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PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACTFINDING BODIES

Part 719 is revised to read as follows:

AUTHORITY: The provisions of this Part 719 issued under sec. 3481, 62 Stat. 883, secs. 801–940, 5031, 70A Stat. 36–78, 278, sec. 1219, 71 Stat. 160, as amended, secs. 301, 303, 80 Stat. 379; 5 U.S.C. 301, 303, 10 U.S.C. 801–940, 952, 1219, 5031, 48 U.S.C. 3481; and E.O. 11476 of June 19, 1969.

SOURCE: This part is Chapter I through VI of the Manual of the Judge Advocate General of the Navy.

NOTE: The Uniform Code of Military Justice (10 U.S.C. 801–940) is referred to in this part as the UCMJ. The Manual for Courts-Martial, United States, 1969 (Revised Edition), (E.O. 11476 of June 19, 1969), is referred to in this part as MCM.

Subpart A—Nonjudicial Punishment

§ 719.101 General provisions.

(a) *Authority to impose*—(1) *Multiservice commander.* In addition to the categories of officers authorized to impose nonjudicial punishment under 10 U.S.C. 815(b), the commander of a multiservice command to whose staff or command members of the naval service are assigned may designate one or more naval units and shall for each such naval unit designate a commissioned officer of the naval service as commanding officer for the administration of discipline under 10 U.S.C. 815. A copy of any such designation by the commander of a multiservice command shall be furnished to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and to the Judge Advocate General.

(2) *General authority.* Pursuant to the authority of 10 U.S.C. 815, and to the provisions of chapter XXVI, MCM, and except as provided in paragraph (b) of this section, nonjudicial punishment may be imposed in the naval service for minor offenses as follows:

(i) *Upon officers and warrant officers.* Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph, may impose upon officers of his command admonition or reprimand and restriction to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days. Officers of the grade of major or lieutenant commander, or above, who are authorized to impose nonjudicial punishment, may in addition to admonition or reprimand, impose restriction for not more than 30 consecutive days. Only an officer of general or flag rank in command may impose the additional punishments authorized by 10 U.S.C. 815(b)(1)(B). See also subparagraph (4) of this paragraph.

(ii) *Upon other personnel.* Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph, may impose upon enlisted men of his command, and any commissioned officer who is designated as officer in charge of a unit by Departmental Orders, Tables of Organization, manpower authorizations, orders of a flag or general officer in command (including one in command of a multiservice command to which members of the naval service are attached), or orders of the Senior Officer Present, may impose upon enlisted men assigned to his unit, admonition or reprimand and one or more of the punishments authorized by 10 U.S.C. 815(b)(2)(A) through (G). Only commanding officers of the grade of major or lieutenant commander or above may impose the increased punishments authorized by 10 U.S.C. 815(b)(2)(H).

(3) *Jurisdiction over individual.*—(i) *General rule.* At the time nonjudicial punishment is imposed, the accused must be a member of the command of the commanding officer, or of the unit of the officer in charge, who imposes the punishment. A person is "of the command" or "of the unit" if he is assigned or attached thereto, and a person may be "of the command" or "of the unit" of more than one command or unit at the same time, such as persons assigned or attached to commands or units for the purpose of performing temporary additional duty.

(ii) *Issuance of letter of censure to party before fact-finding body.* A person who has been designated a party before a fact-finding body convened under the regulations in this part (see Subpart J of this part) remains thereafter "of the command" of the unit or organization to which he was assigned or attached at the time of such designation for the purpose of imposition of the sole nonjudicial punishment of a letter of admonition or reprimand, even though for other purposes he may have been assigned or attached to another command before such letter was delivered to him. This status terminates automatically when all action contemplated by 10 U.S.C. 815, including action on appeal, has been completed respecting the letter of admonition or reprimand.

(iii) *Action when accused no longer with command.* Except as provided in subdivision (ii) of this subparagraph, if at the time nonjudicial punishment is to be imposed the accused is no longer assigned or attached to the unit, the alleged offense should be referred for appropriate action to a competent authority in the chain of command over the individual concerned. In the case of an officer, the referral normally should be to the officer who exercises general court-martial jurisdiction over him.

(iv) *Nonjudicial punishment of reservists on active duty for training or inactive duty training.* (*a*) If all aspects of the procedures specified by 10 U.S.C. 815, and paragraph 133b, MCM, which require the presence of the accused are conducted prior to the termination of the drill or training period during which the act for which punishment is imposed occurs, the imposition of punishment may occur subsequent to the termination of such drill or training period at a time at which the reservist is not subject to the Uniform Code of Military Justice. See paragraph 11d, MCM.

(*b*) Even though no proceedings are conducted during the drill or training period during which the act for which punishment is imposed occurs, nonjudicial punishment may be imposed if all aspects of the procedures described by 10 U.S.C. 815, and paragraph 133b, MCM, which require the presence of the accused are conducted on a subsequent period, or subsequent periods, of active duty for training or inactive duty training, unless there has been an intervening discharge or some equivalent change of status.

(c) As a matter of policy, any physical restraint pending nonjudicial punishment or imposed as nonjudicial punishment shall not extend beyond the normal time of termination of a drill or training period.

(4) *Delegation to a "principal assistant" under 10 U.S.C. 815(a).* With the express prior approval of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, a flag or general officer in command may delegate all or a portion of his powers under 10 U.S.C. 815 to a senior officer on his staff who is eligible to succeed to command in case of absence of such officer in command. To the extent of the authority thus delegated, the officer to whom such powers are delegated shall have the same authority as the officer who delegated the powers.

(5) *Withholding of 10 U.S.C. 815 punitive authority.* Unless specifically authorized by the Secretary of the Navy, commanding officers of the Navy and Marine Corps shall not limit or withhold the exercise by subordinate commanders of any disciplinary authority they might otherwise have under 10 U.S.C. 815.

(b) *Limitations on imposition of nonjudicial punishment*—(1) *Demand for trial.* A person in the Navy or Marine Corps who is attached to or embarked in a vessel does not have the right to demand trial by court-martial in lieu of nonjudicial punishment.

(2) *Cases previously tried in civil courts.* The provisions of § 719.107(e) with respect to trial by summary court-martial of persons whose cases have been previously adjudicated in domestic or foreign criminal courts apply also to the imposition of nonjudicial punishment in such cases.

(3) *Units attached to a ship.* The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein should, as a matter of policy, refrain form exercising his powers to impose nonjudicial punishment. All such matters should be referred to the commanding officer of the ship for disposition. This policy shall not be applicable to Military Sea Transportation Service vessels operating under a master, nor is it applicable where an organized unit is embarked for transportation only.

(4) *Correctional custody.* This punishment shall not be imposed upon persons in grade E–4 and above.

(5) *Confinement on bread and water or diminished rations.* This punishment shall not be imposed upon persons in grade E–4 and above.

(6) *Extra duties.* Subject to the limitations set forth in paragraph 131c(6), MCM, this punishment shall be considered satisfied when the enlisted person shall have performed extra duties during available time in addition to performing his military duties. Normally the immediate commanding officer of the accused will designate the amount and character of the extra duties to be performed. The daily performance of the extra duties, before or after routine duties are completed, constitutes the punishment whether the particular daily assignment requires one, two or more hours, but normally extra duties should not extend

to more than 2 hours per day. Extra duty shall not be performed on Sunday although Sunday counts in the computation of the period for which such punishment is imposed. Guard duty shall not be assigned as punishment.

(7) *Reduction in grade.* Subject to the provisions of paragraph 131c(7), MCM, this punishment shall not be imposed except to the next inferior grade. Reduction in grade may be imposed only if the condition concerning promotion authority specified in paragraph 131, MCM is met.

(8) *Arrest in quarters.* An officer or warrant officer undergoing this punishment shall not be required to perform duties involving the exercise of authority over any person who is otherwise subordinate to him.

(9) *Forfeiture and detention.* The monthly contribution from his pay that an enlisted person in pay grade E–4 (4 years or less service) or below with dependents is required by law to make to entitle him to a basic allowance for quarters is $40. As provided in paragraphs 131c (8) and (9), MCM, this amount must be deducted before the net amount of pay subject to forfeiture or detention is computed. When a punishment of a person in pay grade E–4 or above includes both reduction to pay grade E–4 (4 years or less service) or below and forfeiture or detention, $40 must be deducted before computing the net amount of pay subject to forfeiture or detention.

(c) *Nonpunitive measures.* (1) Commanding officers and officers in charge are authorized and expected to use nonpunitive measures, including administrative withholding of privileges not extending to deprivation of normal liberty, in furthering the efficiency of their commands.

(2) These measures are not punishment and may be administered either orally or in writing. (See paragraph 128c, MCM.) Nonpunitive letters of censure, other than those issued by the Secretary of the Navy, shall not be forwarded to the Bureau of Naval Personnel or the Commandant of the Marine Corps, quoted or appended to fitness reports, or otherwise included in the official departmental records of the recipient. A sample nonpunitive letter of caution is set forth for guidance in appendix section 1a.[1]

(d) *Procedures.* (1) The procedures prescribed in paragraph 133b, MCM and in this subsection shall be followed in imposing nonjudicial punishment. The requirements § 719.102 (d) and (e) are also applicable if a letter of admonition or reprimand is to be imposed as punishment.

(2) If nonjudicial punishment is contemplated on the basis of the record of a court of inquiry or other fact-finding body, a preliminary examination shall be made of such record to determine whether the individual concerned was accorded the rights of a party before such fact-finding body and, if so, whether such rights were accorded with respect to the act or omission for which nonjudicial punishment is contemplated. If the individual concerned was accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated, such punishment may be imposed without further proceedings. If the individual concerned was not accorded the rights of a party with respect to the offense for which punishment is contemplated, the impartial hearing prescribed in paragraph 133b, MCM must be conducted. In the alternative, the record of the fact-finding body may be returned for additional proceedings during which the individual concerned shall be accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated.

(3) The officer who imposes punishment under 10 U.S.C. 815 shall ensure that the offender is fully informed of his right to appeal from such punishment.

(e) *Effective date and execution of punishments*—(1) *Forfeitures, detention, and reduction in grade.* As provided in paragraph 131e, MCM, these punishments, if unsuspended, take effect on the date imposed. If suspended, and the suspension is later vacated, these punishments take effect for all purposes on the date the suspension is vacated. However, if a forfeiture or detention is imposed while a prior punishment of forfeiture or detention is still in effect, the prior punishment will be completed before the latter begins to run.

(2) *Punishments involving restraint.* Normally, the punishments of arrest in quarters, correctional custody, confinement on bread and water or diminished rations, extra duties, and restriction, unless suspended, take effect when imposed. However, as with forfeiture and detention, any prior punishment involving restraint will be completed before the second begins to run. In addition, commanding officers and officers in charge at sea may, when the exigencies of the service require, defer execution of correctional custody and confinement on bread and water for a reasonable period of time, not to exceed 15 days, after imposition. When correctional custody is to be served in a regular confinement facility, the conditions of service and the provisions for release therefrom shall be as prescribed in the Corrections Manual. Otherwise, correctional custody shall be imposed and administered in accordance with SECNAVINST 1640.7 series.

(3) *Admonition and reprimand.* These punishments take effect when imposed. A letter of censure is considered to be imposed when delivered to the offender.

(f) *Appeals*—(1) *Time.* (i) In accordance with paragraph 135, MCM, an appeal not made within a reasonable time may be rejected on that basis by the officer to whom the appeal was addressed. In the absence of unusual circumstances, an appeal made more than 15 days after the punishment was imposed may be considered as not having been made within a reasonable time. In computing this appeal period, allowance shall be made for the time required to transmit communications pertaining to the imposition of nonjudicial punishment and the appeal therefrom through the mails. This appeal period commences to run from the date of the imposition of the punishment, even though all or any part of the punishment imposed is suspended.

(ii) If unusual circumstances exist which make it impracticable or extremely difficult for the offender to prepare and submit his appeal within the 15-day period, he should immediately advise the officer who imposed the punishment of such circumstances and request an appropriate extension of time within which to submit his appeal. In the absence of such a request, an appeal submitted after the 15-day period will normally be considered as not having been made within a reasonable time. Upon the receipt of such a request, the officer who imposed the punishment shall advise the offender that an extension of time is or is not granted.

(2) *To whom made when officer who imposed the punishment is in a Navy chain of command.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM shall, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the officer who imposed the punishment, be forwarded to the area coordinator authorized to convene general courts-martial. When the cognizant area coordinator is not superior in rank or command to the officer who imposed the punishment or when the punishment is imposed by a commanding officer who is an area coordinator, the appeal shall be forwarded to the officer authorized to convene general courts-martial and next superior in the chain of command to the officer who imposed the punishment.

