliance with the Part 207 limitations.

The Board is not convinced that there is a need for all the proposals advanced by the NACA carriers. We are not prepared to presume that the route carriers would deliberately violate the off-route charter restrictions. Indeed, there is very little history of such violations on the part of the scheduled carriers in the past. In those cases where quotas were nearing exhaustion toward the end of the year, carriers appear to have been quite conscientious in requesting exemptions.

We shall propose modification of the filing frequency for Schedule T–41 of Form 41 by requiring an additional report covering the 9 months ending September 30 of each calendar year. The existing reporting requirement for an annual report for the calendar year will be retained. In addition, we shall add to Schedule T–41 of Form 41 a new section at the bottom entitled "Calculation of Limitation of Charter Trips" which will include the following items: (1) Base revenue plane miles; (2) off-route charter mileage and (3) the percentage item 2 is of item 1.[4] Except for these modifications, the other proposals of the NACA carriers are rejected for the reasons hereinafter set forth. Therefore, except to the extent granted herein, the petition for rule making of the NACA carriers is denied.

In our view the submission of an additional report covering the 9 months ending September 30 would be desirable for it would apprise the Board and the affected carriers of the amount of off-route charter authority already used and the possibility that the quota of a given carrier might be exceeded before the end of the year. Reports for the first and second calendar quarters, however, as also requested by the NACA carriers, would be unduly burdensome and in our view are unnecessary.

The inclusion on Schedule T–41 of Form 41 of items for base revenue plane miles and off-route charter mileage will be useful since these figures are not readily obtainable from existing reports. Base revenue plane miles are presently ascertained only by adding amounts shown on annual Schedule T–41 on line 5 (total charter miles between certificated points for combination carriers) or line 18 (total charter mileage between certificated points for all-cargo carriers), as the case may be, and item K–410 of Schedule T–1(a)—total revenue aircraft miles flown in scheduled services—covering the calendar year. Likewise, the off-route charter mileage can presently be computed only by adding mileage for charters not under exemption authority in Schedule T–41 and passenger, cargo and mixed charter mileage not between certificated points in such schedule in the case of combination carriers with additional modifications required in the case of all-cargo carriers.

Since the only modifications in the reporting requirements are the addition of one reporting period and the inclusion of three new items at the end of the schedule, these modifications can easily be made in existing Schedule T–41 without requiring a new schedule to deal solely with data to ascertain compliance with the volume restrictions on off-route charters under Part 207.

A proposed Schedule T–41 of Form 41 is attached as an appendix.[5]

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend section 22(a) by revising the title and frequency for filing Schedule T–41 to read:

Section 22 General Reporting Instructions.

* * * * *

Schedule No.		Filing	
		Frequency	Postmark interval (days)
T–41	Charter and special services revenue aircraft miles flown; calculation of limitation of charter trips.	(1a)	2 30

1a For the first 9 months and for the 12 months of each calendar year.
2 Interval relates to receipt by the Board in Washington, D.C., rather than postmark for these schedules

2. Amend section 25 Schedule T–41 Charter and Special Services Revenue Aircraft Miles Flown as follows:

A. Revise the title of Schedule T–41 to read: Charter and Special Services Revenue Aircraft Miles Flown; Calculation of Limitation of Charter Trips.

B. Amend paragraph (b) to read:

(b) Separate schedules shall be filed on an overall or system basis covering the 9 months ending September 30 and the 12 months ending December 31 of each year. Check the appropriate box provided on the form.

C. Amend paragraph (c) to read:

(c) The following instructions relate to the reporting of "charter and special services revenue aircraft miles flown."

(1) Total charter and special services revenue aircraft miles flown during the 9 months or the 12 months of the calendar year shall be reflected in this schedule by combination carriers and all-cargo

[1] Section 207.1 defines "base revenue plane miles" as revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services.

[2] Adding miles of "scheduled services" as set forth on existing Schedule T–1(a), Monthly Statement of Traffic and Capacity Statistics by Component Operations, to on-route charter miles as reported on existing annual Schedule T–41, supra.

[3] As defined in Part 207.

[4] These items will be required for both reporting periods.

[5] Form filed as part of the original document.

carriers in the respective sections provided therefor. Such data shall be broken down to reflect revenue aircraft miles flown for (i) the Department of Defense; and (ii) all other customers subdivided into (*a*) operations performed under special exemption authority, (*b*) operations performed without such special exemptions, (*c*) operations performed in overseas or foreign air transportation on the reverse legs of one-way military charters.

D. Redesignate paragraph (d) as (c) (2).

E. Add new paragraph (d) to read:

(d) The following instructions relate to the reporting of "Calculation of Limitation of Charter Trips," pursuant to §§ 207.5 and 207.6 of Part 207 of the Board's economic regulations.

(1) Combination carriers, for both the September and December reports, shall reflect in item 1, "Base revenue plane-miles" the sum of amounts reported in items 1, 2, and 3 under the "Total" column on the December Schedule T–41 for the previous year plus the figure called for in item K–410 of Form 41 Schedule T–1(a) covering the 12 months of the preceding calendar year.

(2) All-cargo carriers, for both the September and December reports, shall reflect in item 1, "Base revenue plane-miles" the sum of amounts reported in items 14 and 16 under the "Department of Defense" column and item 15 under the "Total" column on the December Schedule T–41 for the previous year plus the figure called for in item K–410 of Form 41 Schedule T–1(a) covering the 12 months of the preceding calendar year.

(3) Combination carriers, for the September report, shall reflect in item 2, "Off-route charter mileage" the sum of amounts reported in items 6, 7, and 8 under the "Not under Exemption Authority" column on the current December Schedule T–41. For the December report, item 2 shall reflect the sum of amounts reported in items 6, 7, and 8 under the "Not Under Exemption Authority" column on the current December Schedule T–41.

(4) All-cargo carriers, for the September report, shall reflect in item 2, "Off-route charter mileage" the sum of amounts reported in items 13, 19, 21, and 23 under the "Not under Exemption Authority" column on the current September Schedule T–41. For the December report, item 2 shall reflect the sum of amounts reported in items 13, 19, 21, and 23 under the "Not under Exemption Authority" column on the current December Schedule T–41.

[FR Doc.71–8636 Filed 6–17–71;8:53 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

USE OF "LIGHTER-ABOARD-SHIP" (LASH) BARGES

Request From Customs Cooperation Council, Brussels, Belgium, for Comments by Bureau of Customs on Customs Procedures Governing Use of Lash-Type Barges in United States

Notice is hereby given that the Bureau of Customs has been requested by the Customs Cooperation Council (CCC) to furnish its comments on the Customs treatment which ought to be given to the operations of the type barges which are often referred to as LASH barges. This material will be considered by the Council as a part of its future work program with a view to standardizing and simplifying customs procedures and formalities by preparing practical means of achieving the highest degree possible of harmony and uniformity.

The Council is specifically interested in the Customs treatment of LASH barges and their cargo at the first port of arrival in the United States and at subsequent ports of arrival with residue cargo. Involved also is the question of Customs control over port-to-port movements of the LASH mother vessel and its barges, including movements of the LASH barges in point-to-point local traffic in the United States and whether reciprocity will be a consideration. Consideration will be given to the applicability to LASH barges of procedures adopted to implement the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (see Treasury Decision 71–70, dated Feb. 26, 1971, 36 F.R. 4484). The Council is now drafting a Convention entitled the Customs Convention on the International Transport of Goods (ITI Convention) and its applicability to LASH vessels and barges will also be considered.

In the course of the preparation of a reply to the CCC, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226, Attention: Office of Regulations and Rulings, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-8642 Filed 6-17-71;8:53 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

DESIGNATION OF BANDS OF PIT RIVER INDIANS AS BENEFICIARIES OF LANDS HELD IN TRUST

Notice of Prehearing Conference

Notice is hereby given that a conference on prehearing requirements associated with determining the beneficiaries of the XL Ranch (Modoc County, Calif.) will be held beginning at 9:30 a.m. on August 26, 1971, in Room 3410, Federal Building and U.S. Courthouse, 650 Capitol Mall, Sacramento, CA.

The XL Ranch was purchased in the late 1930s under the Indian Reorganization Act, 48 Stat. 984 (June 18, 1934). Title to the lands comprising the ranch was taken in the name of the United States of America "in trust for such Bands of Pit River Indians of the State of California as shall be designated by the Secretary of the Interior * * *"

The Assistant Secretary—Public Land Management, in his request for the assignment of a hearing examiner, observed that the Secretary has the discretionary authority to determine the beneficiaries of the XL Ranch, indicated that interested parties should be given the opportunity to present their views on the determination which is to be made, and requested that a recommended decision be furnished to his office by the examiner.

At the prehearing conference counsel (or other authorized representatives of parties having a proper interest in the determination of the beneficiaries) shall file notices of appearance in this proceeding. In addition, preliminary consideration shall be given to the factual and legal considerations involved, and a time will be specified within which the parties shall (i) exchange written statements of the issues as contended by each party, (ii) exchange lists of witnesses, together with a synopsis of the testimony expected of each witness, and (iii) exchange lists of exhibits, and if requested by a party, produce exhibits for inspection or copying.

On or before July 26, 1971, the Bureau of Indian Affairs should file with the hearing examiner the original and 10 copies of a summary statement of facts concerning the history of organizations which are (or during the last 40 years have been) considered by said Bureau as Bands of Pit River Indians of the State of California. Attached to that summary statement shall be a listing of all memoranda, reports, letters, or other documents which are contained in the files of said Bureau and are pertinent to the issues involved in designating the Pit River Indian beneficiaries of the XL Ranch, or may be considered material to a fair and complete public hearing on such issues. The only document of that type presently in the case file is a memorandum dated April 7, 1971, from the Commissioner, Bureau of Indian Affairs to the Assistant Secretary—Public Land Management, expressing a conclusion as to the Pit River Indian organization which should be designated as the sole beneficiary of the Ranch and the only group entitled to occupy the land as a reservation. A copy of, or an opportunity to review, the summary and listing furnished by the Bureau of Indian Affairs will be provided by the hearing examiner prior to the prehearing conference to individuals who attest that they represent a party having a serious interest in furnishing information or views at the hearing.

The Hearing and Appeals Procedures for the Department of the Interior, contained in 43 CFR Part 4 (published in 36 F.R. 7185–7208, April 15, 1971) shall govern, to the extent practicable, prehearing conferences held herein for the settlement or simplification of the issues, and the hearing.

Documents to be filed in this proceeding, or communications directed to the hearing examiner, should be sent to Dean F. Ratzman, Hearing Examiner, Hearings Division, Room W–2426, 2800 Cottage Way, Sacramento, CA 95825.

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

JUNE 10, 1971.

[FR Doc.71-8580 Filed 6-17-71;8:48 am]

Office of the Secretary

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Amendment of Interim Regulations and Procedures for Implementation

The Interim regulations and procedures of this Department for implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91–646, 84 Stat. 1894, were published in the FEDERAL REGISTER on April 16, 1971, 36 F.R. 7265. The following amendments are made to these procedures in order to clarify the appeal procedure from the decisions of a head of a Bureau or Office and to have appeals considered in accordance with the Departmental regulations for hear-

ings and appeals contained in 43 CFR, Part 4. These Amendments shall become effective upon publication in the FEDERAL REGISTER (6–18–71).

Although it is the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in the rule making process (See Statement of Policy, 36 F.R. 8336), public participation in this notice would be unnecessary and contrary to the public interest because the proposed amendment to the notice covers minor technical matters.

Section 6D(1) is amended as follows:

Any dispute concerning a question arising under the act which is not disposed of by agreement shall be decided by the head of the Bureau or Office who shall reduce his decision to writing and mail a copy thereto to the displaced person. This decision shall be final and conclusive unless, within 30 days from date of mailing of such copy, the displaced person mails a written appeal addressed to the Director, Office of Hearings and Appeals, Department of the Interior, Washington, D.C., in accordance with the regulations in 43 CFR Subpart G. The decision of the Office of Hearings and Appeals shall be final and conclusive. In connection with any appeal to the Office of Hearings and Appeals, the displaced person may be afforded an opportunity to be heard and to offer evidence in support of his appeal, as provided for in 43 CFR Subpart G.

Section 21A(3) is amended as follows:

In the case of a program or project receiving Federal financial assistance, any person aggrieved by a determination as to eligibility for a payment authorized by the act or the amount of a payment, may have his application reviewed by the head of the State Agency.

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

JUNE 14, 1971.

[FR Doc.71–8581 Filed 6–17–71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 3265; Docket No. FDC–D–303; NDA 3–265 et al.]

CERTAIN ANTICHOLINERGIC DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Bentyl Capsules, containing dicyclomine hydrochloride; The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., 110 Amity Road, Cincinnati, Ohio 45215 (NDA 7–409).

2. Bentyl Injection, containing dicyclomine hydrochloride; The Wm. S. Merrell Co. (NDA 8–370).

3. Bentyl Syrup, containing dicyclomine hydrochloride; The Wm. S. Merrell Co. (NDA 7–961).

4. Dactil Tablets, containing piperidolate hydrochloride; Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wis. 53201 (NDA 8–907).

5. Centrine Tablets, containing aminopentamide sulfate; Bristol Laboratories, Inc., Post Office Box 657, Syracuse, N.Y. 13201 (NDA 8–885).

6. Centrine Elixir, containing aminopentamide sulfate; Bristol Laboratories, Inc. (NDA 8–885).

7. Robinul Tablets and Robinul Forte Tablets, both containing glycopyrrolate; A. H. Robbins Co., 1407 Cummings Drive, Richmond, Va. 23220 (NDA 12–827).

8. Antrenyl Bromide Tablets, containing oxyphenonium bromide; Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N. J. 07901 (NDA 8–492).

9. Piptal Tablets, containing pipenzolate bromide; Lakeside Laboratories, Inc. (NDA 9–427).

10. Tricoloid Tablets, containing tricyclamol chloride; Burroughs Wellcome and Co., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 8–910).

11. Prantal Injection, containing diphemanil methylsulfate; Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 8–398).

12. Nacton Tablets, containing poldine Methylsulfate; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034 (NDA 12–459).

13. Profenil Tablets containing alverine citrate; Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, N.J. 08902 (NDA 5–695).

14. Octin Tablets, containing isometheptene mucate and Octin Solution for Injection, containing isometheptene hydrochloride; Knoll Pharmaceutical Co., 377 Crane Street, Orange, N.J. 07051 (NDA 6–420).

15. Monodral Bromide Caplets, containing penthienate bromide; Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 9–032).

16. Metropine Tablets, containing methylatropine nitrate; Strasenburgh Laboratories, Division of Wallace & Tiernan, Inc., 755 Jefferson Road, Rochester, N.Y. 14623 (NDA 3–265).

17. Trocinate Tablets, containing thiphenamil hydrochloride; Wm. P. Poythress & Co., Inc., 16 North 22d Street, Richmond, Va. 23217 (NDA 6–098).

18. Pamine Sterile Solution, containing methscopolamine bromide; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 9–958).

19. Pamine Tablets, containing methscopolamine bromide; The Upjohn Co. (NDA 8–848).

20. Pamine Syrup, containing methscopolamine bromide; The Upjohn Co. (NDA 9–262).

21. Cantil Tablets, containing mepenzolate bromide; Lakeside Laboratories (NDA 10–679).

22. Valpin Tablets, containing anisotropine methylbromide; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11533 (NDA 13–428).

23. Valpin Elixir, containing anisotropine methylbromide; Endo Laboratories, Inc. (NDA 13–429).

24. Banthine Powder for Injection, containing methantheline bromide; G. D. Searle and Co., Post Office Box 5110, Chicago, Ill. 60680 (NDA 8–091).

25. Banthine Tablets, containing methantheline bromide; G. D. Searle and Co. (NDA 7–390).

26. Pro-Banthine Tablets, containing propantheline bromide; G. D. Searle and Co. (NDA 8–732).

27. Pro-Banthine Powder for Injection, containing propantheline bromide; G. D. Searle and Co. (NDA 8–843).

28. Tral Drops, containing hexocyclium methylsulfate; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 11–687).

29. Tral Tablets, containing hexocyclium methylsulfate; Abbott Laboratories (NDA 10–599).

30. Tral Gradumet Tablets, containing hexocyclium methylsulfate; Abbott Laboratories (NDA 11–200).

31. Darbid Tablets, containing isopropamide iodide; Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 10–744).

32. Daricon Tablets, containing oxyphencyclimine hydrochloride; Charles Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 11–612).

33. Elorine Chloride Pulvules, capsules containing tricyclamol chloride; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 8–868).

34. Dibulin Sulfate Injection, containing dibutoline sulfate; Merck Sharp and Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 6–856).

35. Pathilon Sustained Release Capsules, containing tridihexethyl chloride; Lederle Laboratories, Division of American Cyanamid Co., Post Office Box 500, Pearl River, N.Y. 10965 (NDA 11–889).

36. Pathilon Parenteral, containing tridihexethyl chloride; Lederle Laboratories (NDA 9–729).

37. Pathilon Tablets, containing tridihexethyl chloride; Lederle Laboratories (NDA 9–489).

Such 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 drug without approval.

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

1. (a) Except for the drugs in delayed or prolonged action or release dosage form (hexocyclium methylsulfate and

tridihexethyl chloride), these drugs in the dosage forms described above are effective for use as adjunctive therapy in the treatment of peptic ulcer.

(b) In addition, methantheline bromide preparations (oral and parenteral) are effective for use for uninhibited, hypertonic neurogenic bladder. The parenteral form is also effective for use as preanesthetic medication.

2. (a) All the drugs in the dosage forms described above are probably effective for use as adjunctive therapy in the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis, acute enterocolitis, and functional gastrointestinal disorders); and for use as adjunctive therapy in neurogenic bowel disturbances (including the splenic flexure syndrome and neurogenic colon).

(b) Hexocyclium methylsulfate and tridihexethyl chloride in delayed or prolonged action or sustained release dosage form are probably effective for use as adjunctive therapy in the treatment of peptic ulcer.

(c) The pediatric preparations are probably effective for use in the treatment of infant colic.

3. (a) The drugs are possibly effective for their labeling indications for the treatment of hyperhidrosis and excessive salivation; adjunctive therapy in the treatment of hiatus hernia; treatment of urinary bladder spasm and urethral spasm (i.e., smooth muscle spasm); use as an adjunct in the treatment of esophagitis, diverticulitis, aerospasm, pancreatitis, ulcerative colitis, and regional enteritis; use as an adjunct in the treatment of constipation, i.e., chronic constipation, irregular bowel habits, functional constipation, and spastic constipation; use as an adjunct in the treatment of diarrheas, i.e., loose stools, functional diarrheas, post-gastrectomy diarrheas (post-gastrectomy syndrome, dunping syndrome), drug-induced diarrheas, acute enteritis, intestinal viral infection, colitis, ileocolitis, and diarrheas with ileostomies and ileoanal anastamoses; use as an adjunct in the treatment of premenstrual cramps and dysmenorrhea; and in the treatment of migraine headaches.

(b) The drugs in injectable dosage form are possibly effective for use in the treatment of hyperemesis gravidarum.

4. These anticholinergic drugs lack substantial evidence of effectiveness for the treatment of chronic hypertrophic gastritis; treatment of pylorospasm, duodenitis, cardiospasm, and pyloroduodenal irritability; treatment of biliary dyskinesias, cholelithiasis, cholecystitis, and biliary spasm; pyrosis; use in preoperative preparation for gastrectomy; treatment of psychogenic enuresis; and for the treatment of the following vague conditions: gastrointestinal spasm, intestinal colic, nonspecific gastroenteritis, indigestion, and "other upper gastrointestinal tract disorders."