(i) An immediate or delegated area coordinator who has authority to convene general courts-martial may take action in lieu of an area coordinator if he is superior in rank or command to the officer who imposed the punishment.

(ii) For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the unit at the time of the forwarding of the appeal.

(3) *To whom made when officer who imposed the punishment is in the chain of command of the Commandant of the Marine Corps.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM shall be made to the authority next superior in the chain of command to the officer who imposed the punishment, whether or not the superior authority is in the chain of command of the person punished at the time of the appeal.

(4) *To whom made when commanding officer is commander of a multi-service command.* An appeal from nonjudicial punishment imposed by a commanding officer designated pursuant to paragraph (a)(1) of this section shall be made to the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate.

[1] Filed as part of the original document.

(5) *Delegation of authority to act on appeals.* Such authority may be delegated in accordance with the provisions of paragraph (a)(4) of this section.

(6) *Prohibited and inappropriate actions.* An officer who has delegated his nonjudicial punishment powers to a principal assistant under paragraph (a)(4) of this section may not act on an appeal from punishment imposed by such principal assistant. In such cases and in other cases where it may be inappropriate for the officer designated by paragraph (f)(2) or (3) of this section to act on the appeal (as where an identity of persons or staff may exist with the command which imposed the punishment), such fact should be noted in forwarding the appeal.

(7) *Procedures.* (i) When the officer who imposed the punishment is not the offender's immediate commanding officer, the latter may forward the appeal directly to the officer who imposed the punishment for forwarding under paragraph (f)(2), (3), or (4) of this section. Similarly, the action of the superior on appeal may be forwarded by the officer who imposed the punishment directly to the offender's commanding officer for delivery. Copies of the correspondence should be provided for intermediate authorities in the chain of command.

(ii) In any case where nonjudicial punishment is imposed on the basis of information contained in the record of a court of inquiry or fact-finding body, a copy of the record, including the findings, opinions and recommendations, together with copies of endorsements thereon, shall, except where the interests of national security may be adversely affected, be made available to the individual concerned for his examination in connection with the preparation of an appeal. In case of doubt, the matter shall be referred to the Judge Advocate General for advice.

(g) *Records of punishment.* The records of nonjudicial punishment shall be maintained and disposed of in accordance with paragraph 133c, MCM and implementing regulations issued by the Chief of Naval Personnel and the Commandant of the Marine Corps. The forms used for the Unit Punishment Book are NAVPERS 2696 and NAVMC 10132PD.

(h) *Definition of "successor in command."* For the purposes of 10 U.S.C. 815 and this part, the term "successor in command" refers to an officer succeeding to the command by being detailed or succeeding thereto as described in U.S. Navy Regulations. The term is not limited to the officer next succeeding. See paragraph (j) of this section.

(i) *Punishment not to be increased.* As provided in paragraph 128d, MCM a punishment once imposed may not be increased. In addition, punishment may not be withdrawn for the purpose of imposing a more severe punishment.

(j) *Suspension, mitigation, and remission.* (1) The authority of the officer who imposed the punishment, his successor in command, and superior authority to suspend, mitigate, remit, and set aside punishments is discussed in paragraphs 134 and 135, MCM.

(2) When a person upon whom nonjudicial punishment has been imposed is thereafter, by competent transfer orders, assigned to another command, unit, or activity, the receiving commanding officer (or officer in charge) and his successor in command, may under 10 U.S.C. 815(d) and the conditions set forth in paragraph 134, MCM, exercise the same powers with respect to the punishment imposed as may by exercised by the officer who imposed the punishment.

§ 719.102 Letters of censure.

(a) *General.* "Censure" is a generic term applicable to adverse reflection upon or criticism of an individual's character, conduct, performance or military appearance. Censure may be punitive or nonpunitive. Punitive censure is imposed as commanding officer's nonjudicial punishment or as the result of a sentence by court-martial. In increasing order of severity, there are two degrees of punitive censure, namely, "admonition" and "reprimand." Nonpunitive censure is provided for in paragraph 128, MCM and in § 719.101(c). When imposed upon officers, punitive admonition or reprimand is required to be by written communication. If imposed upon enlisted personnel, punitive admonition or reprimand may be by either oral or written communication. Copies of punitive letters of admonition or reprimand, less withdrawn or set aside, will be filed in the official records of the individual's to whom they are addressed and recorded in departmental records. As provided in § 710.101(i), once a letter of admonition or reprimand has been received by the individual to whom it is addressed, it may not be increased in severity or withdrawn to impose a more severe punishment. The remaining provisions of this section do not apply to oral censures of enlisted personnel or, unless specifically noted, to court-martial sentences involving admonition or reprimand.

(b) *Administrative letters of censure by the Secretary of the Navy.* In addition to the censures discussed in paragraph (a) of this section the Secretary of the Navy may, by means of a written communication, administratively censure persons in the naval service without reference to 10 U.S.C. 815. Unless otherwise directed, a copy of the communication will be filed in the official record of the person censured and recorded in departmental records. The provisions of 10 U.S.C. 815, chapter XXVI, MCM, and § 719.101 and this section (including the right of appeal) are not applicable to administrative censure by the Secretary of the Navy. However, if the person censured is an officer and a copy of the communication is to be filed in his official record and recorded in departmental records, the officer being censured may submit such official statement as he may choose to make in reply. Any such reply shall be couched in temperate language and shall be confined to pertinent facts. Opinions shall not be expressed nor the motives of others impugned. Replies shall not contain countercharges.

(c) *Internal departmental responsibility.* Correspondence, records, and files in the Department of the Navy that relate to letters of admonition or reprimand are personnel matters under the primary cognizance of the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate.

(d) *Procedure*—(1) *Issuing authority.* Where an officer has committed an offense which warrants a punitive letter of admonition or reprimand, the immediate commanding officer may, at his discretion, but subject to paragraphs 132 and 133, MCM, issue the letter or refer the matter through the chain of command, normally to the superior who exercises general court-martial jurisdiction and who has command over the prospective addressee (see § 719.103(a)(3)). Consideration must be given to the fact that the degree of severity and effect of punitive admonition or reprimand increases proportionately with the degree of superiority of the officer in command who issues the letter.

(2) *Hearing requirement.* Subject to the provisions of 10 U.S.C. 815(a), paragraph 132, MCM, and § 719.101(b) regarding demand for trial, a punitive letter may be issued, or its issuance recommended to higher authority, on the basis of an investigation or court of inquiry for acts or omissions for which the individual was accorded the rights of a party or on the basis of mast or office hours prescribed in paragraph 133b, MCM (see § 719.101(d)). When mast or office hours is conducted, the officer conducting the hearing shall prepare a report thereof. The report shall include a summary of the testimony of witnesses, statements and affidavits submitted to the officer holding the hearing, and a description of items of information in the nature of physical or documentary evidence considered at the hearing.

(e) *Content of letter*—(1) *General.* A punitive letter of admonition or reprimand issued pursuant to 10 U.S.C. 815 may be imposed only for minor offenses (see paragraph 128b, MCM). Such offenses include only those acts or omissions constituting offenses under the punitive articles of the UCMJ. The letter must set forth the facts constituting the offense but need not refer to any specific punitive article of the UCMJ; nor must it satisfy the tests for legal sufficiency required of court-martial specifications. Each letter should contain sufficient specific facts, without regard to the existence of other documents, to apprise a reader of all relevant facts and circumstances surrounding the offense. General conclusions, such as "gross negligence," "unofficer-like conduct," or "dereliction of duty," are valueless unless accompanied by specific facts upon which they are based. Sample letters of reprimand and admonition are set forth for guidance in Appendix sections 1b and 1c.[1]

(2) *References.* In all punitive letters of admonition or reprimand, reference should be made to all prior proceedings and correspondence upon which they are based. Reference should also be made to

[1] Filed as part of the original document.

applicable laws and regulations, including the MCM and this section. Particular reference should be made to the hearing afforded the offender. Where applicable, the letter shall include a statement that the recipient has been advised that he has the right to demand trial by court-martial in lieu of nonjudicial punishment and that he has not demanded such trial. See 10 U.S.C. 815(a).

(3) *Classification (security).* Every reasonable effort will be made to exclude specific details requiring security classification from punitive letters of admonition or reprimand. Unless it contains classified matter, a letter of censure shall be designated "For Official Use Only."

(4) *Notification of right to appeal and right to submit statement.* All punitive letters of admonition of reprimand, except letters issued in execution of a court-martial sentence as described in § 719.123 (d), shall contain the following paragraphs:

You are hereby advised of your right to appeal this action to the next superior authority, the ---------- via (here insert the official designation of the commanding officer issuing the letter or, if he is not the immediate commanding officer of the offender, the official designations of the immediate commanding officer of the offender and the commanding officer issuing the letter) in accordance with the provisions of 10 U.S.C. 815(e), and paragraph 135 of the Manual for Courts-Martial, and § 719.102(f).

If, upon full consideration, you do not desire to avail yourself of this right to appeal, you are directed to so inform the issuing authority in writing within 15 days after the receipt of this letter.

If, upon full consideration, you do desire to appeal from the issuance of this letter, you are advised that an appeal must be made within a reasonable time and that, in the absence of unusual circumstances, an appeal made more than 15 days after the receipt of this letter may be considered as not having been made within a reasonable time. If, in your opinion, unusual circumstances exist which make it impracticable or extremely difficult for you to prepare and submit your appeal within the 15-day period, you shall immediately advise the officer issuing this letter of such circumstances and request an appropriate extension of time within which to submit your appeal. Failure to receive a reply to such request will not, however, constitute a grant of such extension of time within which to submit your appeal.

In all communications concerning an appeal from the issuance of this letter, you are directed to state the date of your receipt of this letter.

Unless withdrawn, or set aside by higher authority, a copy of this letter will be placed in your official record in (the Bureau of Naval Personnel) (Headquarters, U.S. Marine Corps.) You are therefore privileged, pursuant to U.S. Navy Regulations, to forward within 15 days after receipt of final determination of your appeal or after the date of your notification of your decision not to appeal, whichever may be applicable, such statement concerning this letter as you may desire for inclusion in your record. (Omit "pursuant to U.S. Navy Regulations" in cases involving enlisted personnel.) If you elect not to submit a statement, you shall so state officially in writing within the time above prescribed. In connection with your statement, you are advised that any statement submitted shall be couched in temperate language and shall be confined to pertinent facts. Opinions shall not be expressed nor the motives of others impugned. Your statement may not contain countercharges. Your reporting senior is required to make notation of this letter in your fitness report submitted next after the issuance of this letter has become final, either by decision of higher authority upon appeal or by your decision not to appeal. (Omit last sentence in cases involving enlisted personnel.)

(f) *Appeals.* The following special rules are applicable to appeals involving punitive letters of admonition or reprimand (in addition to those rules contained in § 719.101(f)):

(1) A copy of the report of mast or office hours shall be provided the individual upon his request except where the interests of national security may be adversely affected. In any event a copy shall be made available to him for his use in preparation of a defense or appeal. See § 719.101(f) for similar rules concerning a copy of the record of an investigation or court of inquiry.

(2) In forwarding an appeal from a punitive letter of admonition or reprimand (see § 719.101(f)(4)), the officer who issued the letter shall attach to the appeal a copy of the punitive letter and the record of investigation or court of inquiry or report of hearing on which the letter is based. The appeal shall be forwarded via the chain of command to the superior to whom the appeal is made. The superior to whom the appeal is made may direct additional inquiry or investigation into matters raised by the appeal if he deems such action necessary in the interests of justice.

(3) Appeals from a letter of admonition or reprimand imposed as nonjudicial punishment shall be forwarded as specified in § 719.01(f).

(4) Upon determination of the appeal, the superior shall advise the appellant of the action taken via his immediate commanding officer with copies of the action to officers in the chain of command through whom the appeal was forwarded. He shall also return all papers directly to the commander who issued the letter.

(g) *Forwarding letter to Department.* (1) Upon adverse determination of any appeal taken, the lapse of a reasonable time after issuance (see § 719.101(f)), or upon receipt of the addressee's statement that he does not desire to appeal, together with such statement as he may desire to make or his written declaration that he does not desire to make a statement, a copy of the punitive letter of censure, and such other documents as may be required by the Chief of Naval Personnel or the Commandant of the Marine Corps shall be forwarded via the chain of command to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. The command to which the addressee of the letter is then attached (if different from the forwarding command) and superior authority who took action on appeal pursuant to § 719.101(f) and paragraph (f)(3) of this section whether or not in the chain of command, shall be included as via addressee(s). If the letter of censure is not sustained on appeal, a copy of the letter shall not be filed in the official record of the member concerned.