B. *Conditions for approval and marketing of drugs having an effective classification.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These anticholinergic drug preparations are in conventional tablet, capsule, or liquid form suitable for oral administration. Alverine hydrochloride, dicyclomine hydrochloride, diphemanil methylsulfate, dibutoline sulfate, isomethptene hyrochloride, methantheline bromide, methscopolamine bromide, propantheline bromide, or tridihexethyl chloride may be in a form suitable for parenteral administration.

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

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

INDICATIONS

For use as adjunctive therapy in the treatment of peptic ulcer. May also be useful in the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis, acute enterocolitis, and functional gastrointestinal disorders); and in neurogenic bowel disturbances (including the splenic flexure syndrome and neurogenic colon). To be effective the dosage must be titrated to the individual patient's needs.

Pediatric preparations are indicated for use in the treatment of infant colic.

Add for methantheline bromide: for use for uninhibited, hypertonic neurogenic bladder. The parenteral form of the drug is also indicated for use as preanesthetic medication.

(The possibly effective indications may also be included for 6 months.)

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed for administration other than by the intravenous route, as described in paragraphs (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of a drug in the formulation which is marketed or is intended to be marketed for administration other than by the intravenous route, as described in paragraph (a)(3)(ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as probably effective (not included in the "Indications" section above), continued use as described in paragraphs (c), (d), (e), and (f) of that notice.

C. *Conditions for marketing drugs having no effective indication.* 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 which is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an "Indications" section in accord with that described below. 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 delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph A above and to be in accord with this notice. Failure to delete such indications and to 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. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74); and recommended use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for six months.)

INDICATIONS

(The Indications should be the same as those in paragraph B.2.)

4. The notice *"Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study"* published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), described in paragraphs (c), (d), (e), and (f) the marketing status of the drug

labeled with those indications for which it is regarded as probably effective and possibly effective.

D. *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 A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order may cause any related drug for human use offered for the indications for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. 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 that 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.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 3265, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

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

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

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

Dated: May 20, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8619 Filed 6–17–71;8:51 am]

[DESI 1941]

DIPERODON AND OXYQUINOLINE BENZOATE TOPICAL OINTMENT

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 Diothane Ointment containing diperodon and oxyquinoline benzoate; The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 1–941).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this drug is possibly effective for the temporary relief of anorectal pain and itching and for providing anesthetic and mild antiseptic action.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 1941, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

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

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

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

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

Dated: May 20, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8551 Filed 6–17–71; 8:45 am]

[DESI 5595]

SODIUM PENTOBARBITAL AND CARBROMAL FOR ORAL USE

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 drugs:

Carbrital Kapseals, Carbrital Half-Strength Kapseals, and Carbrital Elixir, all containing sodium pentobarbital and carbromal, Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 5–595).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that sodium pentobarbital with carbromal, a drug used as a sedative and hypnotic, is possibly effective for all labeled indications.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for six months as described in paragraphs (d), (e), and (f) of the notice "Conditions for

Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 5595, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

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

Dated: May 20, 1971.

SAM D. FINE,
Associated Commissioner for Compliance.

[FR Doc.71–8552 Filed 6–17–71;8:45 am]

[DESI 5668]

CERTAIN COMBINATION GASTROINTESTINAL DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Malglyn Tablets and Malglyn Compound Magma containing phenobarbital, belladonna alkaloids, and dihydroxyaluminum aminoacetate; Brayten Pharmaceutical Co., 1715 West 38th Street, Chattanooga, Tennessee 37409 (NDA 5–668).

2. Barbicaine Solution containing pentobarbital, phenobarbital, and procaine hydrochloride; Cutter Laboratories, Inc., 4th and Parker Streets, Berkeley, California 94710 (NDA 10–725).

3. Aludrox SA Suspension containing ambutonium bromide, butabarbital, aluminum hydroxide gel, and magnesium hydroxide; Wyeth Laboratories Div., American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 11–183).

4. Aludrox SA Tablets containing ambutonium bromide, butabarbital, dried aluminum hydroxide gel, and magnesium hydroxide; Wyeth Laboratories (NDA 11–391).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

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

1. Pentobarbital in combination with phenobarbital and procaine hydrochloride lacks substantial evidence of effectiveness for use as an adjunct in the treatment of organic diseases when accompanied by nausea and vomiting.

2. Aluminum hydroxide gel (or dried aluminum hydroxide gel) in combination with butabarbital, ambutonium bromide, and magnesium hydroxide lacks substantial evidence of effectiveness for use in the treatment of hypertrophic gastritis, diverticulitis of the colon, and postcholecystectomy syndrome.

3. The drugs listed in this announcement are possibly effective for their labeled indications other than those indications evaluated above.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new drug application for a drug classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under 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 those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

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

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C. Street SW., Washington, D.C. 20204.

Communications forwarded in response to this annoucement should be identified with the reference number DESI 5668, directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

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

Dated: May 24, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8553 Filed 6–17–71;8:45 am]

[DESI 8303]

HYDRALAZINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Apresoline Hydrochloride Injection and Tablets containing hydralazine hydrochloride; Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 8–303).

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.

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

1. Hydralazine hydrochloride injection is (a) effective for the treatment of severe essential hypertension when the drug cannot be given orally or when there is an urgent need to lower blood pressure; and (b) probably effective for the treatment of hypertension associated with pre-eclamptic and eclamptic toxemia of pregnancy to prevent acute convulsant toxemia, and for the treatment of hypertension associated with acute glomerulonephritis when oral administration is inadvisable.

2. Hydralazine hydrochloride in tablet form is (a) effective for the treatment of essential hypertension; (b) probably

effective for the treatment of hypertension associated with acute glomerulonephritis; and (c) possibly effective for the treatment of hypertension associated with preeclampsia to prevent acute convulsant toxemia.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Hydralazine hydrochloride preparations are in sterile aqueous solution form suitable for intramuscular or intravenous injection and in tablet form suitable for oral administration.

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

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

INDICATIONS

Hydralazine Hydrochloride Injection

For the treatment of severe essential hypertension when the drug cannot be given orally or when there is an urgent need to lower blood pressure.

For the treatment of hypertension associated with preeclamptic and eclamptic toxemia of pregnancy to prevent convulsant toxemia.

For the treatment of hypertension associated with acute glomerulonephritis when oral administration is inadvisable.

Hydralazine Hydrochloride Tablets

For the oral treatment of essential hypertension; may be used alone or as an adjunct.

For the treatment of hypertension associated with acute glomerulonephritis.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and except for intravenous administration, adequate data to show the biologic availability of the drug in the formulation which is marketed, as described in paragraphs (a) (1) (i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availablility of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a) (3) (ii) of that notice, except that bioavailability data are not required for intravenous administration of the drug.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section), continued use as described in (c), (d), (e), and (f) of that notice.

Copies of the Academy's reports have been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8303, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs. Original abbreviated new drug applications: (identify as such): Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

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

Dated: May 21, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8554 Filed 6-17-71;8:45 am]

[DESI 6290; Docket No. FDC-D-324; NDA 5-845, etc.]

CERTAIN ANTIHISTAMINIC PREPARATIONS FOR ORAL OR RECTAL ADMINISTRATION

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 antihistaminic preparations for oral or rectal administration:

1. *Preparations containing bromodiphenhydramine hydrochloride.* a. Ambodryl Kapseals (NDA 7-984); and

b. Ambodryl Elixir (NDA 8-476); and

c. Ambodryl Syrup (NDA 8-745); Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.

2. *Preparations containing chlorpheniramine maleate.* a. Chlor-Trimeton Tablets and Syrup (NDA 6-921); and

b. Chlor-Trimeton Repetabs Tablets (NDA 7-638); Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003.

3. *Preparations containing cyproheptadine hydrochloride.* a. Periactin HCl Tablets (NDA 12-649); and

b. Periactin HCl Syrup (NDA 13-220); Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.

4. *Preparations containing diphenhydramine hydrochloride.* a. Benadryl Syrup, Kapseals (capsules), Elixir, Emplets (enteric coated tablets), and Powder (for pharmaceutical dispensing purposes) (NDA 5-845); Parke, Davis & Co.

5. *Preparations containing diphenylpyraline hydrochloride.* a. Diafen Tablets (NDA 9-970); Riker Laboratories, 19901 Nordhoff Street, Northridge, Calif. 91326.

6. *Preparations containing promethazine hydrochloride.* a. Phenergan Tablets (NDA 7-935); and

b. Phenergan Syrup (NDA 8-381); and

c. Phenergan Rectal Suppositories (NDA 10-926 and NDA 11-689); Wyeth Laboratories Division, American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101.

7. *Preparation containing pheniramine maleate.* a. Trimeton Tablets (NDA 6-461); Schering Corp.

8. *Preparations containing pyrilamine maleate.* a. Neo-Antergan Maleate Tablets (NDA 6-290 and 7-119); Merck Sharp & Dohme.

9. *Preparations containing tripelennamine hydrochloride or tripelennamine citrate.* a. Pyribenzamine Tablets (NDA 5-914); Ciba Pharmaceuticals Co., Division of Ciba Corp., 556 Morris Avenue, Summit, N.J. 07901; and

b. Pyribenzamine Lontabs (sustained release tablet) (NDA 10-533); Ciba Pharmaceutical Co., Division of Ciba Corp.

c. Pyribenzamine Elixir (NDA 5-914); Ciba Pharmaceutical Co., Division of Ciba Corp.

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.

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

1. Bromodiphenhydramine Hydrochloride in conventional oral dosage form is:

a. Effective or probably effective for the indications described in the "Indications" section which follows. The probably effective indications are: Mild, allergic reactions to insect bites; physical

allergy; minor drug and serum reactions characterized by pruritus.

b. Possibly effective for bronchial asthma; spasmodic bronchial cough; atopic dermatitis; neurodermatitis; neurodermatitis circumscripta; eczematoid dermatitis; allergic eczema; allergic dermatitis; contact dermatitis (including dermatitis venenata or poison ivy); chemotoxic dermatitis; generalized pruritus; pruritus ani and vulvae; secretory otitis media; prophylaxis of allergic reactions to contrast media; pruritus of jaundice; prophylaxis of penicillin and (other) drug reactions; pruritus of allergic dermatoses including contact dermatitis; relief of insect stings; motion sickness; use in desensitization procedures and when essential to use therapy known to be sensitizing.

c. Lacking substantial evidence of effectiveness for migraine headache including allergic migraine; "histamine headache;" tissue preservative action; prevention or reduction of severity of sequellae of oral surgery (pain, trismus, edema, and hemorrhage); potentiation of the action of central nervous system depressants with resultant reduction of dosage of narcotic analgesics; prevention of allergic reactions to injection of allergenic substances; antiemetic effect in postoperative patients; and "other conditions of a similar nature" (considered too broad to allow meaningful evaluation).

2. Chlorpheniramine Maleate in conventional oral dosage form is:

a. Effective or probably effective for the indications described in the "Indications" section which follows. The probably effective indications are: mild, local allergic reactions to insect bites; physical allergy; minor drug and serum reactions characterized by pruritus.

b. Possibly effective for bronchial asthma; spasmodic bronchial cough; atopic dermatitis, neurodermatitis; neurodermatitis circumscripta; eczematoid dermatitis; allergic eczema; allergic dermatitis; contact dermatitis (including dermatitis venenata or poison ivy); chemotoxic dermatitis; generalized pruritus, pruritus ani and vulvae; secretory otitis media; prophylaxis of allergic reactions to contrast media; pruritus of jaundice; prophylaxis of penicillin and (other) drug reactions; pruritus of allergic dermatoses including contact dermatitis; relief of insect stings; use in desensitization procedures and when essential to use therapy known to be sensitizing.

c. Lacking substantial evidence of effectiveness for migraine headache including allergic migraine; "histamine headache;" tissue preservative action; prevention or reduction in severity of sequellae of oral surgery (pain, trismus, edema, and hemorrhage); potentiation of the action of central nervous system depressants with resultant reduction of dosage of narcotic analgesics; prevention of allergic reactions to injection of allergenic substances; antiemetic effect in postoperative patients.

3. Cyproheptadine Hydrochloride in conventional oral dosage form is:

a. Effective or probably effective for the indications described in the "Indications" section which follows. The probably effective indications are: Mild, local allergic reactions to insect bites; physical allergy; minor drug and serum reactions characterized by pruritus.

b. Possibly effective for bronchial asthma; spasmodic bronchial cough; atopic dermatitis; neurodermatitis; neurodermatitis circumscripta; eczematoid dermatitis; allergic eczema; allergic dermatitis; contact dermatitis (including dermatitis venenata or poison ivy); chemotoxic dermatitis; generalized pruritus; pruritus ani and vulvae; secretory otitis media; prophylaxis of allergic reactions to contrast media; prutitus of jaundice; prophylaxis of penicillin and (other) drug reactions; pruritus of allergic dermatoses including contact dermatitis; relief of insect stings; pruritus of chicken pox; use in desensitization procedures and when essential to use therapy known to be sensitizing.

c. Lacking substantial evidence of effectiveness for: migraine headache including allergic migraine; "histamine headache;" tissue preservation action; prevention or reduction in severity of sequellae of oral surgery (pain, trismus, edema, and hemorrhage); potentiation of the action of central nervous system depressants with resultant reduction of dosage of narcotic analgesics; prevention of allergic reactions to injection of allergenic substances; antiemetic effect in postoperative patients.

4. Diphenhydramine Hydrochloride in conventional oral dosage form is:

a. Effective or probably effective for the indications described in the "Indications" section which follows. The probably effective indications are: Mild, local allergic reactions to insect bites; physical allergy; minor drug and serum reactions characterized by pruritus; intractable insomnia and insomnia predominant in certain medical disorders.

b. Possibly effective for bronchial asthma; spasmodic bronchial cough; atopic dermatitis; neurodermatitis; neurodermatitis circumscripta; eczematoid dermatitis; allergic eczema; allergic dermatitis, contact dermatitis (including dermatitis venenata or poison ivy) chemotoxic dermatitis; generalized pruritus; pruritus ani and vulvae; secretory otitis media; prophylaxis of allergic reactions to contrast media; pruritus of jaundice; prophylaxis of penicillin and (other) drug reactions; pruritus of allergic dermatoses including contact dermatitis; relief of insect stings; use of desensitization procedures and when essential to use therapy known to be sensitizing; quieting the hyperactive emotionally disturbed child; prevention of postoperative nausea and vomiting; maintenance of normal sinus rhythm following recent conversion from atrial fibrillation; nausea and vomiting of early pregnancy; spasmolysis in gastrointestinal and other allergies characterized by smooth muscle spasm.

c. Lacking substantial evidence of effectiveness for migraine headache including allergic migraine, "histamine headache," tissue preservation action, prevention or reduction of severity of sequellae of oral surgery (pain, trismus, edema, and hemorrhage), potentiation of the action of central nervous system depressants with resultant reduction of dosage of narcotic analgesics, prevention of allergic reactions to injection of allergenic substances, antiemetic effect in postoperative patients, antitussive action: Meniere's disease, nocturnal leg cramps, leg cramps of pregnancy, functional dysmenorrhea.

5. Diphenylpyraline Hydrochloride in conventional oral dosage form is:

a. Effective or probably effective for the indications described in the "Indications" section which follows. The probably effective indications are: Mild, local allergic reactions to insect bites; physical allergy; minor drug and serum reactions characterized by pruritus.

b. Possibly effective for bronchial asthma; spasmodic bronchial cough; atopic dermatitis; neurodermatitis; neurodermatitis circumscripta; eczematoid dermatitis; allergic eczema; allergic dermatitis; contact dermatitis (including dermatitis venenata or poison ivy); chemotoxic dermatitis; generalized pruritus; pruritus ani and vulvae; secretory otitis media; prophylaxis of allergic reactions to contrast media; pruritus of jaundice; prophylaxis of penicillin and (other) drug reactions; pruritus of allergic dermatoses including contact dermatitis; relief of insect stings; use in desensitization procedures and when essential to use therapy known to be sensitizing.

c. Lacking substantial evidence of effectiveness for: migraine headache including allergic migraine; "histamine headache;" tissue preservative action; prevention or reduction in severity of sequellae of oral surgery (pain, trismus, edema, and hemorrhage); potentiation of the actual of central nervous system depressants with resultant reduction of dosage of narcotic analgesics; prevention of allergic reactions to injection of allergenic substances; antiemetic effect in postoperative patients; nausea and vomiting of pregnancy.

6. Promethazine hydrochloride in conventional oral or rectal dosage form is:

a. Effective or probably effective for the indications described in the "Indications" section which follows. The probably effective indications are: Mild, local allergic reactions to insect bites; physical allergy; minor drug and serum reactions characterized by pruritus; intractable insomnia and insomnia predominant in certain medical disorders; prevention and control of the more severe, hazardous nausea and vomiting of pregnancy.

b. Possibly effective for bronchial asthma; spasmodic bronchial cough; atopic dermatitis; neurodermatitis; neurodermatitis circumscripta; eczematoid dermatitis; allergic eczema; allergic dermatitis; contact dermatitis (including dermatitis venenata or poison ivy); chemotoxic dermatitis; generalized pruritis; pruritus ani and vulvae; secretory otitis media; prophylaxis of allergic reactions to contrast media; pruritus of jaundice; prophylaxis of penicillin and

(other) drug reactions; pruritus of allergic dermatoses including contact dermatitis; relief of insect stings; use in desensitization procedures and when essential to use therapy known to be sensitizing.

c. Lacking substantial evidence of effectiveness for: migraine headache including allergic migraine; "histamine headache;" tissue preservative action; prevention or reduction in severity of sequellae of oral surgery (pain, trismus, edema, and hemorrhage); potentiation of the action of central nervous system depressants with resultant reduction of dosage of narcotic analgesics; nausea and vomiting of reflex origin; shortening of labor; prevention of allergic reactions to injection of allergenic substances; and "allergic conditions amenable to antihistamine therapy" (considered too broad to allow meaningful evaluation).

7. Pheniramine maleate in conventional oral dosage form is:

a. Effective or probably effective for the indications described in the "Indications" section which follows. The probably effective indications are: Mild, local allergic reactions to insect bites; physical allergy; minor drug and serum reactions characterized by pruritus; prevention or relief of motion sickness.

b. Possibly effective for bronchial asthma; spasmodic bronchial cough; atopic dermatitis; neurodermatitis; neurodermatitis circumscripta; eczematoid dermatitis; allergic eczema; allergic dermatitis; contact dermatitis (including dermatitis venenata or poison ivy); chemotoxic dermatitis; generalized pruritus; pruritus ani and vulvae; secretory otitis media; prophylaxis of allergic reactions to contrast media; pruritus of jaundice; prophylaxis of penicillin and (other) drug reactions; pruritus of allergic dermatoses including contact dermatitis; relief of insect stings; use in desensitization procedures and when essential to use therapy known to be sensitizing.

c. Lacking substantial evidence of effectiveness for: migraine headache including allergic migraine; "histamine headache;" tissue preservative action; prevention or reduction in severity of sequellae of oral surgery (pain, trismus, edema, and hemorrhage); potentiation of the action of the central nervous system depressants with resultant reduction of dosage of narcotic analgesics; prevention of allergic reactions to injection of allergenic substances; antiemetic effect in postoperative patients; and "pheniramine maleate is of value clinically in the prevention and relief of many allergic manifestations" (considered too broad to allow meaningful evaluation).