(2) It is the responsibility of the command issuing a letter of admonition or reprimand to assemble and forward at one time all the foregoing documents. A copy of the forwarding letter shall be provided for each via addressee.

(h) *Cancellation.* (1) Except in certain highly infrequent situations, material properly placed in an officer's or enlisted member's official record is not removed therefrom or destroyed. When a letter of admonition or reprimand has been issued under 10 U.S.C. 815 and filed in the addressee's official record and it is shown that factual error occurred or that other sound reasons indicate that the punishment resulted in a clear injustice, the officers referred to in § 719.101(j) may cancel or direct cancellation of the letter of admonition or reprimand. The authority (i.e., the office as distinguished from the former incumbent) which issued such a letter of admonition or reprimand may also cancel such a letter. In these cases, cancellation will be accomplished by issuing a second letter to the officer concerned announcing the cancellation of the letter of admonition or reprimand and setting forth in detail the reason prompting such cancellation. Copies of the letter of cancellation shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and to other addressees to whom copies of the original letter of censure may have been directed. The copy of the letter of admonition or reprimand and any reference thereto filed in the recipient's official record shall then be removed and destroyed.

(2) If a letter of admonition or reprimand is canceled by superior authority before a copy of the original of such letter has been received by the Chief of Naval Personnel or the Commandant of the Marine Corps, no copy of the letter of admonition or reprimand will be filed in the member's official record. If the cancellation occurs after the copy of the letter of admonition or reprimand has been forwarded to the Department, a copy of the letter of cancellation shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. Upon receipt of the copy of the letter of cancellation, copies of the letter of admonition or reprimand shall not be filed in or, if already filed, shall be removed from the member's official record and destroyed. The order or letter of cancellation or a copy thereof shall not be filed in the member's official records. In other cases, physical removal of letters of admonition or reprimand and other documents in official records will normally be accomplished only by the Secretary of the Navy acting through the Board for Correction of Naval Records. However, if a letter of censure is filed inadvertently by reason of clerical error or mistake of fact, such document may be removed as authorized by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(i) *Public reprimands-Private reprimands.* For historical purposes and understanding of the captioned types of censure, brief comment is supplied thereon. Under Article 24 of the Articles for the Government of the Navy (superseded by the Uniform Code of Military Justice), "private reprimand" was one of the punishments specified as being within the authority of a commanding officer to impose upon officers under his command. The word "private" was employed to distinguish a formal letter of reprimand addressed to an individual officer without general publicity from a "public reprimand," i.e., one published verbatim throughout the naval service. Omission of the word "private" preceding "admonition or reprimand" in 10 U.S.C. 815 does not constitute authority to commanding officers to issue "public reprimands," which are looked upon with disfavor by the Department of the Navy.

Subpart B—Convening Courts-Martial

§ 719.103 Designating of additional convening authorities.

(a) *General courts-martial.* In addition to those officers authorized by 10 U.S.C. 822(a) (3) through (5) and (7), the following officers are, under the authority granted to the Secretary of the Navy by 10 U.S.C. 822(a)(6), designated as empowered to convene general courts-martial:

(1) All flag or general officers, or their immediate temporary successors, in command of units or activities of the Navy or Marine Corps.

(2) The following officers or their successors in command:

Chief of Naval Operations.
Vice Chief of Naval Operations.
Commandant of the Marine Corps.
Commander, Service Group One.
Commander, Service Force, 6th Fleet.
Commanders, Fleet Air Wings.
Commanders, Fleet Air Commands.
Commander, Morocco—U.S. Naval Training Command.
Commanding Officer, U.S. Naval Support Activity, Naples.
Commander, U.S. Naval Activities, Spain.
Commander, U.S. Naval Training Center, Bainbridge, Md.
Commander, U.S. Naval Training Center, San Diego, Calif.
Commander, U.S. Naval Training Center, Orlando, Fla.

(3) The Commanding Officer, U.S. Naval Disciplinary Command, Portsmouth, N.H., is hereby designated as empowered to exercise limited general court-martial jurisdiction for the purpose of performing the functions described in paragraphs 100c, 102, and 107, MCM. See § 719.129(a)(2) concerning the clemency powers of the Commanding Officer of the Naval Disclipinary Command.

(b) *Special courts-martial.* In addition to those officers otherwise authorized by 10 U.S.C. 823(a) (1) through (6), the following officers are, under the authority granted to the Secretary of the Navy by 10 U.S.C. 823(a)(7) empowered to convene special courts-martial:

(1) Commanding officers of all battalions and squadrons, including both regular and reserve Marine Corps commands.

(2) Any commander whose subordinates in the tactical or administrative chain of command have authority to convene special courts-martial.

(3) All commanders and commanding officers of units and activities of the Navy, except inactive duty training Naval Reserve units.

(4) All commanding officers of enlisted personnel now or hereafter designated pursuant to U.S. Navy Regulations by a commander (including the commander of a multiservice command to which members of the naval service are attached).

(5) All commanding officers and officers in charge of commands now or hereafter designated as separate or detached commands by a flag or general officer in command (including the commander of a multiservice command to which members of the naval service are attached).

(6) All directors, Marine Corps Districts.

(7) All officers in charge, Naval Inactive Ship Maintenance Facilities.

(8) All administrative officers, U.S. Naval Shipyards.

(9) All directors, Navy Recruiting, Navy Recruiting Areas.

(10) All Inspector-Instructors, Marine Corps Reserve Organizations.

(11) The following specifically designated officers:

Director, U.S. Naval Research Laboratory, Washington, D.C.
Administrative Officer, U.S. Naval Supply Center, Pearl Harbor, Hawaii.
Director, Administrative Services Department, U.S. Naval Supply Center, Oakland, Calif.
Administrative Officer, U.S. Naval Supply Center, Puget Sound, Bremerton, Wash.
Head, Military Personnel Department, U.S. Naval Station, San Diego, Calif.
Head, Military Personnel Department, U.S. Naval Station, Treasure Island, San Francisco, Calif.
Head, Military Personnel Department, U.S. Naval Station, Norfolk, Va.
Officer in Charge, Transient Personnel Unit, Naval Administrative Command, Naval Training Center, Great Lakes, Ill.
Director, Fleet Home Town News Center.

Orders accomplishing a designation under subparagraph (5) of this paragraph shall reference this section but shall not reference either 10 U.S.C. 823(a)(6) or paragraph 5b(3), MCM. If a determination of separation or detachment respecting a command is made pursuant to paragraph 5b(3), MCM, such as when a group of detached units is placed under a single commander for disciplinary purposes as contemplated by 10 U.S.C. 823(a)(6), only that paragraph of the MCM and 10 U.S.C. 823(a)(6) shall be referenced in such determination. Copies of orders accomplishing a designation under subparagraph (4) or (5) of this paragraph or accomplishing a determination under paragraph 5b(3), MCM shall be forwarded to the Judge Advocate General of the Navy and in addition in the case of Marine Corps units, to the Commandant of the Marine Corps.

(c) *Summary courts-martial.* Those officers who are empowered to convene general and special courts-martial may convene summary courts-martial.

§ 719.104 Preparation of convening orders.

(a) *Form.* Convening and amending orders should be in the form set forth in appendix 4, MCM.

(b) *Contents.* The text of the order is indicated by the forms in appendix 4, MCM, and notes therein. Each convening order shall be assigned a Court-Martial Convening Order Number. The order shall be personally subscribed by the convening authority and shall show his name, grade, and title, including organization or unit. A copy of the convening order shall be furnished to each person named in such order. A copy of any amending order shall be furnished to each person named in the convening order to which such amending order pertains.

§ 719.105 Changes in membership after court has been assembled.

10 U.S.C. 829(a) provides that no member of a general or special court-martial may be absent or excused after the court has been assembled for the trial of the accused except for physical disability or as a result of a challenge or by order of the convening authority for good cause.

§ 719.106 Convening special courts-martial.

(a) *Bad conduct discharge cases.* As used herein, a bad conduct discharge case is one in which a bad conduct discharge is authorized, i.e., in which either because of the offenses charged or the accused's previous convictions, the maximum punishment authorized includes a bad conduct discharge, and in which the convening authority has not included in his endorsement on the charge sheet a direction that the authorized maximum punishment shall not include a bad conduct discharge. In bad conduct discharge cases, the convening authority shall detail to the court a military judge, a defense counsel having the qualifications prescribed under 10 U.S.C. 827(b), and a reporter: *Provided,* That a military judge need not be so detailed in any case in which a military judge cannot be detailed because of physical conditions or military exigencies. In such cases, detailed written explanation by the convening authority is required to be prepared prior to trial. See paragraph 15b, MCM.

(b) *Nonbad conduct discharge cases.* In cases in which neither the offenses charged nor the accused's previous record authorize the imposition of a bad conduct discharge, or in which the convening authority has directed that a bad conduct discharge shall not be an authorized punishment, the convening authority may, but is not required to, detail a military judge, certified defense counsel, and a court reporter to the court. However, in every case the accused must be afforded the opportunity to be represented at trial by counsel having the qualifications prescribed under 10 U.S.C. 827(b), unless counsel having such qualifications cannot be obtained

on account of physical conditions or military exigencies. In such cases, detailed written explanation by the convening authority is required to be prepared prior to assembly of the court. See paragraph 6c, MCM.

§ 719.107 **Restrictions on exercise of court-martial jurisdiction.**

(a) *Special and summary courts-martial.* In accordance with the provisions of paragraph 5b(4) and 5c, MCM, exercise of authority to convene summary and special courts-martial may be restricted by a competent superior commander.

(b) *Right to refuse summary court-martial.* All persons in the Navy and Marine Corps have the absolute right to refuse trial by summary court-martial.

(c) *Units attached to a ship.* The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein should, while the unit is embarked therein, refrain from exercising any power he might possess to convene an order trial by special or summary court-martial, referring all such matters to the commanding officer of the ship for disposition. The foregoing policy does not apply to Military Sea Transportation Service vessels operating under a master, nor is it applicable where an organized unit is embarked for transportation only.

(d) *Jurisdiction under 10 U.S.C. 802 (4), (5), (6), and 10 U.S.C. 803*—(1) *Policy.* In all cases in which jurisdiction is dependent upon the provisions of 10 U.S.C. 802, (4), (5), (6) or 10 U.S.C. 803, the following policies apply:

(i) No case of a retired member of the regular component of the Navy or Marine Corps not on active duty but entitled to receive pay, a retired member of the Naval Reserve or Marine Corps Reserve not on active duty who is receiving hospitalization from an armed force, or a member of the Fleet Reserve or Fleet Marine Corps Reserve not on active duty will be referred for trial by court-martial without the prior authorization of the Secretary of the Navy. This rule applies to offenses allegedly committed by such persons regardless of whether they were on active duty either at the time of the alleged offense or at the time they were accused or suspected of the offense.

(ii) No case in which jurisdiction is based on 10 U.S.C. 803 will be referred for trial by court-martial without the prior authorization of the Secretary of the Navy.

(iii) If authorization is withheld under subdivision (i) or (ii) the Judge Advocate General shall indicate alternative action or actions, if any, to the convening authority.

(2) *Request for authorization.* Requests for authorization should contain the following information: the nature of the offense or offenses charged; a summary of the evidence in the case; the facts showing amenability of accused to trial by court-martial; whether civil jurisdiction exists; the military status of the accused or suspected person at the present and at the time of the alleged offense; and the reasons which make trial by court-martial advisable. Requests shall be addressed to the Secretary of the Navy and shall be forwarded by airmail or other expeditious means. If considered necessary, authorization may be requested directly by message or telephone.

(3) *Apprehension and restraint.* Specific authorization of the Secretary of the Navy is required prior to apprehension, arrest, or confinement of any person who is amenable to trial by court-martial solely by reasons of the provisions of 10 U.S.C. 802 (4), (5), (6), or 10 U.S.C. 803.

(4) *Tolling statute of limitations.* The foregoing rules shall not impede the preferring and processing of sworn charges under 10 U.S.C. 830 when such preferring and processing are necessary to prevent the baring of trial by the statute of limitations. See 10 U.S.C. 843 and paragraphs 29, 31, 33b, and 68c, MCM.

(5) *Recall to active duty.* Members described in subparagraph (1)(i) of this paragraph may not be recalled to active duty solely for trial by court-martial.

(e) *Cases which have been adjudicated in domestic or foreign criminal courts.*—(1) *Policy.* A person in the naval service who has been tried in a domestic or foreign court, whether convicted or acquitted, or whose case has been adjudicated by juvenile court authorities, shall not be tried by court-martial for the same act or acts, except in those unusual cases where trial by court-martial is considered essential in the interests of justice, discipline, and proper administration within the naval service. Such unusual cases shall not be referred for trial without specific permission as provided below.

(2) *Criteria.* Referral for trial within the terms of this policy shall be limited to cases involving substantial discredit to the naval service and which meet one of the following criteria:

(i) Cases in which punishment by civil authorities consists solely of probation, and local practice does not provide rigid supervision of probationers, or the military duties of the probationer make supervision impractical.

(ii) Cases in which civil authorities have, in effect, divested themselves of responsibility by an acquittal manifestly against the evidence, or by the imposition of an exceptionally light sentence on the theory that the individual will be returned to the naval service and thus removed as a problem to the local community.

(iii) Cases of homosexuality in which mild penalties have been imposed upon conviction. Homosexuality is a more serious problem in the military society because of the close-contact living and working conditions of its members.

(iv) Other cases in which the interests of justice and discipline are considered to require further action under the UCMJ (e.g., where conduct leading to trial before a foreign court has reflected adversely upon the naval service itself).

(3) *Procedure.*—(i) *General and special courts-martial.* No case described in subparagraph (2) of this paragraph shall be referred for trial by general court-martial or special court-martial without the prior permission of the Secretary of the Navy. Requests for such permission shall be forwarded by the general court-martial authority concerned (or by the special court-martial authority concerned via the general court-martial authority) to the Secretary of the Navy via the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, and the Judge Advocate General.

(ii) *Summary courts-martial.* No case described in subparagraph (2) of this paragraph shall be referred for trial by summary court-martial without the prior permission of the officer exercising general court-martial jurisdiction over the command. Grants of such permission shall be reported by the general court-martial authority concerned by means of a letter addressed to the Secretary of the Navy in which he shall describe the offense alleged, the action taken by civil authorities, and the circumstances bringing the case within one or more of the exceptions to the general policy.

(iii) *Reporting requirements.* To provisions of this section do not affect the reporting requirements or other actions required under other regulations in cases of convictions of service personnel by domestic or foreign courts and adjudications by juvenile court authorities.

(4) *Limitations.* Personnel who have been tried by courts which derive their authority from the United States, such as U.S. District Courts, shall not be tried by court-martial for the same act or acts. See paragraph 68d, MCM.

(f) *Cases involving classified information.* (1) See OPNAVINST 5510.1 series for procedures relating to trial of cases involving classified information.

(2) See SECNAVINST 5511.4 series for policies relating to trial of cases involving cryptographic systems and publications.

(g) *Major Federal offenses*—(1) *Background.* The Federal civil authorities have concurrent jurisdiction with military authorities over offenses committed by military personnel which violate both the Federal criminal law and the UCMJ. The Attorney General and the Secretary of Defense have agreed on guidelines for determining which authorities shall have jurisdiction to investigate and prosecute major crimes in particular cases. The administration of this program, on behalf of the naval service, has been assigned to the Naval Investigative Service. Guidelines are set forth in SECNAVINST 5430.13 series.

(2) *Limitation on court-martial jurisdiction.* Commanding officers receiving information indicating that naval personnel have committed a major Federal offense (including any major criminal offense, as defined in SECNAVINST 5430.13 series, committed on a naval installation) shall refrain from taking action with a view to trial by court-martial, but shall refer the matter to the commanding officer of the cognizant Naval Investigative Service Office, or his nearest representative, for a determination in accordance with SECNAVINST 5430.13 series. In the event that the investigation of any such case is referred to a Federal

civilian investigative agency, any resulting prosecution normally will be conducted by the cognizant U.S. attorney, subject to the exceptions set forth below.

(3) *Exceptions.* (i) Where it appears that naval personnel have committed several offenses, including both major Federal offenses and serious but purely military offenses, naval authorities are authorized to investigate all of the suspected military offenses, and such of the civil offenses as may be practicable, and to retain the accused for prosecution. Any such action shall be reported immediately to the Secretary of the Navy (Judge Advocate General) and to the cognizant officer exercising general court-martial jurisdiction.

(ii) When, following referral of a case to a civilian Federal investigative agency for investigation, the cognizant U.S. attorney declines prosecution, the investigation normally will be resumed by the Naval Investigative Service, and the command may then commence court-martial proceedings as soon as the circumstances warrant.

(iii) If, while investigation by a Federal civilian investigative agency is pending, existing conditions require immediate prosecution by naval authorities, the officer exercising general court-martial jurisdiction will contact the cognizant U.S. attorney to seek approval for trial by court-martial. If agreement cannot be reached at the local level, the matter shall be referred to the Judge Advocate General for disposition.

(4) *Related matters.* See SECNAV INST 5430.13 series for procedures in cases involving civilian employees. See Part 720 of this chapter concerning the interviewing of naval personnel by Federal investigative agencies and the delivery of personnel to Federal authorities.

§ 719.108 Superior competent authority defined.

(a) *Accuser in a Navy chain of command.* Whenever a commanding officer comes within the purview of 10 U.S.C. 822(b) and 823(b), the "superior competent authority" as used in those articles is, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such accuser, the area coordinator authorized to convene general or special courts-martial, as appropriate. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. When the cognizant area coordinator is not superior in rank or command to the accuser, or when the accuser is an area coordinator, or if it is otherwise impossible or impracticable to forward the charges as specified above, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see paragraph 33i, MCM). An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the appropriate court-martial and is superior in rank or command to the accuser.

(b) *Accuser in the chain of command of the Commandant of the Marine Corps.* Whenever a commanding officer comes within the purview of 10 U.S.C. 822(b) and 823(b), the "superior competent authority" as used in those articles is defined as any superior officer in the chain of command authorized to convene a special or general court-martial, as appropriate. If such an officer is not reasonably available, or if it is otherwise impossible or impracticable to so forward the charges, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction. See paragraph 33i, MCM.

Subpart C—Trial Matters

§ 719.109 Trial guides.

(a) *Summary courts-martial.* For the conduct of summary courts-martial, guidance may be obtained in NAVPERS 10091, Trial Guide for Summary Courts-Martial. The trial guide is for assistance and does not have the mandatory effect of regulations.

(b) *Special courts-martial with a military judge.* A special court-martial with a military judge, to the extent possible, should follow the same procedures as a general court-martial, including any 10 U.S.C. 839(a) session that may be held. See appendix 8 a and b, MCM.

§ 719.110 Reporters and interpreters.

(a) *Appointment—(1) Reporters.* In each case before a general court-martial or before a military commission, the convening authority shall detail a qualified court reporter or reporters. The detail of qualified court reporters in cases of special courts-martial shall be in accordance with section 719.106 (a) and (b). If no reporter is detailed and sworn, the special court-martial may not adjudge a bad conduct discharge. (See paragraphs 15b and 33j, MCM, as to when bad conduct discharges may be adjudged by special courts-martial.) Detailed reporters shall record in shorthand or by mechanical or other means the proceedings of, and the testimony taken before, the court or commission. A reporter may be detailed by the convening authority of a summary court-martial, by the officer who orders an investigation under 10 U.S.C. 832, or by the officer who directs the taking of a deposition. As directed by the trial counsel of a general or special court-martial or by the summary court, the reporter shall prepare either a verbatim or a summarized record and shall preserve the complete shorthand notes or mechanical record of the proceedings as provided in § 719.120. Additional clerical assistants may be detailed when necessary.

(2) *Interpreters.* In each case before a court-martial or military commission, in each investigation conducted under 10 U.S.C. 832, and in each instance of the taking of a deposition, the convening authority or the officer directing such proceeding shall appoint, when necessary, an interpreter for the court, commission, investigation, or officer taking the deposition.

(3) *Manner of appointment.* Appointment of reporters and interpreters by the convening authority or authority directing the proceedings may be effected personally by him or, at his discretion, by any other person. Such appointment may be oral or in writing.

(b) *Source and expenses.* Whenever possible, reporters, interpreters, and clerical assistants shall be detailed from either naval or civilian personnel serving under the convening authority or officer directing the proceeding, or placed at his disposal by another officer or by other Federal agencies. When necessary, the convening authority or officer directing the proceeding may employ or authorize the employment of a reporter or interpreter, at the prevailing wage scale, for duty with a general or special court-martial, military commission, an investigation under 10 U.S.C. 832, or at the taking of a deposition. No expense to the Government shall be incurred by the employment of a reporter, interpreter, or other person to assist in a court-martial, military commission, 10 U.S.C. 832 investigation, or the taking of a deposition, except when authorized by the convening authority or officer directing the proceeding. When required reporters or interpreters are not available locally, the convening authority or officer directing the proceeding shall communicate with the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, requesting that such assistance be provided or authorized.

§ 719.111 Oaths.

(a) *Military judges.* (1) A military judge, certified in accordance with 10 U.S.C. 826(b), may take a one-time oath to perform his duties faithfully and impartially in all cases to which he is detailed. This oath may be taken at any time and may be administered by any officer authorized by 10 U.S.C. 936 and section 2502 of the Manual of the Judge Advocate General to administer oaths. Once such an oath is taken, the military judge need not be resworn at any court-martial to which he is subsequently detailed.

(2) Military judges will customarily be given a one-time oath. In the event that a military judge detailed to a particular court-martial has not been previously sworn, the trial counsel shall administer the oath to the military judge at the appropriate point in the proceedings. The following oath shall be used for the swearing in of military judges:

I _____ do swear (or affirm) that I will faithfully and impartially perform, according to my conscience and the laws applicable to trials by courts-martial all the duties incumbent upon me as military judge. So help me God.

(b) *Counsel* (1) Any military counsel, certified in accordance with 10 U.S.C. 827(b), may be given a one-time oath. Such oath will customarily be administered when military counsel is certified. The oath may be given at any time and by any officer authorized by 10 U.S.C. 936, and section 2502 of the Manual of the Judge Advocate General to administer oaths. Once such an oath is taken,

counsel need not be resworn at any trial to which he is detailed trial counsel, assistant trial counsel, defense counsel or assistant defense counsel, or in any case in which he is serving as individual counsel at the request of the accused.

(2) Individual counsel, military (not certified) or civilian, requested by the accused must be sworn in each case. Detailed trial and defense counsel who are not certified in accordance with 10 U.S.C. 827(b) must be sworn in each case. Counsel who have taken one-time oaths administered by forces of the armed services other than the naval services need not again be sworn in courts-martial convened in the naval service.

(3) The following oath may be used in administering a one-time oath to counsel:

I ---------- do swear (or affirm) that I will faithfully perform the duties of counsel in any court-martial to which I am detailed as counsel or in which I participate as individual defense counsel. So help me God.

(c) *Court members.* Court members may be given one oath for all cases which are referred to the court in accordance with the convening order which detailed them as members. In the event the convening order is amended, a new member may be sworn when he arrives. This oath may be administered by any officer authorized by 10 U.S.C. 936, and section 2502 of the manual of the Judge Advocate General to administer oaths. When court members are not sworn at trial, the fact that they have previously been sworn will be recorded in the transcript or record of trial. The oaths used for court members will be those prescribed in paragraph 114b, MCM. See also appendix 8b, MCM.

(d) *Reporters.* (1) Any court reporter, military or civilian, may be given a one-time oath. The oath normally will be administered by trial counsel in the first court-martial to which the court reporter is assigned. Once such oath is taken, the court reporter need not be resworn at any trial to which he is assigned. Each command to which court reporters are permanently attached shall maintain a record of the one-time oaths administered to reporters attached to that command. In addition, a notation of the fact that a military court reporter has taken a one-time oath should be placed in the service record of such court reporter for future reference with instructions that such notation be retained in the service record upon reenlistment. When the court reporter is not sworn at trial, the fact that he has been previously sworn will be recorded in the transcript or record of trial.

(2) The following oath may be used in administering a one-time oath to court reporters:

I ---------- do swear (or affirm) that I will faithfully perform the duties of reporter in any court-martial to which I am assigned as reporter. So help me God.

(e) *Interpreters.* Interpreters will be sworn by the trial counsel as provided in paragraph 114e, MCM.

§ 719.112 Authority to grant immunity from prosecution.

(a) *General.* In certain cases involving more than one participant, the interests of justice may make it advisable to grant immunity from prosecution to one or more of the participants in the offense in consideration for their testifying for the Government in the investigation and the trial of the principal offender. The authority to grant immunity from prosecution to a witness is reserved to officers exercising general court-martial jurisdiction. This authority may be exercised in any case whether or not formal charges have been preferred and whether or not the matter has been referred for trial.