8. Pyrilamine maleate in conventional oral dosage form is:

a. Effective or probably effective for the indications described in the "Indications" section which follows. The probably effective indications are: Mild, local allergic reactions to insect bites; physical allergy; minor drug and serum reactions characterized by pruritus.

b. Possibly effective for bronchial asthma; spasmodic bronchial cough; atopic dermatitis; neurodermatitis; neurodermatitis circumscripta; eczematoid dermatitis; allergic eczema; allergic dermatitis; contact dermatitis (including dermatitis venenata or posion ivy); chemotoxic dermatitis; generalized pruritus; pruritus ani and vulvae; secretory otitis media; prophylaxis of allergic reactions to contrast media; pruritus of jaundice; prophylaxis of penicillin and (other) drug reactions; pruritus allergic dermatoses including contact dermatitis; relief of insect stings; use in desensitization procedures and when essential to use therapy known to be sensitizing.

c. Lacking substantial evidence of effectiveness for: migraine headache including allergic migraine; "histamine headache;" tissue preservative action; prevention or reduction in severity of sequellae of oral surgery (pain, trismus, edema, and hemorrhage); potentiation of the action of central nervous system depressants with resultant reduction of dosage of narcotic analgesics; prevention of allergic reactions to injection of allergenic substances; antiemetic effect in postoperative patients; and "pheniramine maleate is of value clinically in the prevention and relief of many allergic manifestations" (considered too broad to allow meaningful evaluation).

9. Tripelennamine Hydrochloride or Citrate in conventional oral dosage form is:

a. Effective or probably effective for the indications described in the "Indications" section which follows. The probably effective indications are: Mild, local allergic reactions to insect bites; physical allergy; minor drug and serum reactions characterized by pruritus.

b. Possibly effective for bronchial asthma; spasmodic bronchial cough; atopic dermatitis; neurodermatitus circumscripta; eczematoid dermatitis; allergic eczema; allergic dermatitis; contact dermatitis (including dermatitis venenata or poison ivy); chemotoxic dermatitis; generalized pruritus; pruritus ani and vulvae; secretory otitis media; prophylaxis of allergic reactions to contrast media; pruritus of jaundice; prophylaxis of penicillin and (other) drug reactions; pruritus of allergic dermatoses including contact dermatitis; relief of insect stings; use in desensitization procedures and when essential to use therapy known to be sensitizing.

c. Lacking substantial evidence of effectiveness for migraine headache including allergic migraine; "histamine headache;" tissue preservative action; prevention or reduction in severity of sequellae of oral surgery (pain, trismus, edema, and hemorrhage); potentiation of the action of central nervous system depressants with resultant reduction of dosage of narcotic analgesics; prevention of allergic reactions to injection of allergenic substances; antiemetic effect in postoperative patients. The indication "many other "allergic conditions" is considered too broad to allow meaningful evaluation.

10. Chlorpheniramine Maleate and Tripelennamine Hydrochloride in sustained action dosage forms for oral administration are:

a. Probably effective for indications evaluated as effective and probably effective for conventional oral dosage forms of these drugs. (See paragraphs 2 and 9 above.)

b. Possibly effective and lacking substantial evidence of effectiveness for the same indications listed in these categories for the conventional oral dosage forms of these drugs in paragraphs 2 and 9 above.

B. *Conditions for approval and marketing of drugs having an effective classification.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* a. These preparations are in a conventional dosage form suitable for oral administration.

b. Diphenhydramine hydrochloride may also be in a powder form suitable for prescription compounding.

c. Promethazine hydrochloride may also be in a suppository form suitable for rectal administration.

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

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

INDICATIONS

i. *Bromodiphenhydramine Hydrochloride.*

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

Amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

Mild, local allergic reactions to insect bites.

Physical allergy.

Minor drug serum reactions characterized by pruritus.

ii. *Chlorpheniramine Maleate.*

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

Amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

Mild, local allergic reactions to insect bites.

Physical allergy.

Minor drug and serum reactions characterized by pruritus.

iii. *Cyproheptadine Hydrochloride.*

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.
Amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions.
Dermographism.
As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.
Mild, local allergic reactions to insect bites.
Physical allergy.
Minor drug and serum reactions characterized by pruritus.
iv. *Diphenhydramine Hydrochloride.*
Perennial and seasonal allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis due to inhalant allergens and foods.
Mild, uncomplicated allergic skin manifestations of urticaria and angiodema.
Amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions.
Dermographism.
As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.
Parkinsonism (including drug-induced) in the elderly unable to tolerate more potent agents.
Mild cases of parkinsonium (including drug-induced) in other age groups.
In other cases of parkinsonism (including drug-induced) in combination with centrally acting anticholinergic agents.
Active and prophylactic treatment of motion sickness.
Mild, local allergic reactions to insect bites.
Physical allergy.
Minor drug and serum reactions characterized by pruritus.
Intractable insomnia and insomnia predominant in certain medical disorders.
v. *Diphenylpyraline Hydrochloride.*
Perennial and seasonal allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis due to inhalant allergens and foods.
Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.
Amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions.
Dermographism.
As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.
Mild, local allergic reactions to insect bites.
Physical allergy.
Minor drug and serum reactions characterized by pruritus.
vi. *Promethazine Hydrochloride.*
Perennial and seasonal allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis due to inhalant allergens and foods.
Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.
Amelioration and prevention of allergic reactions to blood plasma in patients with a known history of such reactions.
Dermographism.
As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.
Preoperative, postoperative, or obstetric sedation.
Prevention and control of nausea and vomiting associated with certain types of anesthesia and surgery.
Therapy adjunctive to meperidine or other analgesics for control of postoperative pain.
Sedation in both children and adults as well as relief of apprehension and production of light sleep from which the patient can be easily aroused.
Active and prophylactic treatment of motion sickness.
Antiemetic effect in postoperative patients.
Mild, local allergic reactions to insect bites.
Physical allergy.
Minor drug and serum reactions characterized by pruritus.
Intractable insomnia and insomnia predominant in certain medical disorders.
Prevention and control of severe, hazardous nausea and vomiting of pregnancy.
vii. *Pheniramine Maleate.*
Perennial and seasonal allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis due to inhalant allergens and foods.
Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.
Amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions.
Dermographism.
As thereapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.
Mild, local allergic reactions to insect bites.
Physical allergy.
Minor drug and serum reactions characterized by pruritus.
Prevention and relief of motion sickness.
viii. *Pyrilamine maleate.*
Perennial and seasonal allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis due to inhalant allergens and foods.
Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.
Amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions.
Dermographism.
As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.
Mild allergic reactions to insect bites.
Physical allergy.
Minor drug and serum reactions characterized by pruritus.
ix. *Triplennamine Hydrochloride and citrate.*
Perennial and seasonal allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis due to inhalant allergens and foods.
Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.
Amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions.
Dermographism.
As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.
Mild, local allergic reactions to insect bites.
Physical allergy.
Minor drug and serum reactions characterized by pruritus.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section), continued use as described in (c), (d), (e), and (f) of that notice.

C. Conditions for marketing drugs having no indication classified as effective. 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 which is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an "Indications" section in accord with that described below. 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 delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph A above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Indications for which the drug is regarded as probably effective or possibly effective may continue to be used for 12 months or 6 months, respectively, 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, including evidence that the drug has the sustained action or prolonged effect claimed.

4. 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.

5. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drug on the market to be a new drug for which an approval is not in effect.

6. Labeling revised pursuant to this notice should take into account the comments of the Academy, furnish adequate information for safe and effective use of the drug, be in accord with the guidelines for uniform labeling (§ 3.74) published in the FEDERAL REGISTER of February 6, 1970, and recommend use of the drug (for the probably effective indications) as follows: (The possibly effective indications may also be included for 6 months).

INDICATIONS

(The "Indications" sections are the same as those listed for the conventional dosage forms of chlorpheniramine maleate and tripelennamine hydrochloride in paragraph B.2 above.)

D. *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 A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any related drug for human use offered for the indications for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well organized and full factual analysis of the clinical and other investigation data that 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.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's 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 6290, 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 Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug application (identify as such): Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

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

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), 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 the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 17, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8557 Filed 6-17-71;8:46 am]

[DESI 8682]

THYROTROPIN FOR INJECTION

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 thyroid stimulating hormone drug for injectable use:

Thytropar (thyrotropin) Sterile Lyophilized Powder; Armour Pharmaceutical Co., Box 1022, Chicago, Ill. 60690 (NDA 8-682).

Such 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 drug without approval.

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

1. Thyrotropin is effective for use in determining subclinical hypothyroidism or low thyroid reserve; to differentiate primary and secondary hypothyroidism; to evaluate the need for thyroid medication in patients already receiving thyroid therapy; for treatment of functioning thyroid carcinoma; and to aid in detection of remnants and metastases of thyroid carcinoma.

2. Thyrotropin is probably effective in differentiating diagnosis of Hashimoto's thyroiditis or struma lymphomatosa (primary thyroid failure with compensatory enlargement) from nontoxic adenomatous goiter.

3. Thyrotropin is possibly effective in the treatment of toxic adenomatous goiters and in counteracting the effects of Lugol's solution.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Thyrotropin preparations are in sterile lyophilized powder

form suitable for reconstitution for intramuscular or subcutaneous administration.

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

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

INDICATIONS

A. *Diagnostic application of thyrotropin.*

1. To determine subclinical (borderline to obscure) hypothyroidism or low thyroid reserve.

2. To differentiate between primary and secondary hypothyroidism.

3. In the differential diagnosis of Hashimoto's thyroiditis or struma lymphomatosa (primary thyroid failure with compensatory enlargement) from nontoxic adenomatous goiter.

4. To evaluate the need for thyroid medication in patients already receiving thyroid therapy.

5. To aid in detection of remnants and metastases of thyroid carcinoma.

B. *Therapeutic application of thyrotropin.*

1. In the management of certain types of thyroid carcinoma and resulting metastases, (The possibly effective indications may also be included for 6 months.)

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, and an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1) (i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (c), (d), (e), and (f) of that notice.

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8682, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

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

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

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

Dated: May 21, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8556 Filed 6–17–71;8:46 am]

[Docket No. FDC–D–123; NDA No. 8–986 and 10–144]

HYNSON, WESTCOTT & DUNNING, INC.

Notice of Withdrawal of Approval of New-Drug Applications

On March 22, 1969, there was published in the FEDERAL REGISTER (34 F.R. 5556) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug applications for drugs containing lututrin on the ground that there is a lack of substantial evidence that lututrin has the effect or contributes to the effect which the drugs purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Hynson, Westcott & Dunning, Inc., Charles and Chase Streets, Baltimore, Md. 21201, holder of NDA No. 8–986, Lutrexin tablets and NDA No. 10–144, Trexinest tablets by the October 16, 1970 letter of its counsel, has requested a hearing on the following issues:

(1) Whether its lututrin drugs are exempt from the efficacy requirements of 21 U.S.C. 355 under section 107(c) of Public Law 87–781; (2) whether its lututrin drugs are "new drugs" within the meaning of 21 U.S.C. 321(p)(1); and (3) whether there is a lack of substantial evidence of effectiveness to support the claims made for Lutrexin.

In support of its request for a hearing on the issue of substantial evidence of effectiveness, Hynson, Westcott, and Dunning, Inc. (hereinafter referred to as "HW&D") has submitted a list of its medical documentation previously filed with the Agency, including all data submitted in connection with NDA No. 10–144, correspondence between HW&D officials and the Agency or other persons, labeling for the lututrin drugs, literature articles submitted to the National Academy of Science-National Research Council, and the HW&D letter of August 18, 1969, in which the company first elected to avail itself of the opportunity for hearing.

To support its hearing request on the contentions that HW&D's lututrin drugs are exempt from the efficacy requirements of 21 U.S.C. 355, the company has submitted copies of its pleadings, legal memorandum, exhibits, and affidavits, as well as the transcript and order in Hynson, Westcott and Dunning, Inc. *v.* Finch (C.A. No. 21112, D. Md., decided Sept. 11, 1970).

The Commissioner of Food and Drugs has reviewed HW&D's request for hearing and the medical documentation submitted, and makes the following findings:

I. *The drugs, their rationale and claims.* a. Lutrexin is labeled as containing 3,000 units of lututrin per tablet. Lututrin is claimed to be a pig uterine relaxing hormone effective in the treatment of functional dysmerorrhea, selected cases of premature labor and threatened and habitual abortion. The package insert claims the drug has demonstrated activity on the living animal uterus, that it relaxes the contracted uterine muscle by direct action thereon, or by blocking pituitary action.

b. Trexinest is labeled as containing 500 units of lututrin and 1.0 milligrams of estrogen, in the form of sodium estrone sulfate, per tablet. Trexinest is recommended for the treatment of menopausal disorders. The package insert claims that the combination is more effective than lututrin or estrogen alone and points to lututrin as the responsible agent in the drug's effectiveness.

II. *The applicable regulations.* HW&D's contention that it has an unconditional right to a hearing is denied. The hearing regulations, 21 CFR 130.14, require that a person seeking a hearing set forth specific facts showing the existence of genuine and substantial fact issues which requires a hearing. The order of May 8, 1970 (35 F.R. 7250) granted persons involved in notices of hearing, including HW&D, 30 days in which to amend their requests for hearing to comply with the new regulations. The company was given actual notice on May 19, 1970, that it was required to comply with these regulations in order to properly avail itself of an opportunity for hearing. Applications of the regulations have been upheld by the courts.

Pfizer, Inc. *v.* Richardson, 434 F. 2d 536 (C.A. 2, 1970); Upjohn Co. *v.* Finch, 422 F. 2d 944 (C.A. 6, 1970); Pharmaceutical Manufacturers Association *v.* Richardson, 318 F. Supp. 301 (D. Del., 1970). HW&D is bound by the judgment in the last case cited.

III. *The Request for a Hearing*—a. *The issues of exemption under section 107(c) of Public Law 87–781 and under 21 U.S.C. 321(p)(1).* The request for a hearing on these issues is denied. The new-drug applications involved had not been withdrawn prior to enactment of Public Law 87–781. They were "deemed approved" under the 1962 amendments to the Act and are subject to withdrawal on the basis of the effectiveness requirements of the amendments.

b. *Lutrexin and Trexinest are new drugs within the meaning of 21 U.S.C. 321(p)(1).* The conclusions of HW&D's affiants that these drugs are not new drugs cannot be accepted. No adequate and well-controlled clinical investigations published in the medical literature have been identified. Therefore, there is no data base upon which experts can fairly and responsibly conclude that the safety and effectiveness of the drugs has been proven and is so well established that the drugs can be generally recognized among such experts as safe and effective for their intended uses.

The affiants identify 11 studies as establishing the claims made for the drugs. None purports to be an adequate and well-controlled clinical investigation. They may be summarized as follows:

(1) Majewski and Jennings: Uterine Relaxing Factor for Premature Labor, Ob. & Gyn. 5:649–652 (May 1955); and Further Experiences with a Uterine Relaxing Hormone in Premature Labor, Ob. & Gyn. 9:322–325 (March 1957) by the same authors are one study. The first paper is a preliminary study on 20 patients and the latter is the report on enlarged group of 88 patients. The authors acknowledge that results in the total group are less favorable than in the preliminary study, but conclude that the results are encouraging. Concomitant medication was given an unstated number of patients. There is no way to determine the percentage of patients on concurrent medication or whether the results of the study were thereby influenced. Nine patients out of 88 in whom the drug proved ineffective were excluded from the report for "statistical reasons". Six patients received the drug for less than 3 hours, which the authors without explanation considered too short a time for a true test of effectiveness. There is no summary or explanation of the statistical methods used in analysis of the data to show that results were not biased or due to chance.

(2) Majewski: Statistical Evaluation in The Reduction of the Incidence of Prematurity (1968) is unpublished. The author claims successful treatment in 86 percent of cases treated in his practice over a 10-year period. Substantiating documentation to establish an historical control and percentage of patients with medical or surgical complications of pregnancy is not provided. The author acknowledges that some patients with medical complications such as placenta praevia were included in the study. Lutrexin is not claimed to have value in the medical or obstetrical complications of pregnancy which occur in a significant percentage of premature births.

The pairing of live birth percentages by number of pregnancies before and after Lutrexin treatment such as in Table I are all inappropriate. For example, of the 24 cases with one previous pregnancy, 11 live births before treatment and 18 live births after treatment are compared. However, for each of the 18 live births after treatment, an additional pregnancy had elapsed so that the number of previous pregnancies associated with the number 18 is two, not one; as such, the number 18 should be compared with the number 16, the total live births for two previous pregnancies.

The data in Table I does not admit of statistical evaluation by the chi-square test since the test is based on the assumption that each number in the columns of Table I is the sum of independent yes or no responses, e.g., for the one patient with seven previous pregnancies, four live births are correlated, thus ignoring the sample size of one and using an erroneous sample size of four.

(3) Rezek: The Effect of a New Potent Uterine Relaxing Factor of the Corpus Luterum in the Treatment of Dysmenorrhea, Am. J. Ob. & Gyn. 66:396–402 (August 1953). The report does not state the method of patient selection, nor does it indicate comparability of pertinent variables such as severity or duration of diseases. Concomitant medication is not excluded. No explanations of the methods of observation, the recording of results, and steps taken to minimize patient and investigator bias are provided. The historical controls employed are inappropriate.

(4) Rezek: Lutrexin in the Treatment of Premature Labor, Ann. N.Y. Acad. Sci. 75:995–997 (January 1959). The method of selection of the patients does not show progressive dilation of the cervix, which is necessary to accurately diagnose premature labor. The methods of observation and the recording of results are not explained. No statistical evaluation was presented to show that results claimed are significant in terms of the patient population.

(5) Gratton: The Treatment of Infertility and Prematurity Pregnancy Problems (1968) is unpublished. Patients received numerous concomitant therapies until the fifth month of pregnancy which prevents scientific attribution of results to lututrin therapy. The method of patient selection is unexplained.

Statistically the study lacks adequate design and evaluation. There is no showing that the cases studied are representative of the population to which inferences are made. The pairings of live births percentages in Table II cannot be compared since the number of previous pregnancies differs between the pair percentages and there is no data on possible etiologic factors of previous abortions and premature labor.

(6) Gray: Lutrexin in the Management of Premature Labor and Habitual Abortion. A Description of Fifteen Representative Cases (undated) is an unpublished report on 15 selected cases the author has treated. No plan or protocol is provided to allow determination of the objectives of the study, the method of patient selection, diagnostic criteria of the condition to be treated, laboratory tests to be made, the methods of observation and recording of results. The author's review of his records does not constitute an adequate and well-controlled investigation.

(7) Four papers by Dr. Trythall were listed in the attachment to his affidavit. In only one article is lutrexin ever mentioned. The three sentences devoted to the drug provide no information whatsoever except that the author claims to have found it effective in his practice.

The affiants state that double blind investigations of lututrin are unethical because the drug is effective and complications of pregnancy may be life-threatening. The Commissioner does not reach that issue, since none of the historically controlled studies relied upon were adequate and well-controlled investigations.

There are other reasons why HW&D's medical data lack merit, but in view of the above finding their delineation is unnecessary.

c. *The issue of substantial evidence of effectiveness.* The request for a hearing on this ground is denied. The regulations, 21 CFR 130.14, require HW&D to submit a well organized and full factual analysis of the clinical and other investigational data it is prepared to prove at a hearing. The request must set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing. HW&D has not attempted compliance with these requirements.

Rather than identify and discuss the efficacy data relied upon to support the claims made for its drugs, the company has merely provided a list, extending to four pages, of practically all materials ever submitted to the Agency and the NAS–NRC. The materials are described, for the most part, in general terms (e.g., "data submitted in connection with New Drug Application for Lutrexin tablets * * *, Lutrexin bibliography * * *, Trexinest bibliography * * *, reprints and abstracts * * *). What the Commissioner is required to do is determine from this material, what HW&D may or may not consider relevant and, therefore, relies upon. In the case bibliographies, the Commissioner would be required to research each article and then determine if it is relevant, or whether HW&D might consider it relevant. Because such a procedure is not contemplated by the regulation, the request for hearing is denied

for failure to comply with applicable regulations.