(b) *Procedure.* The written recommendation that a certain witness be granted immunity from prosecution in consideration for testimony deemed essential to the Government shall be forwarded to the cognizant officer exercising general court-martial jurisdiction by the trial counsel in cases referred for trial, the pretrial investigating officer conducting an investigation upon preferred charges, the counsel or recorder of any other factfinding body, or the investigator when no charges have been preferred. The recommendation shall state in detail why the testimony of the witness is deemed so essential or material that the interests of justice cannot be served without the grant of immunity. The officer exercising general court-martial jurisdiction shall act upon such request after referring it to his staff judge advocate for consideration and advice. The officer granting immunity to a witness is thereafter precluded from taking reviewing action on the record of the trial before which the witness granted immunity testified. However, a successor in command not participating in the grant of immunity is not so precluded.

(c) *Form of grant.* In any case in which a witness is granted immunity, the general court-martial convening authority should execute a written agreement substantially in the form set forth in § 719.704.

§ 719.113 10 U.S.C. 839(a) Sessions.

(a) *Procedure.* (1) 10 U.S.C. 839(a) sessions will be called by order of the military judge. Either counsel, however, may make a request to the military judge that such a session be called. 10 U.S.C. 839(a) sessions prior to assembly are encouraged, and every effort should be made to resolve at that time those issues which would otherwise be considered out of the hearing of the members of the court.

(2) At a 10 U.S.C. 839(a) session held prior to assembly, the military judge may inquire into the accused's desire to be tried by a military judge alone. If the accused does so desire, the court may be immediately assembled with all further proceedings taking place subsequent to assembly. The military judge should determine at the initial 10 U.S.C. 839(a) session whether counsel have been sworn. If not, the appropriate oath should be administered at this time. See § 719.111 (a).

(3) If the accused does not request to be tried by military judge alone, the 10 U.S.C. 839(a) session may proceed.

(4) The military judge of a general or special court-martial may, at a 10 U.S.C. 839(a) session hold the arraignment, hear arguments and rule upon motions, and receive the pleas of the accused. (See paragraph 53d, MCM.) If the accused pleads guilty, the military judge may at that time make the appropriate inquiry into the providence of his plea. The military judge may also at that time accept the plea of the accused. Upon acceptance of a plea of guilty, the military judge is authorized to enter a finding of guilty immediately and without further formalities. If the accused has pleaded guilty to some but not all of the charges and specifications, the military judge may enter findings of guilty on those charges and specifications to which the accused has pleaded guilty. When a finding of guilty has been so entered, the military judge need only inform the court members after assembly that the accused has been arraigned, a plea of guilty has been entered and accepted, and he has been found guilty.

(5) At an 10 U.S.C. 839(a) session either counsel may make challenges for cause or peremptory challenges if he so desires. If questioning of a particular court member is desired, the military judge may, in his discretion, request the court member to appear at the 10 U.S.C. 839(a) session. The use of this procedure does not preclude voir dire of the court after assembly, further challenges at that time, or subsequent challenges as provided by paragraph 62d, MCM.

(6) If all matters have not been considered at the initial 10 U.S.C. 839(a) session, other 10 U.S.C. 839(a) sessions may be held prior to or after assembly of the members. An 10 U.S.C. 839(a) session is not authorized to be held by the president of a special court-martial without a military judge.

(b) *Entry of findings without a vote.* In special courts-martial without a military judge and in courts-martial with a military judge in which the plea has not been accepted at a previous 10 U.S.C. 839(a) session, the president of the court or the military judge, as appropriate, may enter a finding of guilty without vote immediately upon the acceptance of a plea of guilty.

§ 719.114 Pretrial agreements in general and special courts-martial.

(a) *Legality of pretrial agreements.* Under the provisions of the UCMJ, it is legal and proper for the convening authority to make a pretrial agreement as to charges and specifications upon which the accused will be tried and/or the maximum sentence which will be finally approved by the convening authority if the accused pleads guilty. Experience has shown that opportunities for advanced planning, savings in money and manpower, and a more expeditious administration of justice can be effected by such agreements.

(b) *Action by convening authorities.* Convening authorities and their staff judge advocates will take necessary action to insure that the rights of accused persons are fully protected in cases where there is a pretrial agreement. To that end, the following procedures shall apply:

(1) *General courts-martial.* (i) The offer to plead guilty must originate with the accused and his counsel and should be submitted to the assigned trial counsel who will conduct all arrangements as to the offer and make recommendations with respect thereto to the convening authority through the staff judge advocate. Whether or not the convening authority enters into such a pretrial agreement is a matter within his sound discretion. The agreement, if made, must be in writing and must be personally signed by the convening authority and the accused and witnessed on behalf of the accused by his counsel. A suggested form of such an agreement is set forth in Appendix section 1e,[1] but this form must be modified as appropriate to include all of the agreement made between the accused and the convening authority. No matters "understood" between the parties should be omitted from the written agreement. The sentence which will ultimately be approved by the convening authority (under various sentences which may be adjudged by the court, if desired) shall be set forth clearly and should, under all of the circumstances of the particular case, be appropriate for the offense or offenses.

(ii) The offer of the accused to plead guilty will not be accepted if the Government has reason to believe that the evidence which it will be able to produce at the trial will be insufficient to convict. Unreasonable multiplication of charges which might tend to persuade the accused to enter into a pretrial agreement shall be avoided; nor shall an accused be induced to plead guilty to a lesser included offense by the preferring of more serious charges—as, for example, by preferring a charge of desertion where the evidence indicates that unauthorized absence is the appropriate charge.

(iii) Except for the military judge, under no circumstance will the court be officially informed of any negotiation between counsel and the convening authority on the subject of a pretrial agreement; of any such agreement existing at the time of trial; or of any such agreement made and later rejected by the accused to permit a plea of not guilty. Precaution shall also be taken to prevent the court, insofar as possible, from obtaining unofficial knowledge of the foregoing. A pretrial agreement will not preclude the accused from presenting matter in mitigation and extenuation; and counsel for the accused has a continuing duty, despite such an agreement, to vigorously represent the accused before the court with respect to the sentence to be adjudged. The military judge is authorized to examine in toto the pretrial agreement in those cases in which he sits with members of the court. The military judge hearing the case alone, without numbers, is not, prior to his adjudging sentence, authorized to examine or inquire into that portion of the pretrial agreement which sets forth the specific sentence agreed upon by the accused and the convening authority.

(iv) In all cases where there is a pretrial agreement followed by a guilty plea of the accused, the agreement (in a form substantially similar to that set forth in Appendix section 1o)[1] shall, where it has not been made a part of the record of proceedings as an appellate exhibit or otherwise, be made an enclosure to the review of the staff judge advocate prescribed by paragraph 85, MCM.

(2) *Special courts-martial.* (i) The procedures set forth above relating to pretrial agreements in general courts-martial are applicable to special courts-martial except as provided in subdivisions (ii) and (iii) of this subparagraph.

(ii) The provisions of (1)(i) of this paragraph relating to submission of the proposed agreement through the staff judge advocate are not applicable in those cases in which the convening authority has no staff judge advocate. A suggested form of the agreement is set forth in Appendix section 1f.[1]

(iii) In those cases wherein the agreement contemplates a punitive discharge, if counsel for the accused is not a lawyer within the meaning of 10 U.S.C. 827(b); additional counsel so qualified shall be made available to the accused, unless specifically waived by the accused. Such additional counsel will advise the accused relative to the pretrial agreement and will also witness the signature of the accused thereon. In all cases where there is a pretrial agreement followed by a guilty plea, the agreement (in a form substantially similar to that set forth in Appendix section 1f),[1] shall, where it has not been made a part of the record of proceedings as an appellate exhibit or otherwise, be made an enclosure to the convening authority's action on the record of trial.

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§ 719.115 Release of information pertaining to accused persons; spectators at judicial sessions.

(a) *Release of information*—(1) *General.* There are valid reasons for making available to the public information about the administration of military justice. The task of striking a fair balance between the protection of individuals accused of offenses against improper or unwarranted publicity pertaining to their cases, and public understanding of the problems of controlling misconduct in the military service and of the workings of military justice, depends largely on the exercise of sound judgment by those responsible for administering military justice and by representatives of the press and other news media. At the heart of all guidelines pertaining to the furnishing of information concerning an accused or the allegations against him is the mandate that no statements or other information shall be furnished to news media for the purpose of influencing the outcome of an accused's trial, or which could reasonably have such an effect.

(2) *Applicability of regulations.* These regulations apply to all persons who may obtain information as the result of duties performed in connection with the processing of accused persons, the investigation of suspected offenses, or the trial of persons by court-martial. These regulations are applicable from the time of apprehension, the preferral of charges, or the commencement of an investigation directed to make recommendations concerning disciplinary action, until the completion of trial (court-martial sessions) or disposition of the case without trial. These regulations also prescribe guidelines for the release or dissemination of information to public news agencies, to other public news media, or to other persons or agencies for unofficial purposes.

(3) *Release of information.* (i) As a general matter, release of information pertaining to accused persons should not be initiated by persons in the naval service. Information of this nature should be released only upon specific request therefor, and, subject to the following guidelines, should not exceed the scope of the inquiry concerned.

(ii) Except in unusual circumstances, information which is subject to release under this regulation should be released by the cognizant public affairs officer; and requests for information received by others from representatives of news media should be referred to such officer for action. When an individual is suspected or accused of an offense, care should be taken to indicate that the individual is alleged to have committed or is suspected or accused of having committed an offense, as distinguished from stating or implying that the accused has committed the offense or offenses.

(4) *Information subject to release.* On inquiry the following information concerning a person accused or suspected of an offense or offenses may generally be released except as provided in subparagraph (6) of this paragraph:

(i) The accused's name, grade, age, unit, regular assigned duties, residence.

(ii) The substance of the offenses of which the individual is accused or suspected.

(iii) The identity of the victim of any alleged or suspected offense, except the victim of a sexual offense.

(iv) The identity of the apprehending and investigating agency, and the identity of counsel of the accused, if any.

(v) The factual circumstances immediately surrounding the apprehension of the accused, including the time and place of apprehension, resistance, pursuit, and use of weapons.

(vi) The type and place of custody, if any.

(vii) Information which has become a part of the record of proceedings of the court-martial in open session.

(viii) The scheduling or result of any stage in the judicial process.

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(ix) The denial by the accused of any offense or offenses of which he may be accused or suspected (when release of such information is approved by the counsel of the accused).

(5) *Prohibited information.* The following information concerning a person accused or suspected of an offense or offenses generally may not be released except as provided in subparagraph (6) of this paragraph:

(i) Subjective opinions, observations or comments concerning the accused's character, demeanor at any time (except as authorized in subparagraph (4) (iii) of this paragraph or guilt of the offense or offenses involved.

(ii) The prior criminal record (including other apprehensions, charges or trials) or the character or reputation of the accused.

(iii) The existence or contents of any confession, admission, statement, or alibi given by the accused, or the refusal or failure of the accused to make any statement.

(iv) The performance of any examination or test, such as polygraph examinations, chemical tests, ballistics tests, etc., or the refusal or the failure of the accused to submit to an examination or test.

(v) The identity, testimony, or credibility of possible witnesses, except as authorized in subparagraph (4) (iii) of this paragraph.

(vi) The possibility of a plea of guilty to any offense charged or to a lesser offense and any negotiation or any offer to negotiate respecting a plea of guilty.

(vii) References to confidential sources or investigative techniques or procedures.

(viii) Any other matter when there is a reasonable likelihood that the dissemination of such matter will affect the deliberations of an investigative body or the findings or sentence of a court-martial or otherwise prejudice the due administration of military justice either before, during, or after trial.

(6) *Exceptional cases.* The provisions of this section are not intended to restrict the release of information designed to enlist public assistance in apprehending an accused or suspect who is a fugitive from justice or to warn the public of any danger that a fugitive accused or suspect many present. Further, since the purpose of this section is to prescribe generally applicable guidelines, there may be exceptional circumstances which warrant the release of information prohibited under subparagraph (5) of this paragraph or the nonrelease of information permitted under subparagraph (4) of this paragraph. In these cases the senior judge advocate of the command involved shall be responsible for determining whether questionable material shall be released.