Apart from the refusal of HW&D to comply with 21 CFR 130.14, the most basic material in the Lutrexin new-drug application reveals a lack of adequate and well-controlled investigations showing that lututrin will have the effect HW&D claims for it.

The only evidence submitted that lututrin may have biological activity in humans when taken orally is a test on nine women by Jones and Smith in which positive results were reported to have been obtained in six subjects. No plan or protocol was stated. No data on the participating patients was provided. No explanation of procedures for patient selection, or criteria for inclusion in the study, or appropriate laboratory tests before and after administration of lututrin was provided. No statistical analysis showing the test population was of significant size or that results obtained were significant is shown. Moreover, there is no evidence that results claimed have ever been reproduced in humans by other investigators.

Therefore, the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effects it is purported or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling thereof.

Pursuant to the foregoing findings, approvals of the above new-drug applications, and all amendments and supplements thereto, are withdrawn effective on the date of the signature of this document.

Dated: May 31, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-8557 Filed 6-17-71;8:46 am]

[DESI 763; Docket No. FDC-D-272; NDAs 763 etc.]

CERTAIN ANESTHETIC DRUGS FOR PARENTERAL OR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Correction

In F.R. Doc. 71-5014 appearing at page 6909 in the issue of the FEDERAL REGISTER dated April 10, 1971, the following corrections are made:

1. In the listed drugs "IV. Metabutethamine Hydrochloride:" is changed to read "IV. Metabutethamine Hydrochloride with Epinephrine:".

2. Under VII, item 2, "(NDA 8-952)" is changed to read "(NDA 8-592)".

3. In A4, "Mebutethamine" is changed to "Metabutethamine".

4. In A10, "and epinephrine" is deleted.

Dated: June 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-8558 Filed 6-17-71;8:46 am]

[Docket No. FDC-D-199; NDA 12-341]

MERCK SHARP AND DOHME

Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of July 22, 1970 (35 F.R. 11718) (DESI 9947), extending to Merck Sharp and Dohme, Division of Merck & Co., Inc., Rahway, New Jersey 07065, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order withdrawing approval of new-drug application No. 12-341, and all amendments and supplements thereto, for Cyclex Tablets, a combination drug containing 200 milligrams meprobamate and 25 milligrams hydrochlorothiazide per tablet, on the grounds that new information before the Commissioner with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug application, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: June 4, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-8559 Filed 6-17-71;8:46 am]

[DESI 5319]

[Docket No. FDC-D-310; NDA 9-561 et al.]

CERTAIN RADIOPAQUE MEDIA

Evaluated Reports

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. Preparations marketed by E. R. Squibb and Sons, Inc., Georges, Road, New Brunswick, N.J. 08903:

a. Oragrafin Sodium Capsules containing sodium ipodate (NDA 12-967).

b. Oragrafin Calcium Granules containing calcium ipodate (NDA 12-968).

c. Cholografin Sodium Injection containing sodium iodipamide (NDA 9-321).

d. Cholografin Meglumine Injection containing meglumine iodipamide (NDA 9-321).

e. Renografin-30, Renografin-60, and Renografin-76 Injections containing meglumine diatrizoate 30, 60, or 76 percent (NDA 10-040).

f. Renovist Injection containing sodium diatrizoate and meglumine diatrizoate (NDA 10-040).

g. Gastrografin Oral Solution containing meglumine diatrizoate (NDA 11-245).

h. Cardiografin Injection containing meglumine diatrizoate (NDA 11-620).

i. Sinografin Solution for Injection containing meglumine diatrizoate and meglumine iodipamide (NDA 11-324).

2. Preparations marketed by Mallinckrodt Chemical Works, 3600 North Second Street, St. Louis, Missouri 63147:

a. Cystokon Sterile Solution containing sodium acetrizoate (NDA 6-990).

b. Thixokon Sterile Solution containing sodium acetrizoate (NDA 10-642).

c. Ditriokon Sterile Solution containing sodium diatrizoate and sodium diprotrizoate (NDA 12-260).

d. Miokon Sodium 50-percent Sterile Solution containing sodium diprotrizoate (NDA 10-107).

3. Preparations marketed by Winthrop Laboratories or Winthrop Products, 90 Park Avenue, New York, N.Y. 10016:

a. Telepaque Tablets containing iopanoic acid (NDA 8-032).

b. Oral Hypaque Sodium Liquid and Powder containing sodium diatrizoate (NDA 11-386).

c. Hypaque Sodium 50-percent Sterile Aqueous Solution and Injection containing sodium diatrizoate (NDA 9-992 and 9-561).

d. Hypaque Sodium 20-percent Sterile Aqueous Solution containing sodium diatrizoate (NDA 9-561).

e. Hypaque-M 75 percent and 90 percent containing sodium diatrizoate and meglumine diatrizoate (NDA 10-220).

4. Preparations marketed by E. Fougera and Co., Inc., Cantiaque Road, Post Office Box 73, Hicksville, New York 11803:

a. Hytrast containing iopydone and iopydol (NDA 13-106).

b. Ethiodol containing ethiodized oil (NDA 9-190).

5. Preparation marketed by Ortho Pharmaceutical Corp., Route 202, Raritan, New Jersey 08869:

a. Salpix Contrast Medium containing sodium acetrizoate and povidone (NDA 9-008).

6. Preparation marketed by Lafayette Pharmacal, Inc., 522-26 North Earl Ave., Lafayette, Indiana 47904:

a. Pantopaque containing iophendylate, (NDA 5-319).

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

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

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

1. These radiopaque agents are effective for the indications listed in the "Indications" section of this announcement.

2. Radiopaque media containing ethiodized oil are possibly effective for use in sialography and sinus and fistulous tract visualization.

3. Radiopaque media containing sodium acetrizoate and povidone are possibly effective for the mechanical release of tubal obstruction.

4. Radiopaque agents containing 50 percent sodium diatrizoate lack substanial evidence of effectiveness for use in retrograde pyelography.

B. *Form of drug.* These drugs are in tablet, capsule, liquid, powder, sterile solution, or suspension forms as described above, suitable for oral, rectal, intracavitary, instillation, or intravascular administration.

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

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

a. *Sodium Ipodate Capsules.*

INDICATIONS

This drug is indicated for oral cholecystography. It may also be used for oral cholangiography, although it is not considered the method of choice.

b. *Calcium Ipodate Granules.*

INDICATIONS

This drug is indicated for oral cholecystography. It may also be used for oral cholangiography, although it is not considered the method of choice.

c. *Sodium Iodipamide Injection or Meglumine Iodipamide Injection.*

INDICATIONS

These drugs are indicated in intravenous cholangiography and cholecystography.

d. *Meglumine Diatrizoate Injection—30 Percent.*

INDICATIONS

This drug is indicated for retrograde pyelography.

e. *Meglumine Diatrizoate Injection—60 Percent.*

INDICATIONS

This drug is indicated in excretion urography; cerebral angiography; peripheral arteriography; venography; opeative T-tube or percutaneous transhepatic cholangiography; splenoportography; arthrography; and diskography.

f. *Meglumine Diatrizoate Injection—76 Percent.*

INDICATIONS

This drug is indicated in excretory urography; aortography; pediatric angiocardiography; and peripheral arteriography.

g. *Sodium Diatrizoate 35 Percent and Meglumine Diatrizoate 34.5 Percent Injection.*

INDICATIONS

This drug is indicated in excretory urography; aortography; pediatric angiocardiography; and peripheral arteriography.

h. *Meglumine Diatrizoate Injection—85 Percent.*

INDICATIONS

This drug is indicated in angiocardiography and thoracic aortography.

i. *Meglumine Diatrizoate 40 Percent and Meglumine Iodipamide 20 Percent.*

INDICATIONS

This drug is indicated in hysterosalpingography.

j. *Sodium Acetrizoate Sterile Solution—30 Percent.*

INDICATIONS

This drug is indicated in retrograde pyelography and cystography.

k. *Sodium Acetrizoate Sterile Solution—50 Percent.*

INDICATIONS

This drug is indicated for urethrography.

l. *Sodium Diatrizoate 37 Percent and Sodium Diprotrizoate 31 Percent Injection.*

INDICATIONS

This drug is indicated in angiocardiography.

m. *Sodium Diprotrizoate Injection—50 Percent.*

INDICATIONS

This drug is indicated for excretory urography.

n. *Iopanoic Acid Tablets.*

INDICATIONS

This drug is indicated for use in oral cholecystography. It may also be used for oral cholangiography, although it is not considered the method of choice.

o. *Meglumine Diatrizoate Oral Solution or Sodium Diatrizoate Oral Solution and Powder.*

INDICATIONS

This drug is indicated for radiographic examination of the gastrointestinal tract following oral or rectal administration.

p. *Sodium Diatrizoate Injection—50 Percent.*

INDICATIONS

This drug is indicated in excretory urography; cerebral and peripheral angiography; aortography; intraosseous venography; direct cholangiography; hysterosalpingography; and splenoportography.

q. *Sodium Diatrizoate Injection—20 Percent.*

INDICATIONS

This drug is indicated for use in retrograde pyelography.

r. *Sodium Diatrizoate and Meglumine Diatrizoate—75 Percent or 90 Percent.*

INDICATIONS

These drugs are indicated in angiocardiography; aortography; angiography; and urography.

For 90 percent add: Hysterosalpingography.

s. *Iopydone and Iopydol Suspension.*

INDICATIONS

This drug is indicated for bronchography.

t. *Ethiodized Oil.*

INDICATIONS

This drug is indicated in hysterosalpingography.

u. *Sodium Acetrizoate and Providone.*

INDICATIONS

This drug is indicated for hysterosalpingography.

v. *Iophendylate Injection.*

INDICATIONS

This drug is indicated for use in myelography.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which a 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 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 section 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.

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

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

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

b. Updating information as needed to make the application current.

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

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

b. 60 days for updating information.

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

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit a new drug application containing full information required by the new drug application form FD–356H (21 CFR 130.4(c)). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

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

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

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

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

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

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

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

I. *Unapproved use or form of drug.* 1. If the article is marketed in any other form or 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 form or use is approved in a new drug application, or is otherwise in accord with this announcement.

A copy of the Academy's 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 5319, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland, 20852:

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

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

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

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), 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 the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 21, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8560 Filed 6–17–71;8:46 am]

[Docket No. FDC–D–268; NADA No. 4–914V etc.]

BEEBE LABORATORIES ET AL.

Certain Intramammary Infusion Products; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6602), the Commissioner of Food and Drugs announced the conclusion of the Food and Drug Administration and the National Academy of Science-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following intramammary infusion products for use in treating mastitis in milk producing animals:

1. G-Lac; NADA (new animal drug application) No. 4–914V; Beebe Laboratories, Inc., 2035 East Larpenteur Avenue, St. Paul, Minn. 55109;

2. Gargon and Neothion; NADA 11–204V; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903; and

3. Terramycin with Polymyxin B Sulfate Animal Formula For Mastitis; NADA 9–168V; Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The announcement invited the above named holders of said new animal drug applications and any other interested persons to submit pertinent data on the drugs' effectiveness.

No data were received in response to the announcement; and available information fails to provide substantial evidence of effectiveness of the drugs for their recommended use in treating mastitis in milk producing animals.

The efficacy data covering the below listed products have also been reviewed by the Administration. These products are similar in composition to G-Lac, but were not furnished to be reviewed 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, were not evaluated by the Academy. The above-mentioned findings of the Administration regarding drug effectiveness apply equally to the following products:

1. Tyrothricin Veterinary; NADA No. 4–793V; Merck Sharp & Dohme, Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065;

2. Tyrothricin Emulsion Veterinary; NADA No. 5–322V; American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540;

3. Ty-Sin; NADA No. 4–538V; Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., 520 West 21st Street, Kansas City, Mo. 64141;

4. Tyrothricin; NADA No. 5–026V; Parke, Davis & Co., 3300 East Jefferson Avenue, Detroit, Mich. 48232;

5. Tyro-Brev Emulsion; NADA No. 5–176V; Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034; and

6. Mam-O-Lac; NADA No. 6–210V; Kansas City Vaccine Co., 1627 Genesee, Kansas City, Mo. 64102:

Therefore, notice is given to the above named firms and to any interested persons 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 the new animal drug applications listed above and all amendments and supplements thereto. This action is proposed on the grounds that:

When information before the Commissioner with respect to the drugs was evaluated together with the evidence available to him when the applications were approved, this data did 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 to the above-listed drugs and recommended for similar conditions of use 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 which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

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

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

Dated: June 10, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8571 Filed 6–17–71;8:47 am]

PHILIPS ROXANE, INC.

Intramammary Infusion Products for Treating Mastitis; Notice of Drugs Deemed Adulterated

An announcement in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6602), concerned the products Dry Cow Treatment and Dry-Mast manufactured by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502. The announcement set forth the findings of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and the Food and Drug Administration stating that the available information did not establish that the drugs are effective for their intended use in the treatment of bovine mastitis. Said announcement provided the manufacturer and all interested parties a 6-month period in which to submit new animal drug applications.

Neither Philips Roxane, Inc., nor any other manufacturers submitted new animal drug applications for their products within the 6-month period provided.

Based on the foregoing and information before him, the Commissioner of Food and Drugs concludes that the above-named drugs and all other intramammary infusion products which are for the treatment of mastitis in milk-producing animals and are not now the subject of approved new animal drug applications are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subject of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to Philips Roxane, Inc., and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (secs. 501(a)(5) and 512, 52 Stat. 1049, as amended, 82 Stat. 343–351; 21 U.S.C. 351(a)(5) and 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 10, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–8572 Filed 6–17–71;8:47 am]

National Institutes of Health

[File No. 4208]

NIH COPYRIGHT POLICY

Proposed Implementation

The NIH policy, as published in 35 F.R. 5470, states that:

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a research project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

It is proposed to implement that portion of the above policy which reads "and to authorize others to do so," by adding to the policy statement:

Communications in primary scientific journals reporting results of research supported in whole or in part by the National Institutes of Health may be copyrighted consistent with the copyright policy of the publication, with the understanding, however, that individuals are authorized to make, or have made by any means available to them, a single copy of any such article for their own use.

Anyone wishing to comment on this proposed policy change should contact Dr. Ronald Lamont-Havers before July 15, 1971, addressed as follows:

Dr. Ronald W. Lamont-Havers, Associate Director for Extramural Research and Training, National Institutes of Health, 9000 Rockville Pike, Building 1, Room 118, Bethesda, MD 20014.

Dated: June 11, 1971.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

[FR Doc.71-8550 Filed 6-17-71;8:45 am]

Office for Civil Rights

NONDISCRIMINATION IN ELEMENTARY AND SECONDARY SCHOOLS

School Staffing Practices

The following memorandum by the Director, Office for Civil Rights, dated January 14, 1971, has been addressed to all chief State school officers and school superintendents:

NONDISCRIMINATION IN ELEMENTARY AND SECONDARY SCHOOL STAFFING PRACTICES

Title VI of the Civil Rights Act of 1964 requires that students in a school district receiving Federal financial assistance be afforded educational services free from discrimination on the ground of race, color, or national origin. Since the Bradley and Rogers decisions of the Supreme Court in 1965 it has become clear that this provision precludes the assignment of teachers to public schools within the school system on a racially segregated basis. From more recent decisions of the courts of appeal, it has become equally clear that title VI also precludes discrimination in the hiring, promotion, demotion, dismissal or other treatment of faculty or staff serving the students. This memorandum describes HEW policies reflecting more recent court decisions in each of these two areas.

The goal of HEW in rendering assistance to educational programs is to help school officials to achieve the highest possible quality of education for everyone. The elimination of discrimination in these programs is not only required by the law, but is consistent with this goal. Indeed, racial or ethnic discrimination in staffing actually deters the achievement of high quality educational opportunities.

School districts have for the past several years reported to HEW's Office for Civil Rights on the racial and ethnic composition of their staffs. It will now be HEW's policy to make further inquiry into staffing practices whenever it appears from this or other information either that a school district may be making its assignment of teachers or staff to particular schools on a basis that tends to segregate, or that the racial or ethnic composition of its staff throughout the system may be affected by discriminatory hiring, firing, promotion, dismissal, or other employee practices.

ASSIGNMENT OF STAFF TO SCHOOLS

School districts that have in the past had a dual school system are required by current law to assign staff so that the ratio of minority group to majority group teachers in each school is substantially the same as the ratio throughout the school district. This is the so-called Singleton rule, enunciated by the Court of Appeals for the Fifth Circuit in January 1970. The same rule applies to nonteaching staff who work with children.

Even though a school district has not in the past operated an official dual system of schools, its statistical reports may nonetheless indicate a pattern of assigning staff of a particular race or ethnic group to particular schools. Where this appears to be true, the Office for Civil Rights will seek more detailed information regarding assignment policies and practices. If it is determined that assignments have been discriminatory, the school district will be requested to assign teachers so as to correct the discriminatory pattern.

HIRING, PROMOTION, DEMOTION, DISMISSAL, AND OTHER TREATMENT OF STAFF

The reports presently being submitted to the Office for Civil Rights by local educational agencies reflect not only the assignment by race of teachers and other staff to particular schools but also reflect the total composition by race of the staff throughout the reporting school system and the hiring of teachers by race each year. With respect to the employment practices of each district it will be HEW's policy to make further inquiry into such matters when it appears (1) that there has been an abrupt and significant change in the racial or ethnic composition of the teaching or any other category of staff serving a particular school district, or (2) that the presence of members of racial or ethnic groups among newly employed staff members in any category differs significantly from their presence among qualified persons reasonably available for employment by the school district. HEW's Office for Civil Rights will ask school districts so identified to furnish more specific information concerning these practices in the following categories of staff:

1. Principals.
2. Assistant Superintendents and other central office professional staff.
3. Deputy, associate, and assistant principals.
4. Classroom teachers.
5. Other professional staff for whom certification is generally expected, such as counsellors, librarians, and special education teachers.
6. Other staff who work with children, such as teacher-aides and bus drivers.

In each of these categories we will request information as to the identity of staff members who have been released or demoted, the reasons for release or demotion, the criteria used in selecting teachers for employment, promotion, release, or demotion, and the comparative professional, educational and personal qualifications of the applicants and staff members involved.

This information will be analyzed, and, where necessary, additional investigation conducted to determine whether discrimination has been practiced. It is, of course, not possible to catalog all forms which such discrimination might take. Several of the more obvious methods of discrimination are:

1. *Hiring.*—A school district which focuses its recruitment efforts on teacher training institutions attended predominantly by members of one race while ignoring institutions attended predominantly by members of another race is discriminating in its hiring practices. Similarly, the imposition of different hiring procedures, such as the requirement of additional personal interviews for members of one race as contrasted with others, is discriminatory. Discrimination in other features of the employment process may also be found in salaries offered, working conditions promised, training provided and tests or other qualifications imposed.

2. *Promotions.*—The selection of teachers or other staff for promotion may be subject to racial discrimination just as the selection of teachers for employment. Any form of such discrimination would be a violation of law.

3. *Demotions.*—The demotion of a staff member, whether involving a cut in pay or simply a change in duty, is discriminatory if it reflects a racial decision by the school administrators. Thus, if the consolidation of two schools necessarily results in the demotion of some staff members, such as department heads, counsellors, and coaches, the selection of the staff members to be demoted may not be based upon race. The courts have also held that persons demoted as an incident to the desegregation process are to be given preference in future promotions.

4. *Dismissals.*—Dismissal of a teacher for failure to meet certain standards or qualifications would, of course, be racially discriminatory if the same standards or qualifications were not applied to teachers of another race. A teacher who has been assigned to a particular school for racial reasons may not thereafter be dismissed if a reduction of force results in the closing of that school unless his qualifications for teaching are compared with all other teachers throughout the system and he has been found, under reasonable and objective criteria, to be less qualified than all teachers retained in the system.

If it is determined from the information furnished by the school district and from any other investigation that discrimination has been practiced, the school district will be requested to develop a plan for prompt corrective action. The types of corrective action required will depend upon the nature and results of the discrimination that has been practiced.

A discriminatory dismissal and its effect may be adequately corrected by reinstatement of the dismissed staff member together with the payment of any lost pay. Discriminatory hiring practices may be sufficiently corrected by adopting objective criteria and standards for future recruitment and hiring and by promptly offering positions to qualified persons who have been rejected or overlooked. In each case, however, the school district will be asked to develop and submit a specific plan for correcting the effects of the discriminatory practice and assuring against the repetition of such discrimination.

When it is clear that the effect of the discrimination cannot otherwise be corrected and the discrimination has in fact resulted in a significant distortion in the racial or ethnic composition of the staff, the school district may be asked to develop a plan designed to achieve a racial and ethnic composition of its total staff which will correct the distortion. In determining what that composition should be, consideration will be given to the past composition of the staff in each category and to information bearing on the reasonable availability of qualified teachers and other categories of staff from racial and ethnic minorities.

I have been assured by the Office of Education that it will give priority attention to requests for consultation and assistance in the development of realistic and educationally sound plans.

We in the Office for Civil Rights will be pleased to do everything possible to assist school officials to meet their title VI responsibilities.

Dated: June 8, 1971.

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

[FR Doc.71-8579 Filed 6-17-71;8:48 am]

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS AND COMMISSIONER OF FOOD AND DRUGS

Authority Under the Poison Prevention Packaging Act of 1970

Notice is hereby given that the following delegations of authority have been made under the Poison Prevention Packaging Act of 1970 (Public Law 91-601).

1. Delegation from the Secretary, DHEW to the Assistant Secretary for Health and Scientific Affairs to exercise all authorities vested in the Secretary under sections 3, 4, 5, 7, 8, and 9 of the Act. The delegated authority may be redelegated.

2. Delegation from the Assistant Secretary for Health and Scientific Affairs to the Commissioner of Food and Drugs to exercise all authorities delegated to the Assistant Secretary for Health and Scientific Affairs by the Secretary under the Poison Prevention Packaging Act of 1970. The delegated authority may be redelegated.

Dated: June 8, 1971.

RONALD BRAND,
Deputy Assistant Secretary for Management.

[FR Doc.71-8578 Filed 6-17-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-227]

GULF OIL CORP.

Notice of Issuance of Amendment to Facility License

No request for hearing or petition to intervene having been filed following publication of a notice of proposed action in the FEDERAL REGISTER on May 20, 1971, at 36 F.R. 9147, the Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility License No. R-100. The amendment authorizes Gulf Oil Corp. to (1) use an improved type of fuel element; (2) increase the steady-state power level from 1.5 megawatts (thermal) to 2 megawatts (thermal); (3) increase the amount of uranium 235 from 10 kilograms to 30 kilograms that the licensee may receive, possess, and use; and (4) irradiate simultaneously up to 10 direct conversion devices in the TRIGA Mark III reactor located at Torrey Pines Mesa near San Diego, Calif.

The Commission has found that the application for the amendment, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations as published in 10 CFR Chapter I, and the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Copies of the amendment to the facility license will be available at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of June 1971.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-8549 Filed 6-17-71;8:45 am]

[Docket No. 50-250]

FLORIDA POWER & LIGHT CO.

Order Extending Provisional Construction Permit Completion Date

By application dated June 1, 1971, Florida Power & Light Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-27. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Turkey Point Nuclear Generating Unit No. 3 at Turkey Point, Dade County, Fla.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-27 is extended from July 1, 1971 to January 1, 1972.

Dated at Bethesda, Md., this 12th day of June 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-8596 Filed 6-17-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23446; Order 71-6-66]

EUREKA AERO INDUSTRIES, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority June 11, 1971.

The Postmaster General filed a notice of intent May 27, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 43.45 cents per great circle aircraft mile for the transportation of mail by aircraft between Amarillo and Dallas, Tex., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Eureka Aero Industries, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 43.45 cents per great circle aircraft mile between Amarillo and Dallas, Tex., based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Eureka Aero Industries, Inc., the Postmaster General, Braniff Airways, Inc., Continental Air Lines, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eureka Aero Industries, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Eureka Aero Industries, Inc., the Postmaster General, Braniff Airways, Inc., Continental Air Lines, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-8638 Filed 6-17-71;8:53 am]

[Docket No. 22628; Order 71-6-56]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters; Correction

Issued under delegated authority June 9, 1971.

In F.R. Doc. 71-8457 appearing at page 11607 in the issue of Wednesday, June 16, 1971, the ordering paragraph deferring action with a view toward eventual approval should refer to Agreement CAB 22472 rather than Agreement CAB 22285 as stated.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-8637 Filed 6-17-71;8:53 am]

[Docket No. 19923 etc.]

LIABILITY AND CLAIM RULES AND PRACTICES INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned to be held on July 1 is postponed to July 8, 1971, at 10 a.m. e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner. All other procedural dates remain unchanged.

Dated at Washington, D.C., June 15, 1971.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.71-8640 Filed 6-17-71;8:53 am]

[Docket No. 22982]

TRANSPORTE AEREO RIOPLATENSE, S.A.C. e I.

Notice of Reopened Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a reopened hearing in the above-entitled proceeding is assigned to be held on June 29, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before the undersigned examiner.

Dated at Washington, D.C., June 14, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-8641 Filed 6-17-71;8:53 am]

[Docket No. 23361; Order 71-6-65]

WRIGHT AIR LINES, INC.

Order To Show Cause Regarding Service Mail Rates

Issued under delegated authority June 11, 1971.

The Postmaster General filed a notice of intent May 4, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 84 cents per great circle aircraft mile for the transportation of mail by aircraft from Akron/Canton, Ohio, to Cleveland, Ohio, and Chicago, Ill., and return to Cleveland, based on five trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 99 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Wright Air Lines, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 84 cents per great circle aircraft mile from Akron/Canton, Ohio, to Cleveland, Ohio, and Chicago, Ill., and return to Cleveland, based on five trips per week flown with Beechcraft 99 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Wright Air Lines, Inc., the Postmaster General, Eastern Air Lines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Wright Air Lines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Wright Air Lines, Inc., the Postmaster General, Eastern Air Lines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-8639 Filed 6-17-71;8:53 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

ENVIRONMENTAL PROTECTION AGENCY

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1088) has been filed by the Niagara Chemical Division, FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing establishment of interim tolerances (21 CFR Part 420) for negligible residues of the fungicide that is a mixture of 5.2 parts by weight of ammoniates of [ethylenebis(dithiocarbamato)] zinc with 1 part by weight ethylenebis[dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides, calculated as zinc ethylenebisdithiocarbamate, in or on the raw agricultural commodities peanuts, sugar beet roots, and sweet corn (kernels plus cob with husks removed) at 0.5 part per million.

The petition was found to be deficient in the absence of adequate data on the metabolism of the fungicide. However, the petitioner requested that the petition be filed as submitted, as provided in § 420.7(d) (21 CFR Part 420).

The analytical method proposed in the petition for determining residues of the fungicide is the method of T. E. Cullen, "Analytical Chemistry," Vol. 36, pages 221–4 (1964).

Dated: June 11, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-8607 Filed 6-17-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 548]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 14, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

6410-C2-P-71—Orange County Radiotelephone Service, Inc. (KMB304), C.P. to change antenna location for 152.21 MHz base facilities at location No. 2: Panorama Point, El Modeno, Calif., to location No. 3: Signal Peak, 2.5 miles west of Newport Beach, Calif.

6665-C2-ML-71—Sidney C. Childers and Shirley Childers, doing business as Communications Equipment & Service Co. (KWA632), Modification of license to change frequency from 459.15 MHz to 459.175 MHz (repeater) at location No. 1: Ester Dome, Alaska, and change control from 454.15 MHz to 454.175 MHz at location No. 2: 1010 College Road, Fairbanks, AK.

6671-C2-ML-71—Kidd's Communications, Inc. (KMA257), Modification of license to change repeater frequency from 75.66 MHz to 72.06 MHz at location No. 4: Paleto Hill, Calif.

6893-C2-P-(8)-71—Southern Bell Telephone & Telegraph Co. (KIA959), C.P. to add 152.54, 152.66, and 152.81 MHz base facilities; change to IMTS on existing frequencies 152.51, 152.60, 152.63, 152.69, and 152.75 MHz and add test frequencies 157.80, 157.92, and 158.07 MHz at existing site 51 Ivy Street NE., Atlanta, GA.

6894-C2-P-71—Phone Depots, Inc., doing business as Mobilfone Radio System (KEA254), C.P. to replace base transmitter operating on 454.35 MHz at location No. 2: Chemical Bank Building, Park Avenue at 47th Street, New York, NY.

6904-C2-P-71—Phenix Communications Co. of Ga., Inc. (New), C.P. for a new station. Base frequency 152.03 MHz to be located at approximately 3.5 miles west of Phenix City, Ala.

6905-C2-P-(3)-71—William G. Bowles, Jr., doing business as Mid-Missouri Mobilfone, (New), C.P. for a new station. Base frequency 152.18 MHz; Repeater frequency 459.175 MHz to be located at location No. 1: Highway 66, 3 miles east of Waynesville, Mo., and control frequency 454.175 MHz to be located at location No. 2: 109½ Highway 63 South, Rolla, Mo.

6906-C2-AL-(2)-71—Aircall Co. (KIY776), (KIY779), Consent to assignment of license from Aircall Co., Assignor, to Aircall, Inc., Assignee. 2-way and 1-way stations at Asheville, N.C.

6907-C2-P-71—Mobile Dispatch Service (KQZ705), C.P. to change antenna location from 504 14th Avenue North, Seattle, WA, to 525 14th Avenue East, Seattle, WA, operating on 158.70 MHz.

6908-C2-P-71—Mobile Dispatch Service (KOA734), Same as above, except: operating on 152.15 MHz.

6909-C2-P-71—Radio Communications, Inc. (KGI277), C.P. to add a transmitter at a new site identified as location No. 2: 3 miles west-southwest of Upper Marlboro, Md., to operate on 43.22 MHz.

6911-C2-P-71—Navajo Communications Co. (New), C.P. for a new 2-way station. Base frequency: 152.60 MHz. Location: Deza-Bluff, 5.5 km. northwest of Tohatchi, N. Mex.

6912-C2-P-71—Navajo Communications Co. (New), C.P. for a new 2-way station. Base frequency: 152.54 MHz. Location: Yale Point, 34 km. north of Chinle, Ariz.

6913-C2-P-71—Robert W. Forsythe, Jr., doing business as Springs Communications Co. (New), C.P. for a new 1-way signaling station. Frequency: 158.70 MHz. Location: 1912 Eastlake Boulevard, Colorado Springs, CO.

6914-C2-P-71—Mrs. Mildred H. Rogers, doing business as Telephone Answering Service of Taunton (New), C.P. for a new 2-way station. Base frequency: 454.150 MHz. Location: 101 Crane Avenue, Taunton, MA.

6915-C2-P-71—J. B. Bacon, doing business as Telephone Message Exchange (KRS678), C.P. to change antenna location from West Riverside and Old National Bank Building, North Stevens, Spokane, Wash., to Baldy Hill, seven-eighths mile north-northwest of Felts Field, Spokane Municipal Airport, Washington, and replace transmitter operating on 158.70 MHz.

6919-C2-P-71—William A. Houser (New), C.P. for a new 1-way signaling station. Frequency: 152.24 MHz. Location: WMCB-FM site, Springland Avenue, 1,000 feet east of city limits, Michigan City, Ind.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

6920–C2–P–(2)–71—New England Telephone & Telegraph Co. (KCB899), C.P. to change base frequency from 152.63 MHz to 152.81 MHz and change test from 157.89 to 158.07 MHz at Lithgow Hill, 3 miles west of city of Augusta, Maine (Manchester), for base station and 139 State Street, Augusta, Maine, for test location.

7019–C2–P–(2)–71—Southwestern Bell Telephone Co. (KKE966), C.P. to add additional channels to operate on 454.375 and 454.400 MHz at its existing location 1.9 miles west and 0.2 mile north of junction of U.S. Highway No. 66 with West 51st Street, Tulsa, Okla.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Louisiana

Industrial Communications, Inc., doing business as Morgan City Mobilephone (KFJ896), 1703–C2–P–71.

AAA Telephone Answering Service and Medical Exchange, Inc. (KLB781), 2780–C2–P–71.

Texas

Aircall New York Corp. (New), 3619–C2–P–(2)–71.

Airsignal International, Inc. (KKG561), 5030–C2–P–(2)–71.

Houston Radiophone Service (New), 5062–C2–P–(2)–71.

Morrison Radio Relay (New), 5074–C2–P–(2)–71.

Oregon

Empire Communications Co. (New), 570–C2–P–(3)–71.

Cascade Mobile Service, Inc. (New), 1877–C2–P–(3)–71.

RURAL RADIO SERVICE

6879–C1–ML–71—Southern Bell Telephone & Telegraph Co. (KIO33), Modification of license to add frequencies 157.86 and 157.98 MHz. Subscriber and location: Ragged Key No. 3, in Biscayne Bay approximately 17.5 miles south of Miami, Fla.

6880–C1–ML–71—Southern Bell Telephone & Telegraph Co. (KIY32), Same as above, except: Subscriber and location: William G. Lantaff, 9.9 miles southeast of Miami, Fla.

6881–C1–ML–71—Southern Bell Telephone & Telegraph Co. (KJA61), Same, except: Subscriber and location: Elliot Key (Island), approximately 23 miles south of Miami, Fla.

6882–C1–ML–71—Southern Bell Telephone & Telegraph Co. (KYN55), Same, except: Frequencies: 157.86, 157.89, 157.92, 157.98, and 158.01 MHz. Subscriber and location: David Woodlin & Sons, Inc., approximately 9.5 miles southeast of Miami, Fla.

6883–C1–ML–71—Southern Bell Telephone & Telegraph Co. (KYN92), Same, except: Frequencies: 157.86 and 157.89 MHz. Subscriber and location: Thompson Park, approximately 5 miles northwest of Pennsuco, Fla.

6884–C1–ML–71—Southern Bell Telephone & Telegraph Co. (WBO91), Same, except: Subscriber and location: Broadcast Station WRIZ, approximately 2 miles south side of Biscayne Channel, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

5695–C1–P–71—Pacific Northwest Bell Telephone Co. (KOC65), C.P. to add frequencies 11,345 and 11,585 MHz toward Boring, Oreg. Station location: 819 Southwest Oak Street, Portland, OR.

5696–C1–P–71—Pacific Northwest Bell Telephone Co. (KPZ27), C.P. to add frequencies 10,755 and 10,995 MHz toward Estacada, Oreg., a new point of communication and 10,935 and 11,175 MHz toward Portland, Oreg. Station location: 1.6 miles north-northwest of Boring, Oreg.

6895–C1–P–71—American Telephone & Telegraph Co. (KAP26), C.P. to add frequency 3990 MHz toward Blue Grass, Iowa. Station location: 528 Main Street, Davenport, IA.

6896–C1–P–71—American Telephone & Telegraph Co. (KAX39), C.P. to add frequencies 3810 and 3890 MHz toward Davenport, Iowa, and 3950 MHz toward Princeton, Iowa. Station location: 4 miles east of Blue Grass, Iowa.

6897–C1–P–71—American Telephone & Telegraph Co. (KAA62), C.P. to add frequencies 3850 and 3930 MHz toward Blue Grass, Iowa. Station location: 3 miles northwest of Princeton, Iowa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6898–C1–P–71—American Telephone & Telegraph Co. (KJM79), C.P. to add frequency 4198 MHz toward Marianna, Fla. Station location: 205 West Railroad Avenue, Chipley, FL.

6899–C1–P–71—American Telephone & Telegraph Co. (KJM78), C.P. to add frequency 4190 MHz toward Chipley and Pleasant Hill, Fla. Station location: 1 mile west of Marianna, Fla.

6900–C1–P–71—American Telephone & Telegraph Co. (KJM77), C.P. to add frequency 4198 MHz toward Marianna and Oak Grove, Fla. Station location: 1.8 miles south-southwest of Grand Ridge, Fla. (Pleasant Hill, Fla.).

6901–C1–P–71—American Telephone & Telegraph Co. (KJM76), C.P. to add frequency 4190 MHz toward Pleasant Hill, Fla., and toward Climax-Whigham, Ga. Station location: Oak Grove, 6 miles east of Chattahoochee, Fla.

6902–C1–P–71—American Telephone & Telegraph Co. (KJM75), C.P. to add frequency 4198 MHz toward Oak Grove, Fla., and toward Thomasville, Ga. Station location: Climax-Whigham, 9 miles west of Cairo, Ga.

6903–C1–P–71—American Telephone & Telegraph Co. (KJM74), C.P. to add frequency 4190 MHz toward Climax-Whigham, Ga. Station location: 122 Remington Avenue, Thomasville, GA.

6910–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (KIR29), C.P. to change frequencies to 6256.5 and 6375.2 MHz toward King William, Va. Station location: 703 East Grace Street, Richmond, VA.

6921–C1–P–71—Michigan Bell Telephone Co. (KQE89), C.P. to add frequency 11,365 and change frequency 5997.1 MHz to 6056.4 and 11,525 MHz toward Forsyth, Mich. Station location: 200 North Third Street, Marquette, MI.

6922–C1–P–71—Michigan Bell Telephone Co. (KQI65), C.P. to add frequency 10,915 MHz and change 5249.1 MHz to 6308.4 and 11,075 MHz toward Marquette, Mich. Station location: 2 miles northeast of Forsyth, Mich.

6923–C1–P–71—American Telephone & Telegraph Co. (KCD65), C.P. to add frequency 4030 MHz toward Francestown, N.H. Station location: 3.5 miles northeast of Ashburnham, Mass.

6924–C1–P–71—American Telephone & Telegraph Co. (KCL73), C.P. to add frequency 4070 MHz toward Ashburnham, Mass., and 4150 MHz toward Tilton, N.H. Station location: 2 miles north-northeast of Francestown, N.H.

6925–C1–P–71—American Telephone & Telegraph Co. (KCL98), C.P. to add frequency 4110 MHz toward Francestown and Water Village, N.H. Station location: Tilton, 2.3 miles west of Franklin, N.H.

6926–C1–P–71—American Telephone & Telegraph Co. (KCL99), C.P. to add frequency 4150 MHz toward Tilton, N.H., and toward Cornish, Maine. Station location: Water Village, 5.2 miles northeast of Wolfeboro, N.H.

6927–C1–P–71—American Telephone & Telegraph Co. (KCK61), C.P. to add frequency 4110 MHz toward Water Village, N.H., and 4130 MHz toward Portland, Maine. Station location: 2.5 miles northwest of Cornish, Maine.

6928–C1–P–71—American Telephone & Telegraph Co. (KCB81), C.P. to add frequency 4170 MHz toward Cornish, Maine. Station location: 45 Forest Avenue, Portland, ME.

6983–C1–P–71—The Pacific Telephone & Telegraph Co. (KMA38), C.P. to add frequency 4010 MHz toward Topanga Ridge, Calif. Station location: 434 South Grand Avenue, Los Angeles, CA.