(b) *Spectators*—(1) *At sessions of courts-martial.* The sessions of courts-martial shall be public and, in general, all persons, except those who may be required to give evidence, shall be admitted as spectators. Whenever necessary to prevent the dissemination of classified information to other than authorized persons, the military judge of a general or special court-martial or the president of a special court-martial without a military judge, or the summary court, as appropriate, may direct that the spectators involved be excluded from a trial or a portion thereof. In all other situations, spectators or classes of spectators may be excluded only when the military judge of a general or special court-martial or the president of a special court-martial without a military judge, or the summary court, in the exercise of the discretion reposed in him, determines such action to be legally necessary or proper.

(2) *At pretrail hearings.* In any preliminary hearing, including a hearing conducted pursuant to 10 U.S.C. 832, or a court of inquiry or investigation conducted pursuant to the Manual of the Judge Advocate General, the presiding officer, upon motion of the Government or the defense or upon his own motion, may direct that all or part of the hearing be held in closed session and that all persons not connected with the hearing be excluded therefrom. The decision to exclude spectators shall be based on the ground that dissemination of evidence, information, or argument presented at the hearing may disclose matters that will be inadmissible in evidence at a subsequent trial by court-martial and is therefore likely to interfere with the right of the accused to a fair trial by an impartial tribunal.

§ 719.116 Preparation and forwarding of charges.

(a) *Preparation generally.* See chapter VI, MCM, for preparation of charges. Available data as to service, witnesses and similar items required to complete the first page of the charge sheet will be included. Ordinarily, the charge sheet will be forwarded in triplicate, and all copies will be signed. If several accused are charged on one charge sheet with the commission of a joint offense, the complete personal data as to each accused will be set forth on page 1 of the charge sheet or upon an attached copy of that page. One additional signed copy of the charge sheet will be prepared for each accused in excess of one.

(b) *Enlisted pay grades.* The pay grade of an accused, e.g., E–1, E–2, etc., shall be indicated following the grade or rate of the accused on page 1 of the charge sheet.

(c) *Pay and allotment data.*—(1) *Longevity increases.* Under applicable provisions of the Department of Defense Military Pay and Entitlements Manual, certain periods, such as unauthorized absence, do not constitute "time served" for the purpose of determining the cumulative years of service creditable for longevity pay increases. Care shall be taken in recording the basic pay of the accused on page 1 of the charge sheet to ensure that the entry accurately reflects only the longevity increase to which the accused is entitled.

(2) *Contribution to basic allowance for quarters.* Inasmuch as the monthly contribution of an enlisted person to basic allowance for quarters (which is to be deducted prior to computing the net amount of pay subject to partial forfeitures or detention of pay) is the minimum contribution as required by law in the particular case (see § 719.119(a)), only such minimum amount, regardless of the actual contribution of the accused, shall be entered in the appropriate place on page 1 of the charge sheet.

(d) *Forwarding of charges by an officer in a Navy chain of command*—(1) *General court-martial cases.* When a commanding officer, in taking action on charges, deems trial by general court-martial to be appropriate, but he is not authorized to convene such court or finds the convening of such court impracticable, the charges and necessary allied papers will, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such commanding officer, be forwarded to the area coordinator actively exercising general court-martial jurisdiction. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.108 for additional provisions in cases in which the forwarding officer is an accuser. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is actively exercising general court-martial jurisdiction.

(2) *Special and summary court-martial cases.* When an officer in command or in charge, in taking action on charges, deems trial by special or summary court-martial to be appropriate, but he is not authorized to convene such courts-martial, the charges and necessary allied papers will be forwarded to the superior in the chain of command authorized to convene the type of court-martial deemed appropriate unless an officer authorized to convene general courts-martial and superior in the chain of command to such officer in command or charge, on the basis of a local arrangement with the area coordinator, has directed that such cases be forwarded to the area coordinator. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of the forwarding of the charges. See § 719.108 for additional provisions in cases in which the forwarding officer is an accuser. Subject to the terms of the local arrangement, forwarding to the area coordinator may also be resorted to even though the immediate or superior commanding officer of the accused is authorized to convene the type of court-martial deemed appropriate but finds such action impracticable. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the type of court-martial deemed appropriate.

(e) *Forwarding of charges by an officer in the chain of command of the Commandant of the Marine Corps.* When a commander, in taking action on charges, deems trial by general, special, or summary court-martial to be appropriate, but he is not empowered to

convene a court as deemed appropriate for the trial of the case, the officer will forward the charges and necessary allied papers through the chain of command to an officer exercising the kind of court-martial jurisdiction deemed appropriate. See paragraphs 32f and 33i, MCM. See also § 719.108 for additional provisions in cases in which the forwarding officer is an accuser.

§ 719.117 Optional matter presented when court-martial constituted with military judge.

In accordance with the authority contained in paragraph 75d, MCM, the trial counsel may, prior to sentencing, obtain and present to the military judge, for use by either the court members or the military judge if sitting alone, personnel records of the accused or copies or summaries thereof. Personnel records of the accused include all those records made or maintained in accordance with departmental regulations which reflect the past conduct and performance of the accused. Records of nonjudicial punishment must relate to offenses committed prior to trail and during the current enlistment or period of service of the accused, provided such records of nonjudicial punishment shall not extend to offenses committed more than 2 years prior to the commission of any offense of which the accused stands convicted. In computing the 2-year period, periods of unauthorized absence as shown by the records of nonjudicial punishment or by the evidence of previous convictions should be excluded. See paragraph 75d, MCM for applicable procedural regulations.

§ 719.118 Court-martial punishment of reduction in grade.

(a) *No automatic reduction.* Automatic reduction to the lowest enlisted pay grade under 10 U.S.C. 858(a), and paragraph 126e, MCM, shall not be effected in the naval service. It is the policy of the Department of the Navy that enlisted persons of other than the lowest enlisted pay grade who are sentenced to confinement exceeding 3 months or to dishonorable or bad conduct discharge also be sentenced to reduction to the lowest enlisted pay grade. The sentence in such cases should expressly include reduction to the lowest enlisted pay grade.

(b) *Form of sentence to reduction in grade.* In adjudging a sentence which includes reduction to the lowest enlisted pay grade or to an intermediate pay grade, that portion of the sentence which relates to reduction should refer exclusively to the numerical designation of the grade to which reduced. Accordingly, this portion of the sentence should read: "To be reduced to the grade of pay grade E-____." The proper grade or rate title, occupational field, or apprenticeship or striker designation of the reduced pay grade shall be administratively determined by the convening authority, subject to the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate.

(c) *Execution of sentence to reduction in grade.* If the sentence includes, unsuspended, a dishonorable or bad conduct discharge or confinement for 1 year or more, execution of reduction included in the sentence shall not be accomplished until the sentence has been affirmed by the Navy Court of Military Review, and in cases reviewed by it, the U.S. Court of Military Appeals.

§ 719.119 Forfeitures, detentions, fines.

(a) *Deduction of contribution to basic allowance for quarters.* The monthly contribution to basic allowance for quarters of persons in pay grades E–1 through E–4 (4 years service or less) with dependents, required by paragraph 126h (2), MCM to be deducted prior to computing the net amount of pay subject to forfeiture or detention, is $40 in all cases. The foregoing provision is equally applicable to members in pay grades E–4 or higher, with dependents, who are sentenced to reduction to pay grade E–4 (4 years' service or less) or below in combination with partial forfeiture or detention of pay. In such cases the amount of $40 shall be deducted whether or not an allotment has been registered. Regardless of the pay grade of a member with dependents, the effect of any forfeiture or detention of pay on his ability to discharge his responsibility for the care of his dependents is a factor in considering the amount of forfeiture or detention.

(b) *Forfeitures imposed by a summary court-martial.* Forfeiture of pay adjudged by summary courts-martial under 10 U.S.C. 820 may be apportioned over more than 1 month, but, as a matter of policy, the period of apportionment should not exceed 3 months.

(c) *Limitations.* In cases in which the sentence involves forfeiture of pay, detention of pay, or fine, the limitations prescribed by paragraph 126h, MCM shall be observed, as well as the procedures prescribed in the Department of Defense Military Pay and Allowances Entitlements Manual.

§ 719.120 Preparation of records of trial.

(a) *Verbatim records of trial.* Records of trial shall be prepared verbatim in certain general and special courts-martial as provided in paragraphs 82b and 83a and appendix 9a, MCM. When a verbatim record of trial is maintained, the trial counsel shall, unless unavoidably impractical, retain or cause to be retained any notes (stenographic or otherwise) or any recordings (mechanical or voice) from which the record of trial was prepared until such time as the convening authority (in general courts-martial) or the officer exercising general court-martial jurisdiction (in special courts-martial) takes action on the case.

(b) *Summarized records of trial.* (1) Unless otherwise directed by the convening or higher authority, a summarized record of trial may be prepared in accordance with paragraph 82b and appendix 10a, MCM in general courts-martial where:

(i) The court has adjudged a sentence not including discharge; and

(ii) The sentence is not in excess of that which can otherwise be adjudged by a special court-martial; and

(iii) The case does not affect a general or flag officer.

(2) Unless otherwise directed by the convening or higher authority, a summarized record of trial may be prepared in accordance with paragraph 83b and appendix 10a, MCM in special courts-martial where the court has adjudged a sentence not including a bad conduct discharge.

(3) When summarized records of trial are prepared, the notes or records (stenographic, mechanical, voice, or otherwise) from which the record of trial was prepared shall be retained until completion of appellate review.

(c) *Records of trial establishing lawful jurisdiction only.* In all courts-martial that have resulted in an acquittal of all charges and specifications, or that have been terminated prior to findings with prejudice to the Government, the record of trial need contain only sufficient information to establish lawful jurisdiction over the accused and the offenses. When the proceedings were terminated prior to findings with prejudice to the Government, a summary of the reasons for such termination shall be included in the record of trial.

(d) *Summary courts-martial.* Unless otherwise prescribed by the convening authority or officer having supervisory authority, the evidence considered by a summary court-martial need not be summarized or attached to the record of trial. Strict compliance with the provisions of paragraph 79e, MCM concerning the listing of names of witnesses on the charge sheet is directed.

(e) *Preparation, arrangement, and authentication; general and special courts-martial.* In the preparation of both verbatim and summarized records of trial, the preparation, arrangement, and authentication of records of trial and allied papers, to the extent possible shall be in accordance with appendices 9 and 10, MCM, and the following rules:

(1) *Charge sheets.* The original of the charge sheet may be inserted into the original record and copies of the charge sheet may be inserted into copies of the record in lieu of copying into the record the charges and specifications upon which the accused is to be tried, the name and description of the accuser, the affidavit, and the reference for trial. However, when the charges and specifications, the name and description of the accuser, his affidavit and reference for trial have been copied verbatim into the record, as recommended in the guide on page A8–13, MCM (appendix 8b), the original of the charge sheet is to be prefixed to the original of the record.

(2) *Staff judge advocate's review.* In addition to the requirements of paragraph 85d, MCM, copies of the staff judge advocate's legal review shall be attached to all copies of records of trial forwarded for review by the Navy Court of Military Review.

(3) *Court-Martial Data Sheet.* Unless otherwise directed by the cognizant officer exercising general court-martial jurisdiction, the use of the Court-Martial Data Sheet (DD Form 494) is not required.

(4) *Request for appellate defense counsel.* When the statement of the accused concerning appellate representation before the Navy Court of Military Review is required (see § 719.121), the original shall be prefixed to the original record and a copy thereof to each copy of the record.

(5) *Court-Martial Data Form.* Effective 1 January 1970, all convening authorities and supervisory authorities, as appropriate, shall complete NAVJAG Form 5813/1 (Rev. 4–69) after review of all trials of general courts-martial and all trials of special courts-martial in which the approved sentence includes a bad conduct discharge. The form will be prefixed to the original record of trial just under the front cover sheet. Supplies of NAVJAG Form 5813/1 (Rev. 4–69) are available in the Forms and Publications Segment of the Navy Supply System under Stock No. 0105–100–8132. A form containing sample entries and the Punitive Article Identification Code to be used in completing the form are set forth in appendix section 1g.[1]

(6) *Authentication.* Nonverbatim records of trial by special courts-martial shall be authenticated in the same manner as verbatim records.

(7) *Arrangement of original record with allied papers.* The record of trial should be bound within protective covers and arranged in the sequence shown on the back cover sheet of DD Form 490 or DD Form 491, as applicable.

(f) *Security classification of records of trial.* Records of trial containing classified matter shall be properly classified in accordance with the provisions of paragraph 82d, MCM, and the Department of the Navy Security Manual for Classified Information. Copies of such records for delivery to the accused shall be prepared and handled in accordance with paragraph 82g, MCM. Attention is directed to the fact that, while the Security Manual requires that matter bear the overall classification of its highest component, that degree of classification is not then imparted to the other components. Rather it authorizes and requires that a component be marked with the classification it warrants (if any). Misunderstanding of these provisions may result in erroneously marking as classified each page of a voluminous record, rendering review for downgrading unnecessarily difficult and excision for delivery to the accused or counsel impossible.

Subpart D—Posttrial Matters

§ 719.121 Request for appellate defense counsel.

10 U.S.C. 870(c)(1) provides that appellate defense counsel shall represent the accused, when requested by him, before the Navy Court of Military Review or the U.S. Court of Military Appeals. Paragraph 48k(3), MCM requires the trial defense counsel, immediately after a trial which results in a conviction, to advise the accused in detail as to his appellate rights. In order that each record of trial show compliance with that paragraph, the following procedure will be followed. In all general courts-martial which result in a conviction, and in those special courts-martial involving a bad conduct discharge, and within the period prescribed in paragraph 48k(3), MCM the accused will, after being advised of his appellate rights, be requested to indicate his wishes as to appellate representation by a statement in the form set forth in Appendix section 1n.[1] The original signed statement will be attached to the original trial record in accordance with § 719.120(e)(4), and an unsigned copy will be similarly attached to each copy of the trial record.

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§ 719.122 Review by Staff Judge Advocate.

(a) *Who may act.* Ordinarily the senior judge advocate attached to the command of an officer exercising general court-martial jurisdiction is the staff judge advocate of that command within the meaning of 10 U.S.C. 834, 861, and 865(a)(b). If, however, more than one judge advocate is attached to such a command, and if it appears that the senior is or may become disqualified for any reason from acting as staff judge advocate in any particular case or for a specific period of time, a convening authority may, in addition to the action authorized by paragraph 85a, MCM, designate, in writing, a junior to act as his staff judge advocate in any particular case or for a specified period of time if that junior officer is otherwise qualified.

(b) *Distribution of staff judge advocate's review.* In addition to the requirements of paragraph 85d, MCM, and § 719.120(e)(2), a copy of the review of the staff judge advocate shall be forwarded to the command at which the accused is to be confined in order that it may be available to those charged with developing an institutional program for the individual. In addition to the foregoing, one copy of the review of the staff judge advocate shall be forwarded to the Senior Member, Naval Clemency and Parole Board, Washington, D.C. 20370, in those cases wherein the sentence includes confinement for 8 months or more, or an unsuspended punitive discharge. The original and all copies must be legible.

§ 719.123 Action on courts-martial by convening authority.

(a) *Companion cases tried separately.* In court-martial cases where the separate trial of a companion case is ordered, the convening authority shall so indicate in his action on the record in each case.

(b) *Suspension of sentences.* Convening authorities are encouraged to suspend, for a probationary period, all or any part of a sentence when such action would promote discipline, and when the accused's prospects for rehabilitation would more likely be enhanced by probation than by the execution of all or any part of the sentence adjudged.

(c) *Sentences including a punitive discharge.* In order that the best interests of the service as well as those of the accused may be served, the convening authority, in those cases where the sentence as approved by him extends to a punitive discharge, whether or not suspended, shall include in his initial action a brief synopsis of the accused's conduct record during the current enlistment or current enlistment as extended. This synopsis should include in chronological order: Dates, nature of offenses committed, sentences adjudged and approved, and nonjudicial punishment imposed. The synopsis should also include medals and awards, commendations, and any other information of a commendable nature. Although not required, similar action may, if circumstances are deemed appropriate, be taken in other cases. The foregoing requirement does not in any way affect the legal requirements as to the admissibility of records of previous convictions during the trial itself. See also paragraph (f) of this section.

(d) *Sentences including censure*—(1) *General.* Censures (reprimands and admonitions) issued in execution of court-martial sentences are required to be in writing. Except as otherwise prescribed in this section, the provisions of § 719.102 (e) (1), (2), and (3) shall be applicable to letters of censure issued in execution of a court-martial sentence.

(2) *By whom issued.* Letters of censure in execution of sentences of summary courts-martial shall be issued by the convening authority. In those special and general court-martial cases wherein a sentence imposing censure is ordered executed by the convening authority, he shall issue the letter as part of his action on the record in accordance with the provisions of paragraph 89c(9), MCM. Otherwise the letter shall be issued as part of the promulgating order of the officer who subsequently directs execution of the sentence.

(3) *Contents.* The letter shall include the time and place of trial, type of court, and a statement of the charges and specifications of which convicted. It shall also contain the following paragraph:

> A copy of this letter will be placed in your official record in (the Bureau of Naval Personnel) (Headquarters, U.S. Marine Corps). You are therefore privileged to forward within 15 days after receipt of this action, such statement concerning this letter as you may desire for inclusion in your record. If you elect not to submit a statement, you shall so state officially in writing within the time prescribed. In connection with your statement, you are advised that any statement submitted shall be couched in temperate language and shall be confined to pertinent facts. Opinions shall not be expressed nor the motives of others impugned. Your statement shall not contain countercharges.

(4) *Procedure for issuance.* The original letter shall be delivered to the accused and a copy appended to the convening authority's action (or the

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promulgating order of the officer subquently directing execution of the sentence). The action (or order) should refer to the letter in the following tenor:

Pursuant to the sentence of the court, as herein approved, a letter of (reprimand) (admonition) is this date being served upon the accused and a copy thereof is hereby incorporated as an integral part of this action.

(5) *Forwarding copy to Department.* Upon receipt of the accused's written statement or his written declaration that he does not desire to make a statement, an additional copy, together with the statement or declaration, shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(6) *Appeals.* Review, including appellate review, of letters of censure issued as part of an approved court-martial sentence will be accomplished as provided for by the Uniform Code of Military Justice, the Manual for Courts-Martial, and this Manual with respect to the proceedings of the particular court-martial which imposed the sentence. No separate appeal from these letters will be considered.

(e) *Designation of places of confinement.* The convening authority of a court-martial sentencing an accused to confinement is a competent authority to designate the place of temporary custody or confinement of naval prisoners. See § 719.146.

(f) *Cases involving convictions of larceny or other offenses involving moral turpitude.* If a punitive discharge has been approved, whether or not suspended, in a case involving conviction of larceny of other offense or offenses involving moral turpitude, the convening authority shall include in his action on the record facts which tend to extenuate, mitigate, or aggravate the offense or offenses and which do not appear in the court record or in the papers accompanying the same. If the accused entered a plea of guilty, the convening authority shall also include a synopsis of the circumstances of the offense amplifying the allegations set forth in the specification, regardless of whether such facts are otherwise set forth in the record of trial. In all cases in which the information to be so set forth in the action of the convening authority is not exclusively extenuating or mitigating, the convening authority shall refer a copy of the information to the accused before taking action on the case, and shall afford the accused an opportunity to rebut any part or portion of the information. A comment that such opportunity to rebut was afforded shall be included in the action of the convening authority, and any statement made by the accused in rebuttal shall be appended to such action. See paragraph 85b, MCM for limitations on consideration of adverse matter.

§ 719.124 Promulgating orders.

(a) *General and special courts-martial.*—(1) *When promulgating orders required.* Any action taken on the proceedings, findings, or sentence of a general or special court-martial by the convening authority or any other party empowered to take such action shall be promulgated as prescribed in paragraphs 90 and 91, MCM. Separate orders shall be issued for each accused in the case of a joint or common trial. See note, appendix 15a, MCM, page A15–2.

(2) *When supplementary order is not required.* Where the findings and sentence set forth in the initial promulgating order are affirmed without modification upon subsequent review of the case, no supplementary promulgating order is required except as necessary to order the execution of the sentence or to designate a place of confinement.

(3) *Supplementary orders in Navy Court of Military Review cases.* If the sentence was ordered executed or suspended in its entirety by the convening or other authority, and the approved findings and sentence have been affirmed without modification by the Navy Court of Military Review and, in appropriate cases, the U.S. Court of Military Appeals, no supplementary court-martial order is necessary. Although not necessary for the validity of the action taken, a supplementary court-martial order shall be issued in all other cases. Such orders shall be published as follows:

(i) Supplementary orders in cases involving flag or general officers, death sentences, and dismissals are issued by the Judge Advocate General by direction of the Secretary of the Navy.

(ii) Other supplementary orders shall be issued by the cognizant general court-martial authority. In cases not reviewed by the U.S. Court of Military Appeals (by petition or certification), orders should be issued immediately following the accused's execution of a "Request for Immediate Execution of Discharge" (see § 719.135) or upon expiration of 30 days from the date of service of the Navy Court of Military Review decision upon the accused. In cases considered by the U.S. Court of Military Appeals, supplementary orders should be issued upon notification of completion of review by the court.

(iii) All supplementary orders in Navy Court of Military Review cases shall bear the "NCM" number appearing on the Navy Court of Military Review decision.

(4) *Form.* The form of a promulgating order is prescribed in appendix 15, MCM. In copying and including the action of the convening authority in the promulgating order, any synopsis of the accused's record and/or circumstances of the offense contained in the convening authority's action pursuant to § 719.123 (c) and/or § 719.123(f) shall also be copied and included in the promulgating order. The order shall be subscribed by the officer issuing the order or by a subordinate officer designated by him. In either case the name, grade, and title of the subscribing officer, including his organization or unit, shall be given. Where a subordinate officer signs by direction, his name, title, and organization shall be followed by the words: "By direction of (name, grade, title, and organization of issuing officer)." Duplicate originals of promulgating orders are copies personally subscribed by the officer who subscribed the original. Certified copies of promulgating orders are copies bearing the statement: "Certified to be a true copy," over the signature, grade, and title of an officer.

(5) *Distribution.* All initial and supplementary promulgating orders shall be distributed as follows (the original and all copies must be legible):

(i) Original to be attached to original record of trial.

(ii) Duplicate original to be placed in the service record or service record book of the accused, unless the court-martial proceedings resulted in acquittal of all charges; disapproval of all findings of guilty; or disapproval of the sentence by the convening authority when no findings have been expressly approved by him.

(iii) Certified copies:

(*a*) Three to be attached to the original record of trial.

(*b*) One to be attached to each copy of the record of trial.

(c) Two to the commanding officer of the accused if a brig or correctional center is designated as the place of confinement; three if a disciplinary command is designated as the place of confinement. These copies should accompany the records of the accused to the place of confinement.

(*d*) One to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(*e*) One to the Senior Member, Naval Clemency and Parole Board, Washington, D.C. 20370, if the sentence, as approved by the convening authority, includes an unsuspended punitive discharge or confinement for 8 months or more.

(iv) Plain copies:

(*a*) One to the accused.

(*b*) One each to the military judge, trial counsel, and defense counsel of the court-martial before which the case was tried.

(*c*) One to the convening authority and, if the accused was serving in a command other than that of the convening authority at the time of the alleged offense, one to the command in which he was then serving.

(*d*) One to each appropriate subordinate unit and any other local distribution desired.

(b) *Summary courts-martial.* In accordance with paragraph 90e, MCM, the results of a trial by summary court-martial need be promulgated only to the accused. The results of any review or action on a summary court-martial pursuant to § 719.125(a), subsequent to the initial action of the convening authority, shall be communicated to the convening authority and to the commanding officer of the accused for notation in the service record or service record book of the accused.

§ 719.125 Review of summary and special courts-martial.

(a) *Summary courts-martial and special courts-martial not involving a bad conduct discharge*—(1) *Officers having supervisory powers.* In addition to the officer immediately exercising general

court-martial jurisdiction over a command, the Judge Advocate General, the Deputy Judge Advocate General, any Assistant Judge Advocate General, all officers exercising general court-martial jurisdiction, and the deputies or chiefs of staff of officers exercising general court-martial jurisdiction are designated as having supervisory authority for the review of records of trial pursuant to 10 U.S.C. 865(c), and paragraph 94a(2), MCM.

(2) *Selection of supervisory authorities.* It is the policy of the Department of the Navy that review of cases pursuant to paragraph 94a(2), MCM will be accomplished in the field, unless compelling reasons exist for forwarding the record or records to the Judge Advocate General for review.

(i) For commands in a Navy chain of command, review pursuant to paragraph 94a(2), MCM will be accomplished, if practicable, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial.

(ii) For commands in the chain of command of the Commandant of the Marine Corps, review pursuant to paragraph 94a(2), MCM will be accomplished within the chain of command if practicable. If such accomplishment of the review is found not practicable, any officer having supervisory authority in the field may be requested to accept records of such cases and to act thereon pursuant to paragraph 94a(2), MCM. Only if all reasonably available officers having supervisory authority in the field find it impracticable to grant such requests, will the records in such cases be forwarded to the Judge Advocate General for review. If so forwarded to the Judge Advocate General, each record shall be accompanied by a letter stating the reasons why supervisory authority action was not accomplished in the field.