6984–C1–P–71—The Pacific Telephone & Telegraph Co. (KMX55), C.P. to add frequency 4010 MHz toward Topanga Ridge, Calif. Station location: Hall Canyon Hill, 1.5 miles northeast of Ventura, Calif.

6985–C1–P–71—The Pacific Telephone & Telegraph Co. (New), C.P. for a new station to be located at Topanga Ridge, 2.3 miles west of Fernwood, Calif. Frequency 3970 MHz toward Los Angeles and toward Hall Canyon Hill, Calif.

6986–C1–P–71—Tidewater Telephone Co. (KIK23), C.P. to replace transmitter to GTE Lenkurt, 778A2. Frequencies: 6189.8 and 6308.4 MHz toward King William, Va. Station location: Warsaw, Va.

6987–C1–P–71—Tidewater Telephone Co. (KIV61), C.P. to replace transmitter to GTE Lenkurt, 778A2. Frequencies: 5952.6, 6071.2, 6004.5, and 6123.1 MHz. Station location: King William, Va.

7020–C1–P–71—The Mountain States Telephone & Telegraph Co. (KBF20), C.P. to add frequencies 6338.1 and 11,405 MHz toward Hayden, Colo., a new point of communication. Station location: 0.5 mile northwest of Craig, Colo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

7021–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 4.8 miles south-southeast of Hayden, Colo. Frequencies: 6086.0 and 10,955 MHz toward Craig Junction, Colo., and 6071.2 and 10,755 MHz toward Mount Werner, Colo.

7022–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 5.1 miles east of Steamboat Springs, Colo. (Mount Werner). Frequency 2178.0 MHz toward Owl Ridge, Colo., and 6323.3 and 11,685 MHz toward Hayden, Colo., and 6382.6 and 11,445 MHz toward Steamboat Springs, Colo.

7023–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 139 Seventh Street, Steamboat Springs, Colo. Frequencies: 6130.5 and 10,995 MHz toward Mount Werner, Colo.

7024–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 11.1 miles south-southwest of Walden, Colo. (Owl Ridge). Frequencies: 2128.0 MHz toward Mount Werner, Colo., and 2115.2 MHz toward Walden, Colo.

7025–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 563 McKinley Street, Walden, CO. Frequency: 2165.2 MHz toward Owl Ridge, Colo.

7026–C1–P–71—The Pacific Telephone & Telegraph Co. (KNB53), C.P. to add frequencies 3730, 3810, and 3890 MHz toward Sierra Morena, Calif. Station location: 99 Moultrie Street, San Francisco, CA.

7027–C1–P–71—The Pacific Telephone & Telegraph Co. (KKU52), C.P. to add frequencies 3770, 3850, and 3930 MHz toward San Francisco, Calif., and toward Loma Prieta Mountain, Calif. Station location: Sierra Morena, 3 miles southwest of Woodside, Calif.

7028–C1–P–71—The Pacific Telephone & Telegraph Co. (KMA38), C.P. to add frequencies 3930 and 4090 MHz toward Topanga Ridge, Calif. Station location: 434 South Grand Avenue, Los Angeles, CA.

7029–C1–P–71—The Pacific Telephone & Telegraph Co. (KMJ93), C.P. to add frequencies 3730, 3810, and 3890 MHz toward Sierra Morena, Calif., and 3730, 3810, 3890, and 4190 MHz toward Chualar, Calif., a new point of communication. Station location: Loma Prieta Mountain, Calif.

7030–C1–P–71—The Pacific Telephone & Telegraph Co. (KMX55), C.P. to add frequencies 3770, 3850, and 3930 MHz toward Santa Ynez Peak, Calif., and 3930 and 4090 MHz toward Topanga Ridge, Calif. Station location: Hall Canyon Hill, 1.5 miles northeast of Ventura, Calif.

7031–C1–P–71—The Pacific Telephone & Telegraph Co. (KMX56), C.P. to add frequencies 3730, 3810, 3890 MHz toward Hall Canyon Hill, Calif., and 3730, 3810, and 3890 MHz toward Santa Maria, Calif. Station location: Santa Ynez Peak, 5 miles northeast of Capitan, Calif.

7032–C1–P–71—The Pacific Telephone & Telegraph Co. (KMX57), C.P. to add frequencies 3930, 3990, and 4070 MHz toward Tassajera, Calif., and 3770, 3850, and 3930 MHz toward Santa Ynez, Calif. Station location: 308 West Cypress Street, Santa Maria, CA.

7033–C1–P–71—The Pacific Telephone & Telegraph Co. (KMZ71), C.P. to add frequencies 3730, 3810, 3890, and 4190 MHz toward San Ardo, Calif., a new point of communication and add 3890, 3950, and 4030 MHz toward Santa Maria, Calif., and change frequencies 3950 and 4030 MHz to 10,835 and 10,915 MHz toward San Luis Obispo, Calif. Location: Tassajera, 5.5 miles west of Santa Margarita, Calif.

7034–C1–P–71—The Pacific Telephone & Telegraph Co. (KMZ72), C.P. to replace frequencies 3990 and 4070 MHz with frequencies 11,285 and 11,365 MHz toward Tassajera, Calif., and add 4198 MHz toward Tassajera, Calif. Location: 872 Morro Street, San Luis Obispo, CA.

7035–C1–P–71—The Pacific Telephone & Telegraph Co. (KNJ90), C.P. to change polarization from horizontal to vertical for frequencies 3710, 3790, 3870, and 3950 MHz toward Hall Canyon Hill, Calif. Station location: 1050 South C Street, Oxnard, CA.

7036–C1–P–71—The Pacific Telephone & Telegraph Co. (New), C.P. for a new station to be located at Topanga Ridge, 2.3 miles west of Fernwood, Calif. Frequencies: 3890 and 4050 MHz toward Los Angeles and toward Hall Canyon, Calif.

7037–C1–P–71—The Pacific Telephone & Telegraph Co. (New), C.P. for a new station to be located at 6.8 miles north of Chualar (Monterey), Calif. Frequencies: 3770, 3850, 3930, and 4198 MHz toward Loma Prieta Mountain, Calif., and toward Greenfield, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

7038–C1–P–71—The Pacific Telephone & Telegraph Co. (New), C.P. for a new station to be located at 7.6 miles south-southwest of Greenfield (Monterey), Calif. Frequencies: 3730, 3810, 3890, and 4190 MHz toward Chualar, Calif., and 3730, 3810, and 3890 MHz toward San Ardo, Calif.

7039–C1–P–71—The Pacific Telephone & Telegraph Co. (New), C.P. for a new station to be located at 6.7 miles southwest of San Ardo, Calif. Frequencies: 3770, 3850, and 3930 MHz toward Greenfield, Calif., and 3770, 3850, 3930, and 4198 MHz toward Tassajera, Calif.

Major Amendment

3077–C1–P–71—American Telephone & Telegraph Co. (KJM72), Major amendment: Change coordinates to latitude 30°28′11″ N., longitude 83°25′11″ W. for the Madison, Fla., site.

3078–C1–P–71—American Telephone & Telegraph Co. (KJM71), Change coordinates to latitude 30°26′17″ N., longitude 82°56′17″ W. for the Jasper, Fla., site. All other particulars same as reported in Public Notice dated Dec. 14, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6954–C1–P–71—Mountain Microwave Corp. (New), C.P. for a new station 1 mile northwest of Kinsley, Kans., at latitude 37°55′35″ N., longitude 99°26′01″ W. Frequency 10,875 MHz on azimuth 253°34′.

6955–C1–P–71—Mountain Microwave Corp. (New), C.P. for a new station 3 miles northwest of Dodge City, Kans., at latitude 37°46′40″ N., longitude 100°03′41″ W. Frequency 6123.1 MHz on azimuth 279°40′.

6956–C1–P–71—Mountain Microwave Corp. (KZ139), C.P. for a new station 6 miles southsoutheast of Garden City, Kans., at latitude 37°52′49″ N., longitude 100°50′25″ W. Frequency 6197.2 MHz on azimuth 352°58′.

(INFORMATIVE: Applicant proposes to provide the television signal of Station KCIT–TV of Kansas City, Mo., to Tele-communications, Inc., in Dodge City, Kans., and to Community Tele-communications, Inc., in Garden City, Kans. Applicant requests waiver of section 21.701(i) of the rules.)

6957–C1–P–71—Mountain Microwave Corp. (New), C.P. for a new station 2 miles east of Larned, Kans., at latitude 38°10′57″ N., longitude 99°04′09″ W. Frequency 11,565 MHz on azimuth 228°29′.

6958–C1–P–71—Mountain Microwave Corp. (New), C.P. for a new station 3 miles northwest of Dodge City, Kans., at latitude 37°46′40″ N., longitude 100°03′41″ W. Frequency 11,325 MHz on azimuth 73°11′.

6959–C1–P–71—Mountain Microwave Corp. (New), C.P. for a new station 1 mile northwest of Kinsley, Kans., at latitude 37°55′35″ N., longitude 99°26′01″ W. Frequencies 10,875 and 11,115 MHz on azimuth 118°16′.

(INFORMATIVE: Applicant proposes to provide the television signals of Stations KWGN–TV and KCIT–TV of Kansas City, Mo., to Cable T.V. Systems, Inc., in Kinsley, Kans., and to Salina Cable T.V. System, Inc., in Pratt, Kans.)

6960–C1–P–71—Telecommunications, Inc. (New), C.P. for a new fixed station, Portland TOC at latitude 45°31′18″ N., longitude 122°40′48″ W. Frequency 11,685 on azimuth 78°38′, frequencies 5989.7H, 6049.0H, 6108.3H, 6078.6V, 6137.9V, and 11,445 on azimuth 319°26′.

6961–C1–P–71—Telecommunications, Inc. (New), C.P. for a new fixed station, 2153 Northeast Sandy Boulevard, Portland, OR, at latitude 45°31′37″ N., longitude 122°38′34″ W. Frequency 10,795 on azimuth 258°37′.

6962–C1–MP–71—Telecommunications, Inc. (WHA 88), Modification of C.P. File No. 1399–C1–P–71 to add new point of communication and frequency 6390.0H and 6212.0 on azimuth 139°13′. Frequencies 6360.3V, 6330.7H, and 6182.4H on azimuths 12°24′ and 98°00′. Location: 6 miles west-northwest of Scappoose, Oreg.

6963–C1–MP–71—Telecommunications, Inc. (WHA 89), Modification of C.P. File No. 1400–C1–P–71 to add new point of communication and frequencies 6108.3, 6078.6, and 6137.9 on azimuth 344°37′. Frequency 6019.3 on azimuth 192°30′. Location: Silver Lake, Wash.

6964–C1–MP–71—Telecommunications, Inc. (KPR28), Modification of C.P. File No. 1401–C1–P–71 to add new point of communication and frequency 6271.4V on azimuth 165°25′ and frequencies 6390.0H, 6330.7H, and 6182.4V on azimuth 38°23′. Location: Capitol Peak, near Olympia, Wash.

6965–C1–MP–71—Telecommunications, Inc. (WHA 90), Modification of C.P. File No. 1402–C1–P–71 to add new points of communication and frequency 6019.3V on azimuth 218°57′, frequency 11,585H and 11,545V on azimuths 140°20′, 126°48′, and 137°22′, frequency 11,425H on azimuth 137°22′. Location: 621 West Galer, Seattle, WA.

6966–C1–P–71—Telecommunications, Inc. (New), C.P. for a new fixed station, 1530 Queen Anne Avenue North, Seattle, WA, at latitude 47°37′03″ N., longitude 122°20′49″ W. Frequency 10,895V on azimuth 320°21′.

6967–C1–P–71—Telecommunications, Inc. (New), C.P. for a new fixed station, 320 Aurora Avenue North, Seattle, WA, at latitude 47°37′14″ N., longitude 122°20′31″ W. Frequency 11,135V on azimuth 306°49′.

6968–C1–P–71—Telecommunications, Inc. (New), C.P. for a new fixed station, 100 Fourth Avenue North, Seattle, WA, at latitude 47°37′09″ N., longitude 122°20′50″ W. Frequency 10,815V on azimuth 317°22′.

6969–C1–MP–71—Telecommunications, Inc. (WHA 91), Modification of C.P. File No. 1403–C1–P–71 to add new point of communication and frequency 5960.0V on azimuth 278°55′. Frequencies 6108.3V, 6078.6H, and 6137.9H on azimuth 47°39′. Location: Mount Defiance, near Hood River, Oreg.

6970–C1–MP–71—Telecommunications, Inc. (WHA 92), Modification of C.P. File No. 1404–C1–P–71 to add new point of communication and frequency 6212.0H on azimuth 228°20′. Frequencies 6360.3H, 6271.4V, and 6390.0V azimuth 66°15′. Location: Satus Peak, near Yakima, Wash.

6971–C1–MP–71—Telecommunications, Inc. (WHA 93), Modification of C.P. File No. 1405–C1–P–71 to add new points of communication and one frequency 5960.0 on azimuth 290°37′ and 122°17′. Add frequencies 5989.7 and 6137.9 on azimuths 290°37′, 283°38′, 287°00′, and 122°17′. Add frequency 5989.7 on azimuth 246°48′, and add frequency 6078.6 on azimuth 287°00′. Location: Rattlesnake Hills, Wash.

6972–C1–P–71—Telecommunications, Inc. (New), C.P. for a new fixed station, Radio & Television Center, Yakima, Wash., at latitude 46°36′27″ N., longitude 120°27′43″ W. Frequency 6212.0V on azimuth 110°16′.

6973–C1–MP–71—Telecommunications, Inc. (WHA 94), Modification of C.P. File No. 1406–C1–P–71 to add new point of communication and frequency 6241.7 on azimuth 302°55′. Frequencies 6212.0, 6301.0, and 6390.0, on azimuth 76°44′. Location: Jump Off Joe Butte, 6 miles south of Kennewick, Wash.

6974–C1–MP–71—Telecommunications, Inc. (WHA 95), Modification of C.P. File No. 1407–C1–P–71 to add new point of communication and frequency 6019.3 on azimuth 257°39′. Frequencies 6108.3, 6019.3, and 6137.9 on azimuth 22°22′. Location: 5 miles east of Dayton, Wash.

6975–C1–MP–71—Telecommunications, Inc. (WHA 96), Modification of C.P. File No. 1408–C1–P–71 to add new point of communication and frequency 6212.0 on azimuth 202°45′. Frequencies 6360.3, 6271.4, and 6390.0 on azimuth 02°00′. Location: 5 miles south of Rosalia, Wash.

6976–C1–MP–71—Telecommunications, Inc. (WHA 97), Modification of C.P. File No. 1409–C1–P–71 to add new points of communication and change frequencies. Frequency 5989.7 changed to 11,625. Frequency 6049.0 changed to 11,305. Frequencies 5960.0 on azimuth 182°01′; 11,385, 11,625, and 11,225 on azimuth 318°39′; 11,385, 11,305, and 11,225 on azimuth 298°34′; 11,385, 11,545, and 11,225 on azimuth 301°52′. Location: Browne Mountain, Wash.

6977–C1–P–71—Telecommunications, Inc. (New), C.P. for a new fixed station, West 500 Boone Avenue, Spokane, WA. Latitude 47°40′07″ N., longitude 117°25′00″ W. Frequency 11,015 on azimuth 138°35′.

(INFORMATIVE: In addition to facilities granted on C.P. Files Nos. 1397 through 1409–C1–P–71, applicant proposes to provide network service to ABC, NBC, and CBS in Portland, Oreg., and ABC in Seattle, Yakima, and Spokane, Wash.)

6980–C1–P–71—Mountain Microwave Corp. (KZI51), C.P. to power split frequency 6004.5 MHz on azimuth 128°25′. Location: Medicine Butte, 6 miles north of Reliance, S. Dak., at latitude 43°57′55″ N., longitude 99°36′11″ W.

(INFORMATIVE: Applicant proposes to provide the television signal of Station WTCN–TV of Minneapolis, Minn., to Missouri Valley T.V. Co. in Chamberlain, S. Dak.)

6981–C1–P–71—American Television Relay, Inc. (KVH73), C.P. to power split frequencies 6212.0, 6271.3, 6330.7, and 6390.0 MHz on azimuth 22°27′; and 190°12′. Location: 0.9 miles northwest of El Paso, Tex., at latitude 31°47′31″ N., longitude 106°28′46″ W.

(INFORMATIVE: Applicant proposes to provide the television signals of Stations KCOP–TV, KTTV, KTLA–TV, and KHJ–TV of Los Angeles, Calif., to TV Cable of Space City, Inc., in Alamogordo, N. Mex.)

6982–C1–P–71—Telephone Utilities Services Corp. (New), C.P. for a new station at north city limits of Taylor, Tex., latitude 30°34′51″ N., longitude 97°23′46″ W. Frequency 5937.8 MHz on azimuth 228°35′.

(INFORMATIVE: Applicant proposes to provide the television signal of Station KTVT–TV of Fort Worth to Capital Cable Co., Inc., in Austin, Tex., and Bergstrom Air Force Base. Applicant requests a waiver of 21.701(1) of the rules.)

7041–C1–P–71—Southwest Texas Transmission Co. (KKY46), C.P. to add frequency 6049.0 MHz on azimuth 344°33′. Location: Las Moras, 3 miles northeast of Brackettville, Tex., at latitude 29°21′33″ N., longitude 100°23′11″ W.

7042–C1–P–71—Southwest Texas Transmission Co. (KLP99), C.P. to add frequency 6390.0 MHz on azimuth 1°56′. Location: Wardlow Ranch, 10.5 miles northeast of Carta Valley, Tex., at latitude 29°51′28″ N., longitude 100°32′40″ W.

7043–C1–P–71—Southwest Texas Transmission Co. (KLR 36), C.P. to add frequency 5960.0 MHz on azimuth 347°34′. Location: Mayfield Ranch, 25 miles northwest of Rock Springs at latitude 30°11′12″ N., longitude 100°31′54″ W.

7044–C1–P–71—Southwest Texas Transmission Co. (KLR37), C.P. to add frequency 6390.0 MHz on azimuth 6°36′. Location: 0.5 miles east of Sonora, Tex., at latitude 30°34′25″ N., longitude 100°37′49″ W.

7045–C1–P–71—Southwest Texas Transmission Co. (New), C.P. for a new station 0.5 miles southeast of Eldorado, Tex., at latitude 30°51′11″ N., longitude 100°35′34″ W. Frequency 6049.0 MHz on azimuth 359°52′.

7046–C1–P–71—Southwest Texas Transmission Co. (New), C.P. for a new station 1.9 miles south of Christoval, Tex., at latitude 31°10′03″ N., longitude 100°35′37″ W. Frequency 6390.0 MHz on azimuth 39°57′.

7047–C1–P–71—Southwest Texas Transmission Co. (New), C.P. for a new station at south edge of Miles, Tex., at latitude 31°35′19″ N., longitude 100°10′51″ W. Frequency 6049.0 MHz on azimuth 40°03′.

7048–C1–P–71—Southwest Texas Transmission Co. (New), C.P. for a new station 21 miles north of Ballinger at latitude 32°00′28″ N., longitude 99°46′00″ W. Frequency 6301.0 MHz on azimuth 00°03′.

(INFORMATIVE: Applicant proposes to provide the television signal of Station KWEX–TV of San Antonio to Texas Cablevision in San Angelo, Tex., and Ballinger, Tex., and to LVO Cable, Inc., in Abilene, Tex. Applicant requests a waiver of section 21.701(1) of the rules.)

[FR Doc.71–8535 Filed 6–17–71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-129]

CITIES SERVICE GAS CO.

Notice of Existing and Newly Proposed Curtailment Procedures

JUNE 14, 1971.

Take notice that on May 17, 1971, Cities Service Gas Co (Cities) filed a written report, pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, stating that it "* * * plans to implement the Commission's statement of policy by (1) filling its storage fields to capacities sufficient to meet the anticipated 1971-72 heating season demands; (2) limiting storage withdrawals to meet 1971-72 peak day firm gas requirements; and (3) curtailing interruptible deliveries during the 1971-72 heating season."

While Cities does not anticipate making curtailments below contract demand, it states that the anticipated normal curtailments of interruptible deliveries during the 1971-72 heating season will be allocated in accordance with article 13 of the general terms and conditions of its FPC gas tariff (or the provisions relating to priority of service reflected on proposed Fifth Revised Tariff Sheets Nos. 32 and 33 in Exhibit 9 of Cities' rate filing of Apr. 22, 1971, in Docket No. RP71-106) and the service interruption provisions in its gas sales contract.

Article 13 of Cities' presently effective tariff sets forth the priorities of service which will govern when gas deliveries must be curtailed in order to meet firm service requirements or to replenish underground storage reservoirs. At such times the order of curtailment will be: (1) Interruptible deliveries under Rate Schedule LVS-2 (Large Volumes Special Industrial Service) for use in electric generating units having a maximum general nameplate rating of 450 megawatts or more; (2) interruptible deliveries made under Rate Schedule LVS-2 for use in electric generating units of less than 450 megawatts; (3) direct interruptible consumers and utilities receiving interruptible deliveries directly or indirectly under all rate schedules and contracts for industrial consumers and remaining deliveries under Rate Schedule LVS-2 to the maximum extent practicable, then interruptible deliveries for commercial consumers to the maximum extent practicable; and (4) simultaneous and equitable curtailment of firm deliveries.

In its rate filing of April 22, 1971, in Docket No. RP71-106, Cities has proposed new language to replace that presently contained in Article 13 discussed above. Cities tendered tariff sheets in Docket No. RP71-106, Fifth Revised Sheets Nos. 32 and 33, proposing the following order of priority of service: (1) Interruptible deliveries under Rate Schedule LVS-2 shall be curtailed first; (2) direct interruptible consumers and all utilities receiving interruptible deliveries directly or indirectly under all rate schedules and contracts for industrial consumers shall be first curtailed to the maximum extent practicable, and then interruptible deliveries for commercial consumers shall be curtailed to the maximum extent practicable; and (3) simultaneous and equitable curtailment of deliveries for firm consumers.

Both the presently effective tariff sheets and the tendered superseding tariff sheets in Docket No. RP71-106 provide that the utility customer of Cities shall report to Cities for each point of delivery as soon after the 22d day of the month as is practical, the amount of curtailment of natural gas deliveries sustained by each consumer receiving gas on an interruptible basis during each day curtailment is ordered by Cities.

As indicated above, Cities' existing curtailment policy is on file with the Commission and its proposed new curtailment policy is contained in tariff sheets presently under suspension pursuant to the Commission's order issued May 21, 1971, in Docket No. RP71-106. Although neither the existing nor the proposed curtailment policy is expected to be implemented within the foreseeable future, except to curtail interruptible deliveries during the 1971-72 heating season, any person desiring to be heard or to make any protest with respect to Cities' existing or proposed tariff provisions governing curtailments of service should on or before July 6, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules of practice and procedure. Cities' report, submitted pursuant to Commission Order No. 431, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8620 Filed 6-17-71;8:51 am]

[Docket No. CP71-286]

CITIES SERVICE GAS CO.

Notice of Application

JUNE 14, 1971.

Take notice that on June 1, 1971, Cities Service Gas Co. (applicant), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP71-286, an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission permitting and approving the abandonment of certain pipeline facilities, and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization to:

(1) Abandon in place approximately 2 miles of 5-inch pipeline and replace it with approximately 2 miles of 2-inch pipeline in the Lorraine Fuel System, Rice County, Kans.

(2) Reclaim approximately 4.3 miles of 16-inch pipeline and replace it with approximately 4.6 miles of 20-inch pipeline in the Kansas City 16-inch pipeline, Johnson County, Kans.

(3) Abandon in place approximately 1.6 miles of 10-inch pipeline and replace it with approximately 1.6 miles of 6-inch pipeline in the Purcell 10-inch pipeline, Jasper County, Mo.

(4) Abandon in place approximately 1.82 miles of 2-inch pipeline and replace it with approximately 1.82 miles of 3-inch gas pipeline in the Thayer 2-inch pipeline, Wilson County, Kans.; and

(5) Abandon in place approximately 0.07 mile of 8-inch pipeline and 3.2 miles of 6-inch pipeline and abandon by reclaim approximately 0.04 mile of 3-inch pipeline in the Rainbow Lateral, Cowley County, Kans.

Applicant states that the facilities to be abandoned are obsolete and the facilities proposed as replacements will be more efficient and economical. The total estimated cost of the facilities to be constructed as proposed herein is $529,590, which cost applicant states will be financed from cash on hand. The estimated cost of the proposed abandonment is $27,651.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience

and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8621 Filed 6-17-71;8:51 am]

[Docket No. CP71-190 (Phase I)]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

JUNE 14, 1971.

Take notice that on June 3, 1971, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (petitioner), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP71-190 (Phase I) a petition to amend the order of the Commission issued in Phase I of said docket on May 19, 1971, granting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act by authorizing the construction and operation of certain additional natural gas storage and sales facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order heretofore issued in Phase I of Docket No. CP71-190 authorized the construction and operation of natural gas storage and pipeline facilities to increase the peak day design capacity of petitioner's transmission system by 90,000 Mcf per day. Petitioner states that its customers have now submitted their estimated natural gas requirements for the 1971-72 heating season and that these estimates exceed the authorized increased capacity by 46,000 Mcf per day. Therefore, petitioner proposes to increase further the peak day capacity of its Fort Morgan storage system. The facilities proposed herein are:

Fort Morgan storage facilities:

(1) Various additional gathering pipelines consisting primarily of approximately 0.5 mile of 10-inch pipeline.

(2) A fourth contactor, with a normal capacity of 65,000 Mcf per day, in the central dehydration plant.

(3) An additional scrubber and large meter runs at Watkins Junction.

(4) Approximately 9 miles of 10-inch pipeline loop between the Fort Morgan Storage Dehydration Plant and Union Oil Co.'s Adena Gasoline Plant.

Transmission and sales facilities:

(1) A total of 6,000 compressor horsepower at the Wamsutter Compressor Station in Wyoming in lieu of the 4,000-horsepower unit originally authorized.

(2) Approximately 6 miles of 8-inch pipeline loop on the North Pueblo Sales Lateral serving Pueblo, Colo.

(3) New meter runs at the Ault Meter Station north of Greeley, Colo., to increase the peak day capacity of that station.

(4) A line tap on the 20-inch Wyoming line approximately 24 miles north of Denver for emergency deliveries to Western Slope Gas Co.

Petitioner also requests that the authorization for gathering pipeline, heater separator, and other facilities to connect Well No. 6 in the south reservoir of the storage field be deleted. And, pursuant to section 7(b) of the Natural Gas Act, petitioner seeks permission and approval to abandon an obsolete 385-horsepower compressor unit formerly used to inject natural gas into the Fort Morgan Storage Reservoir.

Applicant states that the total estimated cost of the additional facilities is $786,863. The increased compressor horsepower at the Wamsutter station results from the selection of turbine-driven centrifugal compressor units, which are estimated to be less expensive to install than the units proposed in the initial application. Therefore, the net increase in the total cost of this project is $434,548.

Any person desiring to be heard or to make any protest with reference to said petition to amend should, on or before July 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8622 Filed 6-17-71;8:51 am]

[Project No. 2406]

DUKE POWER CO.

Notice of Application for Approval of Recreational Use Plan for Constructed Project

JUNE 14, 1971.

Public notice is hereby given that application for approval of Exhibit R has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Duke Power Co. (correspondence to: Carl Horn, Jr., Vice President, Duke Power Co., 422 South Church Street, Charlotte, NC 28201) as part of the license for the Saluda Project No. 2406, located on the Saluda River in Greenville and Pickens Counties, S.C.

According to the Exhibit R, the reservoir shoreline is extensively developed by private homeowners. Very little land is available for recreational development by licensee because of limited ownership and heavy siltation of the reservoir also limits recreation potential.

Two commercial recreation areas are located partially within the project boundary and both are open to the public. Facilities at these areas include a marina and three boat launching ramps.

Licensee proposes to develop a 5-acre tract for picnicking and bank fishing near the dam. Facilities would include an access road, parking area for 35 cars, a picnic shelter, and 12 picnic tables. Existing trails would serve as access to the reservoir from the picnic area. Restroom facilities are available nearby.

Licensee states that it will continue to cooperate with appropriate agencies in providing additional facilities if future needs should so dictate.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8623 Filed 6-17-71;8:51 am]

[Docket No. CP71-283]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 14, 1971.

Take notice that on May 28, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP71-283 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline facilities located in El Paso County, Tex., and Pima County, Ariz., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to abandon by sale to Southern Union Gas Co. approximately 18 miles of 16-inch pipeline, with appurtenances, commencing at the point of connection with the outlet of applicant's Clint Junction Meter Station and terminating at a point located within the city limits of El Paso, all in El Paso County, Tex. Applicant also proposes to transfer without cost: to American Smelting & Refining Co. approximately 870.6 feet of 8⅝-inch pipeline, with appurtenances, commencing at a point of connection with the outlet of applicant's American Smelting & Refining Co. Meter Station located downstream of milepost 8.6 on appli-

cant's 16-inch main transmission pipeline and terminating at a point within the boundary of American Smelting & Refining Co.'s smelter located within the city limits of El Paso, Tex.; and to Tucson Gas & Electric Co. approximately 0.54 mile of 6⅝-inch pipeline, with appurtenances, commencing at a point of connection with applicant's 10¾-inch Tucson-Phoenix mainline at milepost 107.9 and terminating at a point of connection with the distribution system of Tucson Gas & Electric Co., located within the city limits of Tucson, Pima County, Ariz.

The application states that the pipelines proposed to be abandoned herein now serve the function of distribution facilities rather than transmission facilities and that the proposed abandonment will eliminate applicant's need to own, maintain, and operate transmission facilities within congested areas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8624 Filed 6-17-71;8:51 am]

[Docket No. E-7512, etc.]

ILLINOIS MUNICIPAL UTILITIES ASSOCIATION, ET AL.

Notice of Postponement of Prehearing Conference

JUNE 14, 1971.

Illinois Municipal Utilities Association v. Illinois Power Co., Central Illinois Public Service Co., and Union Electric Co., Docket No. E-7512; Municipalities of Peru et al. v. Illinois Power Co., Central Illinois Public Service Co., and Union Electric Co., Docket No. E-7514.

On June 1, 1971, Illinois Power Co. filed a motion requesting a postponement of the prehearing conference set for June 22, 1971, by order issued May 19, 1971, in the above-designated matter, to any date after June 30, 1971. The motion states that counsel for complainants, the other respondents and the Commission Staff have no objection to the requested postponement.

Upon consideration, notice is hereby given that the prehearing conference in the above-designated proceeding is postponed to July 13, 1971, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8625 Filed 6-17-71;8:51 am]

[Docket No. CP67-35]

TENNESSEE GAS PIPELINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

JUNE 14, 1971.

Take notice that on June 7, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, TX 77001, and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, TX 77001, jointly filed in Docket No. CP67-35 a petition to amend the orders of the Commission issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the exchange of natural gas between the parties at an additional point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of October 11, 1966 (36 FPC 740), as amended by order issued February 17, 1970 (43 FPC 190), in said docket, authorized the exchange of natural gas between petitioners, by the use of existing facilities, at various points on their respective systems. Petitioners propose herein to expand this exchange service by the inclusion of an additional delivery point at a common source of supply, the Amoco Production Co.'s Luby Gasoline Plant in Nueces County, Tex. Petitioners state that the addition of this new delivery point will expand the ability of either pipeline to assist the other in the event of operating problems or emergencies on either of the systems.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-8626 Filed 6-17-71;8:52 am]

[Docket No. RP71-22, etc.]

OHIO FUEL GAS CO.

Order Accepting Revised Tariff Sheets for Filing Subject to Refund and Suspending Revised Tariff Sheets Subject to Hearing and Refund

JUNE 11, 1971.

The Ohio Fuel Gas Co. (Ohio Fuel) on May 6, 1971, and on May 11, 1971, tendered for filing revised tariff sheets which would increase jurisdictional rates over and above those which became effective April 16, 1971, subject to refund in Docket No. RP71-22.[1]

The increased rates thus tendered on May 6 in Docket No. RP71-132 are proposed to become effective as of June 1, 1971. Ohio Fuel states they are intended solely to recover increases in cost of gas purchased from two of its suppliers, namely Texas Eastern Transmission Corp. in Docket No. RP71-93, and Texas Gas Transmission Corp. (Texas Gas) in Docket No. RP70-14, et al. which increases became effective June 1, 1971.

The increased rates thus tendered on May 11, in Docket No. RP71-133 are proposed to become effective as of June 12, 1971. Ohio Fuel states that they are intended solely to recover an increase in cost of gas purchased from its supplier, Panhandle Eastern Pipe Line Co. (Panhandle) in Docket No. RP71-108, proposed by Panhandle to become effective May 27, 1971. However, by order

[1] The revised tariff sheets tendered for filing on May 6 and May 11 are listed in Appendix A hereto.

issued May 26, the Commission suspended the Panhandle increase until October 27, 1971.

Ohio Fuel states that both rate filings will be subject to reduction or refund in accordance with provisions of the Commission's orders in Docket No. RP71–22 and the increased rates will be subject to its agreement and undertaking filed therein to comply with such orders in the event any portion of the increased rates and charges may be found by the Commission to be unjustified. In support of each of its rate filings, Ohio Fuel submitted reports showing its sales for the 12-month period ended June 30, 1970, as adjusted in Docket No. RP71–22, and its cost of gas supply calculated so as to reflect the increased supplier rates specified above as the basis for rate filings on May 6 and May 11, respectively. In view of the nature of the filings, Ohio Fuel requests waiver of the data and notice requirements of § 154.63 of the Commission's regulations under the Natural Gas Act.

A review of Ohio Fuel's rate filing of May 6, and May 11, indicates that although the company does not currently have an authorization to track its suppliers' rate changes, the filings do indicate that the requirements of § 154.63 are met insofar as they propose to incrementally increase their rates to reflect solely increases in gas supplier rates over and above those reflected in a pending rate proceeding. Any issues or problems arising therefrom may be dealt with in such proceeding.

The May 11 rate filing to reflect Panhandle's proposed increased rates, however, should be suspended coextensively with the suspension of the Panhandle rate filing discussed above. Moreover, in view of the fact that both rate filings depend upon and include by reference the supporting data and cost support for Ohio Fuel's increased rates in Docket No. RP71–22, they should be consolidated with that proceeding for purposes of hearing and decision.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that Ohio Fuel's increased rate filing on May 6, 1971, be accepted for filing subject to refund and all orders of the Commission heretofore issued or to be issued in Docket No. RP71–22, and should be consolidated with the proceedings in that docket for purposes of hearing and decision.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that Ohio Fuel's increased rate filing on May 11, 1971, be suspended and its use deferred as herein provided and that it be consolidated for hearing and decision with its rate filing now subject to hearing and decision in Docket No. RP71–22.

(3) Good cause has been shown for granting the waiver of the data and notice requirements of section 154.63 of the Commission's regulations under the Natural Gas Act as requested by Ohio Fuel.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), Ohio Fuel's increased rate filings on May 6 and May 11, 1971, are hereby consolidated for purposes of hearing and decision with the proceedings in Docket No. RP71–22, and are subject to all orders heretofore or hereafter issued by the Commission in that docket.

(B) The revised tariff sheets filed by Ohio Fuel on May 6, 1971, are hereby accepted for filing, subject to refund and orders of the Commission as provided herein.

(C) Pending such hearing and decision thereon, Ohio Fuel's revised tariff sheets filed on May 11, 1971, listed in appendix A hereto, are suspended and the use thereof deferred until October 27, 1971, and until such further time as Panhandle's proposed increased rates are made effective as provided by the Commission in Docket No. RP71–108.

(D) Ohio Fuel's requests for the waiver of the data and notice requirements of § 154.63 of the Commission's regulations under the Natural Gas Act are granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A—THE OHIO FUEL GAS CO., FPC GAS TARIFF, FOURTH REVISED VOLUME NO. 1

Revised tariff sheets filed May 6, 1971:

Fourteenth Revised Sheet No. 6, Superseding Substitute 13th Revised Sheet No. 6.
Fourteenth Revised Sheet No. 7, Superseding Substitute 13th Revised Sheet No. 7.
Fourteenth Revised Sheet No. 8, Superseding Substitute 13th Revised Sheet No. 8.
Thirteenth Revised Sheet No. 10, Superseding Substitute 12th Revised Sheet No. 10.
Fourteenth Revised Sheet No. 11, Superseding Substitute 13th Revised Sheet No. 11.
Fourteenth Revised Sheet No. 12, Superseding Substitute 13th Revised Sheet No. 12.
Fourteenth Revised Sheet No. 13, Superseding Substitute 13th Revised Sheet No. 13.
Fifteenth Revised Sheet No. 15, Superseding Substitute 14th Revised Sheet No. 15.
Fourteenth Revised Sheet No. 16, Superseding Substitute 13th Revised Sheet No. 16.
Fourteenth Revised Sheet No. 17, Superseding Substitute 13th Revised Sheet No. 17.
Fifteenth Revised Sheet No. 20, Superseding Substitute 14th Revised Sheet No. 20.
Fourteenth Revised Sheet No. 21, Superseding Substitute 13th Revised Sheet No. 21.
Fourteenth Revised Sheet No. 22, Superseding Substitute 13th Revised Sheet No. 22.
Fifteenth Revised Sheet No. 38, Superseding Substitute 14th Revised Sheet No. 38.
Fifteenth Revised Sheet No. 40, Superseding Substitute 14th Revised Sheet No. 40.
Fourteenth Revised Sheet No. 42, Superseding Substitute 13th Revised Sheet No. 42.
Fifteenth Revised Sheet No. 45, Superseding Substitute 14th Revised Sheet No. 45.

Revised tariff sheets filed May 11, 1971:

Fifteenth Revised Sheet No. 6, Superseding 14th Revised Sheet No. 6.
Fifteenth Revised Sheet No. 7, Superseding 14th Revised Sheet No. 7.
Fifteenth Revised Sheet No. 8, Superseding 14th Revised Sheet No. 8.
Fourteenth Revised Sheet No. 10, Superseding 13th Revised Sheet No. 10.
Fifteenth Revised Sheet No. 11, Superseding 14th Revised Sheet No. 11.
Fifteenth Revised Sheet No. 12, Superseding 14th Revised Sheet No. 12.
Fifteenth Revised Sheet No. 13, Superseding 14th Revised Sheet No. 13.
Sixteenth Revised Sheet No. 15, Superseding 15th Revised Sheet No. 15.
Fifteenth Revised Sheet No. 16, Superseding 14th Revised Sheet No. 16.
Fifteenth Revised Sheet No. 17, Superseding 14th Revised Sheet No. 17.
Sixteenth Revised Sheet No. 20, Superseding 15th Revised Sheet No. 20.
Fifteenth Revised Sheet No. 21, Superseding 14th Revised Sheet No. 21.
Fifteenth Revised Sheet No. 22, Superseding 14th Revised Sheet No. 22.
Sixteenth Revised Sheet No. 38, Superseding 15th Revised Sheet No. 38.
Sixteenth Revised Sheet No. 40, Superseding 15th Revised Sheet No. 40.
Fifteenth Revised Sheet No. 42, Superseding 14th Revised Sheet No. 42.
Sixteenth Revised Sheet No. 45, Superseding 15th Revised Sheet No. 45.

[FR Doc.71–8608 Filed 6–17–71;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NOTICE OF STATE AGREEMENTS

Availability for Inspection

In accordance with 29 CFR 1901.4 (36 F.R. 7007, April 13, 1971), notice is hereby given that pursuant to section 18(h) of the Williams-Steiger Occupational Safety and Health Act (84 Stat. 1609) and 29 CFR Part 1901 (36 F.R. 7006), the Secretary of Labor has entered into agreements, to expire on or before December 28, 1972, with the following States:

Alaska.
Arizona.
California.
Colorado.
Delaware.
District of Columbia.
Hawaii.
Idaho.
Illinois.
Iowa.
Maine.
Maryland.
Michigan.
Minnesota.
Missouri.
Nebraska.
New Hampshire.
New Jersey.
New York.
North Carolina.
North Dakota.
Oregon.
Pennsylvania.
South Carolina.
Texas.
Virginia.
Washington.
Wisconsin.

The agreements permit the States to continue to enforce their occupational safety and health standards under the conditions specified therein.

Copies of all the agreements are available for public inspection and copying, during normal business hours, at the National Office of the Occupational Safety and Health Administration, 14th Street and Constitution Avenue NW., Washington, DC 20310. In addition, each of the following regional offices of the Administration will make available for

public inspection and coyping, during normal business hours, copies of the agreement with each of the States, named in the opposite column.

Regional Office and Address	*State*
Region I—Boston:	
John F. Kennedy Federal Bldg., Government Center, 17th Floor, Room 1700–C, Boston, MA 02203.	Maine, New Hampshire.
Region II—New York:	
341 9th Ave., Room 920, New York, NY 10001___	New Jersey, New York.
Region III—Philadelphia:	
Penn Square Bldg., Room 410, Juniper and Filbert Sts., Philadelphia, PA 19107.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia.
Region IV—Atlanta:	
Room 311, 1371 Peachtree St. NE., Atlanta, GA 30309.	North Carolina, South Carolina.
Region V—Chicago:	
848 Federal Office Bldg., 219 South Dearborn St., Chicago, IL 60604.	Illinois, Michigan, Minnesota, Wisconsin.
Region VI—Dallas:	
Room 730 C, Mayflower Bldg., 411 North Akard St., Dallas, TX 75201.	Texas.
Region VII—Kansas City:	
1906 Federal Office Bldg., 911 Walnut St., Kansas City, MO 64106.	Iowa, Missouri, Nebraska.
Region VIII—Denver:	
Denver Federal Center, Room 21–S, Bldg. 53, Kipling and 6th Ave., Denver, CO 80225.	Colorado, North Dakota.
Region IX—San Francisco:	
10353 Federal Bldg., 450 Golden Gate Ave., Box 36017, San Francisco, CA 94102.	Arizona, California, Hawaii.
Region X—Seattle:	
1804 Smith Tower Bldg., 506 2d Ave., Seattle, WA 98104.	Alaska, Idaho, Oregon, Washington.

Signed at Washington, D.C., this 15th day of May 1971.

GEORGE C. GUENTHER,
Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc.71–8629 Filed 6–17–71;8:52 am]

Office of the Secretary

ALABAMA

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91–373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Tom J. Ventress, Director of the Department of Industrial Relations, has determined that there was a State "on" indicator in Alabama for the week beginning March 21, 1971, and that an extended benefit period began in the State with the week beginning April 11, 1971.

Signed at Washington, D.C., this 14th day of June 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–8628 Filed 6–17–71;8:52 am]

INTERSTATE COMMERCE COMMISSION

COOPER TRANSFER CO., INC., ET AL.

Assignment of Hearings

JUNE 15, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–55889 Sub 37, Cooper Transfer Co., Inc., application dismissed.

FD 26208, Chicago & North Western Railway Co. Abandonment between Pine Island and Rochester, Minn., assigned July 14, 1971, postponed to July 26, 1971, in Probate Hearing Room, Olmstead County Courthouse, 515 Southwest Second Street, Rochester, MN.

MC–F–10960, Briggs Transportation Co.—Purchase (Portion)—Ringsby Truck Lines, Inc., and MC 52709 Sub 313, Ringsby Truck Lines, Inc., assigned July 19, 1971, at Denver, Colo., postponed indefinitely.

MC 134861 Sub 2, Dickenson Lines, Inc., assigned July 14, 1971, at St. Paul, Minn., in Room 767, 316 Roberts Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–8631 Filed 6–17–71;8:52 am]

[Notice 703]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 15, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72905. By order of June 8, 1971, the Motor Carrier Board approved the transfer to Inter-Island Garment Carriers, Inc., Jersey City, N.J., of certificate No. MC–74134 (Sub No. 1), issued to Roxy Garment Del., Inc., Jersey City, N.J., authorizing the transportation of: Clothing bags, furniture, chair pads, hangers, plastic articles, and advertising materials and supplies, between plantsite of Protex Products Co., Inc., Kearny, N.J., and New York, N.Y. George A. Olsen, Practitioner, 69 Tonnele Avenue, Jersey City, NJ 07306.

No. MC–FC–72912. By order of June 8, 1971, the Motor Carrier Board approved the transfer to Hamman Stage Lines, Inc., Salem, Oreg., of certificates Nos. MC–31296, MC–31296 (Sub No. 1), MC–31296 (Sub No. 2), and MC–31296 (Sub No. 5), issued to Floyd Hamman, doing business as Hamman Stage Lines, Salem, Oreg., authorizing the transportation of: Passenger and their baggage, and express, in the same vehicle, between specified points in Oregon. John G. McLaughlin, Attorney, 726 Blue Cross Building, Portland, Oreg. 97201.

No. MC–FC–72922. By order of June 11, 1971, the Motor Carrier Board approved the transfer of Del Transport, Inc., Providence, R.I., of certificate No. MC–26639, issued to Fine Bros. of Rehobeth, Inc., doing business as Rollins Express, Rehobeth, Mass., authorizing the transportation of general commodities, with the usual exceptions, but including certain specified commodities, between specified points in Massachusetts and Rhode Island. Frank J. Weiner, Attorney, 6 Beacon Street, Boston, MA 02108.

No. MC-FC-72929. By order of June 9, 1971, the Motor Carrier Board approved the transfer to Arlie King and Laverne King, doing business as King Fuel Co., Box 27, Route No. 3, Marion, Ill. 62959, of the operating rights in permit No. MC-117545, issued December 17, 1959, to J. L. Stroud, doing business as J. L. Stroud Transport, Post Office Box 411, Marion, IL 62959, authorizing the transportation of petroleum and petroleum products, in bulk, in tank vehicles, as defined by the Commission, from the site of the storage facilities of Phillips Petroleum Co. at Texas-Eastern Pipeline Terminal, near Illmo, Mo., to Marion, Herrin, Murphysboro, and Carbondale, Ill.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-8632 Filed 6-17-71;8:52 am]

[SPECIAL PERMISSION NO. 71-5600]

RETURNED SHIPMENTS; WAIVE RULE

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 4th day of June 1971.

It appearing, that from time to time shipments moved by rail carriers are rejected or refused in whole or in part at destination and returned to original shipping point;

It further appearing, that rail carriers and their tariff publishing agents publishing and filing tariffs under the Commission's Tariff Circular No. 20, as amended, from time to time find it necessary for economic, competitive, or other valid reasons to provide that the rate applicable in the reverse direction will apply on the return movement of a shipment, or part thereof, rejected or refused by a consignee at a destination for reasons other than the carrier's error and returned to the original shipping point;

It further appearing, that to specifically publish rates applicable on rejected or returned shipments from and to each point from and to which such a shipment may be tendered for movement in the manner required by this Commission's Tariff Circular No. 20, as amended, would result in voluminous publication, serve no useful purpose, and would add to tariff complications;

It further appearing, that the publication of a rule providing for the application of rates on returned movements in a governing rules tariff or in the rate tariff would be a reasonable method of providing such rate application, and that relief from Rule 4(i) of Tariff Circular No. 20, as amended, is necessary to publish such a rule;

And it further appearing, that the general public would not be adversely effected by the issuance of such general special permission.

And for good cause shown;

It is ordered, That:

1. Rail carriers and their tariff publishing agents, be, and they are hereby, authorized to depart from the terms of Rule 4(i) of Tariff Circular No. 20, as amended, to publish rules upon not less than thirty (30) days' or other lawful notice providing that the rate applicable in the reverse direction will apply on the return movement of a whole or partial shipment rejected or refused at a destination and returned to original shipping point.

2. Rules published hereunder may provide that a refused or rejected shipment can be tendered for return to original shipping point either before or after being partially or completely unloaded. Where such rules provide for the return of a shipment after it is unloaded, the rule must also provide that such freight must be tendered for return within a specified period of time (not to exceed ninety (90) days) from the date it was delivered.

3. Rules published hereunder must provide that the rate to apply on the return movement will be the rate applicable in the reverse direction (specifying either that it is the rate in effect on the date of the initial movement or the rate in effect on the date the shipment is tendered for return) or the rate otherwise applicable for such return movement, if resulting in lower charges. If the published minimum or other governing provision attached to the rate is not to be applied, the rule must be clear as to what applies.

4. Routing for the return movement must be the reverse of the route over which the original shipment moved, except where emergency routing orders require otherwise.

5. Provisions for the return of a whole shipment and those for the return of a partial shipment must be published in separate rules or in separate sections of the same rule.

6. The rule relief granted herein expires with June 4, 1976.

7. Publications issued and filed hereunder shall bear the following notation: "Rule 4(i) of the tariff circular waived; I.C.C. permission No. 71-5600."

8. This permission does not modify any outstanding formal orders of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C.

By the Commission, Special Permission Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-8633 Filed 6-17-71;8:52 am]

CUMULATIVE LIST OF PARTS AFFECTED—JUNE

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 June.

3 CFR

	Page
PROCLAMATIONS:	
4057	10769
4058	10839
4059	11077
EXECUTIVE ORDERS:	
May 27, 1913 (revoked in part by PLO 5064)	11098
6704 (revoked by PLO 5079)	11732
11513 (amended by EO 11597)	11501
11596	11079
11597	11501
11598	11711
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Reorganization Plan No. 1 of 1971	11181

5 CFR

	Page
213	10771, 10948, 11081, 11270-11271, 11633, 11713

7 CFR

	Page
51	10771
55	10937
56	10937
59	10841
70	10937
215	10937
225	11633
719	11271
722	10772
725	10772, 11559
730	11633
760	11279
777	11019
905	11281, 11561
908	10721, 10733, 11019, 11205, 11509, 11633
910	10773, 10937, 11019, 11421, 11509
911	10721
915	11509
916	11206
919	11206
922	11713, 11714
923	11020
944	10774
946	11714
953	10841
959	10938
1090	10775
1098	10775, 11511
1103	10775, 11511

7 CFR—Continued

Page

1104 ..... 10775, 11511
1106 ..... 10775, 11511
1421 ..... 10777, 11081, 11714
1464 11634
1488 11081

PROPOSED RULES:

201 11451
909 11103
911 ..... 11655, 11735
915 ..... 11043, 11735
917 ..... 10979, 11103, 11737
921 11104
944 10740
999 11519
1030 11352
1032 11352
1040 11455
1046 11352
1049 11352
1050 11352
1062 11352
1063 11211
1070 11211
1078 11211
1079 ..... 10879, 11211
1094 10980
1099 11352
1125 11655
1136 11104

8 CFR

103 11634
204 11635
212 11635
214 11635
238 11636
242 11636
245 11636
299 11636
316a 11636
336 11636
343b 11636
499 11637

PROPOSED RULES:

211 11296
235 11735
242 11296
299 11735

9 CFR

74 10841
76 ..... 10842, 10843, 11020, 11421, 11422, 11508, 11589, 11637, 11638
79 10844
310 11639
314 11639
318 11639
325 11639
331 11720

10 CFR

1 11589
40 10938
50 11423
115 11423
150 10938

PROPOSED RULES:

50 11113

12 CFR

222 ..... 10777, 10778
265 ..... 10778, 10779

12 CFR—Continued

Page

505 11185
527 11596
541 ..... 10722, 11281
545 ..... 10722, 10723, 11281
556 10723
561 10724
563 ..... 10724, 10939, 11428
564 11512
582 10725
582b 10725
672 11428
673 11428
741 10844
748 ..... 10940, 11512

PROPOSED RULES:

703 11672
741 11603

13 CFR

PROPOSED RULES:

121 ..... 11525, 11526

14 CFR

39 ..... 10779, 10780, 10946, 11185, 11186, 11428, 11512, 11640, 11721
71 ..... 10781, 10946, 10947, 11081, 11187, 11188, 11429, 11513, 11597, 11640–11642, 11722–11723
73 ..... 11430, 11723
75 ..... 10781, 11081
97 ..... 11021, 11430, 11642
302 11543
374 11189
376 11644

PROPOSED RULES:

1 11218
39 ..... 10801, 10984, 11303, 11522
43 11218
47 10801
71 ..... 10741, 10802, 10984, 11218–11222, 11523, 11524, 11601–11602, 11668–11670, 11749, 11750
75 10984
91 11218
93 11670
121 11456
241 11750
249 10803
371 10803
399 10806

15 CFR

370 10845
372 10845
373 10845
379 10846

PROPOSED RULES:

1200 10980

16 CFR

1 11082
13 ..... 11281–11291, 11597
500 10781
501 ..... 10846, 11082

17 CFR

240 11513
270 11645

18 CFR

Page

101 11431
104 11431
105 11431
154 11579
201 11431
204 11432
205 11432

19 CFR

10 ..... 10726, 10727, 11581
13 10727
16 10727
22 10847
54 10727

PROPOSED RULES:

153 11526

20 CFR

01 11432
3 11432
25 11433
405 10848

PROPOSED RULES:

422 10880

21 CFR

1 ..... 11022, 11723
2 ..... 10728, 11433
3 ..... 11022, 11514, 11723
8 11645
28 10781
121 ..... 10728, 10947, 11646, 11723, 11724
130 ..... 11022, 11723
135 11724
135a 10947, 11724
135b 10850, 10947
135e 11190
141 11515
141b 11725
145 11516
146 ..... 11022, 11516, 11723
146b 11725
146d 11726
148 11516
148b 11292
148k 11292
148w 11433
149v 11434
151g 11516
191 11190
420 ..... 10851, 11293, 11517, 11726, 11727

PROPOSED RULES:

1 11217
3 11521
121 ..... 10983, 11742
125 11521
130 10983
135g 11742
141a 11742
146a 11742
146c 11742
146e 11742
191 11044

24 CFR

17 11024
60 10781
200 10781
1914 ..... 11083, 11269, 11728
1915 ..... 11083, 11270, 11729

24 CFR—Continued

Page

PROPOSED RULES:

8 ... 11296
76 ... 11744
1909 ... 11109
1910 ... 11109

25 CFR

PROPOSED RULES:

131 ... 11043

26 CFR

1 ... 10729, 10730, 10851, 11025, 11032, 11084, 11190, 11434, 11730
3 ... 10948
301 ... 10782, 11025, 11503, 11730

PROPOSED RULES:

1 ... 10787, 10953, 11100, 11442, 11451
13 ... 10787, 11451
45 ... 11451
53 ... 10968, 11034, 11655
143 ... 10968, 11655

28 CFR

0 ... 10862, 10863

29 CFR

7 ... 10863
20 ... 11505
50 ... 10865
51 ... 10865
602 ... 11434
603 ... 10866
612 ... 10866
615 ... 11561
697 ... 11561

PROPOSED RULES:

202 ... 11044
1902 ... 11738

31 CFR

316 ... 10949
500 ... 11441

PROPOSED RULES:

102 ... 11208
103 ... 11208

32 CFR

809d ... 11196
819a ... 11196
1801 ... 11505
1802 ... 11581

33 CFR

2 ... 10949
117 ... 11087, 11434
204 ... 10730
207 ... 10730

PROPOSED RULES:

117 ... 10779–10801, 11045, 11455, 11667

36 CFR

PROPOSED RULES:

7 ... 10877–10879

39 CFR

Page

Ch. I ... 11505
171 ... 10783
951 ... 11562
952 ... 11562
953 ... 11566
954 ... 11567
955 ... 11569
956 ... 11572
957 ... 11575
958 ... 11578

41 CFR

1–1 ... 11435
1–4 ... 11199
3–1 ... 11582
3–30 ... 11582
5A–72 ... 11088
9–1 ... 11646
9–3 ... 11095
9–5 ... 11646
9–16 ... 11095
14–1 ... 11506
29–3 ... 11647
60–6 ... 10868
101–19 ... 11199
101–26 ... 10950, 11438
101–30 ... 10950
101–35 ... 10951
101–47 ... 11438

PROPOSED RULES:

3–4 ... 11599

42 CFR

54 ... 10874, 10875, 11295
72 ... 11025
481 ... 10731

43 CFR

PUBLIC LAND ORDERS:

64 (revoked by PLO 5067) ... 11098
639 (amended in part by PLO 5074) ... 11731
1556 (revoked in part by PLO 5066) ... 11098
1703 (revoked in part by PLO 5063) ... 11098
2052 (revoked by PLO 5075) ... 11731
3920 (see PLO 5074) ... 11731
4582 (see PLO 5072) ... 11731
4962 (see PLO 5072) ... 11731
5010 (corrected by PLO 5080) ... 11732
5045 (corrected by PLO 5071) ... 11731
5062 ... 11097
5063 ... 11098
5064 ... 11098
5065 ... 11098
5066 ... 11098
5067 ... 11098
5068 ... 11099
5069 ... 11730
5070 ... 11730
5071 ... 11731
5072 ... 11731
5073 ... 11733
5074 ... 11731
5075 ... 11731
5076 ... 11732
5077 ... 11732
5078 ... 11732
5079 ... 11732
5080 ... 11732

45 CFR

Page

117 ... 11200
120 ... 10951
206 ... 10783

46 CFR

11 ... 11653
146 ... 11733
251 ... 11033, 11099
381 ... 10739
531 ... 11439

PROPOSED RULES:

146 ... 11302
512 ... 10985

47 CFR

0 ... 11440
2 ... 11587
21 ... 11144
73 ... 10784
74 ... 10876, 11587
83 ... 11440
87 ... 11587
89 ... 11587
91 ... 11588
93 ... 11588

PROPOSED RULES:

13 ... 11225
25 ... 10806
73 ... 10741, 10806, 11225
83 ... 10807

49 CFR

172 ... 10732
173 ... 10732, 10952, 11734
176 ... 10733
177 ... 10784
178 ... 10733, 10785
179 ... 10733
391 ... 11205
571 ... 10733, 10736, 11508
1002 ... 11293
1033 ... 10785

PROPOSED RULES:

171 ... 11304
172 ... 11304
173 ... 10882, 11224, 11304, 11670
174 ... 11304
175 ... 11304
177 ... 10882, 11304
178 ... 10882, 11224, 11524, 11670
192 ... 10885
228 ... 11303
391 ... 11223
393 ... 11046
395 ... 10802
571 ... 11750
Ch. X ... 10741, 10742
1056 ... 11671
1100 ... 10808
1332 ... 10886

50 CFR

32 ... 11099
253 ... 10736
254 ... 10737
280 ... 11441

LIST OF FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*
10715–10762	June 2
10763–10832	3
10833–10929	4
10931–11011	5
11013–11070	8
11071–11173	9
11175–11261	10
11263–11413	11
11415–11494	12
11495–11551	15
11553–11625	16
11627–11704	17
11705–11784	18