(3) *Courts convened by an officer exercising general court-martial jurisdiction.* When an officer exercising general court-martial jurisdiction is the convening authority of a summary court-martial or a special court-martial not involving a bad conduct discharge, his action thereon shall be as convening authority only.

(i) At activities in a Navy chain of command, the record should be forwarded, in the absence of specific direction to the contrary by a superior in the chain of command, to the area coordinator if superior in rank or command to the convening authority and authorized to convene general courts-martial; otherwise the record should be forwarded to any appropriate superior officer authorized to convene general courts-martial, or if no such superior officer has a judge advocate available, the record shall be forwarded to the Judge Advocate General for review. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding the record.

(ii) At activities in the chain of command of the Commandant of the Marine Corps, the record should be forwarded to an appropriate superior officer exercising general court-martial jurisdiction or, if no such superior officer has a judge advocate available, the record shall be forwarded to the Judge Advocate General for review.

(4) *Identification of officer to whom record is forwarded for supervisory review.* In all cases, the action of the convening authority in forwarding the record for supervisory review shall identify the officer to whom the record is forwarded by stating his official title, such as "The record of trial is forwarded to the Commandant, First Naval District, for action under Article 65(c), Uniform Code of Military Justice."

(5) *Review procedures.* (i) In accordance with the provisions of paragraph 94a(2), MCM, the officer having supervisory authority shall cause a judge advocate to review records of trial received for review under 10 U.S.C. 865(c). Unless, following such review, corrective or mitigating action by the officer having supervisory authority is required or recommended, no supervisory action need be taken. In lieu thereof, a notation may be made by the staff judge advocate on the record of trial reciting the designation of the command in which the review was accomplished; the date; the result of the review; and the signature of the judge advocate. In such cases, notification of the review and the result thereof will be made to the convening authority, the accused, and the commanding officer of the accused for notation in the service record or service record book of the accused. In cases in which corrective or mitigative action is required or recommended, action will be placed on the record of trial over the signature of the supervisory authority and a supplemental promulgating order will be issued (see § 719.124(a)(2)).

(ii) If the officer having supervisory authority disagrees with the recommendation of the judge advocate as to a matter of law, he shall not place an action on the record but shall forward the record to the Judge Advocate General, together with a signed copy of the judge advocate's recommendation, by a letter of transmittal giving his reasons for disagreement with the judge advocate's recommendation. When the question of law has been resolved by the Judge Advocate General, he may either take action on the record as the officer having supervisory authority, or he may return the record together with a final determination as to the law of the case, to the cognizant officer having supervisory authority for his action on the record.

(iii) Any action on the record by the officer having supervisory authority shall affirmatively indicate that the record was reviewed by a judge advocate by including the statement "This record has been reviewed in accordance with Article 65(c), UCMJ."

(b) *Special courts-martial involving a bad conduct discharge.*—(1) *Action by convening authority who is an officer exercising general court-martial jurisdiction.* When an officer exercising general court-martial jurisdiction is the convening authority of a special court-martial which involves a bad conduct discharge, and if such discharge is approved by him, the record shall be forwarded directly to the Navy Appellate Review Activity for review by the Navy Court of Military Review. In taking his action on the record, such a convening authority shall follow the procedures set forth in paragraph 85, MCM.

(2) *Action by reviewing authority (officer exercising general court-martial jurisdiction).* In special court-martial cases where the sentence as approved by the convening authority who is not an officer exercising general court-martial jurisdiction includes a bad conduct discharge, review will be accomplished in accordance with paragraph 94a(3), MCM.

(i) For activities in a Navy chain of command, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, review will be accomplished by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial. As indicated above, a superior officer authorized to convene general courts-martial in the chain of command may direct otherwise; he may, for example, direct that the records be forwarded to him for review.

(ii) (*a*) For activities in the chain of command of the Commandant of the Marine Corps, review will be accomplished by the officer ordinarily exercising general court-martial jurisdiction over the command.

(*b*) In the event review by any of the foregoing is impracticable (e.g., because of the absence or lack of a staff judge advocate) any other officer authorized to convene general courts-martial may be requested to accept records of trial for review. Only if all reasonably available officers exercising general court-martial jurisdiction find it impracticable to grant such request will the records be forwarded directly to the Navy Appellate Review Activity for review by the Navy Court of Military Review. If so forwarded, they shall be accompanied by a letter stating the reasons why review under 10 U.S.C. 865(b) was not accomplished in the field.

(3) *Disagreement between reviewing authority and his staff judge advocate.* If the reviewing authority is in disagreement with his staff judge advocate as

to any matter of law, he shall [nevertheless] take such action on the record as is within his discretionary powers notwithstanding the disagreement, and shall transmit the record of trial, with an expression of his own views as to the matters of law involved in the disagreement, to the Navy Appellate Review Activity for review by the Navy Court of Military Review.

(4) *Disapproval of bad conduct discharge by reviewing authority.* If a reviewing authority determines that he will not approve that portion of the sentence which provides for a bad conduct discharge, he shall, prior to placing his action upon the record, cause the record to be reviewed by a judge advocate in accordance with 10 U.S.C. 865(c), and in the manner set forth in section 719.125 (a)(3).

(c) *Special courts-martial tried in joinder or in common.* When one or more of the sentences adjudged in cases tried in joinder or in common require review only under paragraph 94a(2), MCM (not involving an approved bad conduct discharge), and the remaining sentence or sentences require review under paragraph 94a(3), MCM (including an approved bad conduct discharge), the officer exercising general court-martial jurisdiction shall cause each of the sentences to be reviewed in accordance with the applicable paragraph of the MCM. In his action on the sentence or sentences requiring review under paragraph 94a (3), MCM, he shall state that the sentence or sentences requiring review only under paragraph 94a(2), MCM, have been reviewed in accordance with 10 U.S.C. 865(c). The original of the action or review taken on the sentence or sentences requiring review only under paragraph 94a(2), MCM, shall be filed with the copy or copies of the record in the files of the officer exercising general court-martial jurisdiction, and a copy of such action or review shall be attached to the record forwarded to the Judge Advocate General, together with the action taken on the sentence or sentences requiring review under paragraph 94a(3), MCM.

§ 719.126 Action on special courts-martial by general court-martial convening authorities.

(a) *Suspension of sentences.* Officers exercising general court-martial jurisdiction are encouraged to suspend, for a probationary period, all or any part of a sentence when such action would promote discipline, and when the accused's prospects for rehabilitation would more likely be enhanced by probation than by the execution of all or any part of the sentence which was adjudged and approved by the convening authority.

(b) *Designation of places of confinement.* The general court-martial convening authority who orders a sentence of confinement into execution subsequent to the initial action of the convening authority on the record shall designate the place of confinement in his action on the record. See also § 719.146.

§ 719.127 Supervision over court-martial records and their disposition after review in the field.

(a) *JAG supervision.* Records of all trials by courts-martial in the naval service are under the supervision of the Judge Advocate General of the Navy.

(b) *Navy Court of Military Review cases.* After completion of review in the field, all records requiring review by the Navy Court of Military Review shall be forwarded to the Navy Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20390.

(c) *Other general court-martial cases.* General court-martial cases which do not require review by the Navy Court of Military Review under 10 U.S.C. 866(b), shall be forwarded to the Navy Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20390.

(d) *Summary courts-martial and special courts-martial not involving a bad conduct discharge.* The records of trial of such cases shall be filed as provided in § 719.136.

§ 719.128 Criminal activity, disciplinary infractions, and court-martial report.

Effective January 1, 1970, NAVJAG Form 5800/9 (Rev. 4–69) will be prepared by each supervisory authority for semiannual submission to the Judge Advocate General (Code 007), Navy Department, Washington, D.C. 20370. Reports must reach the Judge Advocate General no later than January 31 and July 31 of each year. The first semiannual report to be submitted on NAVJAG Form 5800/9 (Rev. 4–69) will cover the period January 1 to June 30, 1970. Supplies of NAVJAG Form 5800/9 (Rev. 4–69) are available in the Forms and Publications Segment of the Navy Supply System under Stock No. 0105–100–8092. A sample form is set forth in Appendix section 1 i.[1]

§ 719.129 Remission and suspension.

(a) *Authority to remit or suspend sentences.*—(1) *General.* Pursuant to the provisions of 10 U.S.C. 874(a) and paragraph 97a, MCM, the Under Secretary of the Navy, the Assistant Secretaries of the Navy, the Judge Advocate General, and all officers exercising general court-martial jurisdiction over the command to which the accused is attached are designated as empowered to remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures, other than a sentence approved by the President. However the Judge Advocate General shall not exercise this power in cases involving flag or general officers, and officers exercising general court-martial jurisdiction shall not exercise this power in cases involving officers or warrant officers. A sentence to death may not be suspended. Any action authorized by this subsection may be taken without regard to whether the person acting has previously approved the sentence.

[1] Filed as part of the original document.

(2) *Authority of Commanding Officer, Naval Disciplinary Command, Portsmouth, N.H.* Authority of the Commanding Officer, Naval Disciplinary Command, Portsmouth, N.H., to take action pursuant to 10 U.S.C. 874(a), other than remission or suspension of any part or amount of any sentence by summary court-martial or of a sentence by special court-martial which does not include a bad conduct discharge, is limited to the following:

(i) Effecting actions directed by the Secretary following clemency review.

(ii) Remission of uncollected forfeitures in the cases of court-martial prisoners who are to be returned to duty.

(iii) Remission of confinement, not in excess of 5 days, for the purpose of facilitating administration by adjusting dates of transfer upon completion of confinement. Early releases in excess of 5 days may be granted when specifically authorized by the Chief of Naval Personnel.

(iv) In the event of an emergency, where, in the opinion of the commanding officer, the requirement to remit additional confinement or a punitive discharge is of such immediate nature as to preclude the normal or urgent processes of clemency as provided by SECNAV INST 5815.3 series, the commanding officer may take such action following report of the circumstances to, and having received concurrence in such action of, the Secretary of the Navy (Naval Clemency and Parole Board).

(3) *Inferior courts-martial.* Paragraph 97a, MCM grants power to remit or suspend any part or amount of the unexecuted portion of a sentence by summary court-martial or of a sentence by special court-martial which does not include a bad conduct discharge to the officer having supervisory authority (§ 719.125(a)) and the commanding officer of the accused who has immediate authority to convene a court of the kind that adjudged the sentence.

(b) *Probationary period.* All suspensions shall be of the conditional remission type and shall be for a definite period of time. The running of the period of suspension of a sentence is interrupted either by the unauthorized and unexcused absence of the probationer or by commencement of proceedings to vacate suspension of the sentence. The running of the period of suspension of a sentence resumes: (1) As of the date the probationer's unauthorized and unexcused absence ends; or (2) as of the initial date of the interruption if proceedings to vacate suspension of the sentence are concluded without vacation of the suspension. For instructions concerning voluntary extension of enlistment for the purpose of serving probation, see SECNAVINST 5815.3 series.

(c) *Liaison with Naval Clemency and Parole Board.* Officers who take clemency action pursuant to the authority of paragraph (a) of this section on any sentence which includes a punitive discharge or confinement for 8 months or more shall coordinate such action with the Naval Clemency and Parole Board in accordance with the provisions of SEC NAVINST 5815.3 series.

§ 719.130 Effective date of confinement and forfeitures when previous sentence not completed.

(a) *Confinement.* When a prisoner serving a sentence to confinement adjudged by court-martial is convicted by a court-martial for another offense and sentenced to a term of confinement, the subsequent sentence, upon being ordered into execution, will begin to run as of the date adjudged and will interrupt the running of the prior sentence. After the subsequent sentence has been fully executed, the prisoner will resume the service of any unremitted interrupted sentence to confinement.

(b) *Forfeitures.* If forfeitures are being collected pursuant to a sentence adjudged by a previous court-martial at the time the convening authority takes action approving a sentence to forfeitures adjudged by a subsequent court-martial, he may, in his discretion, provide in his action that the application of forfeitures adjudged by the latter court-martial will be deferred until the date upon which the sentence to forfeitures adjudged by the previous court-martial has been fully executed..

§ 719.131 Vacation of suspension.

(a) *Form of order.* The forms prescribed in appendix 15e, MCM, shall be used for promulgating orders vacating suspensions of sentences. In cases where 10 U.S.C. 871(c) is applicable and appellate review is not complete, the final sentence of the appropriate form may be modified to read: "Upon completion of appellate review pursuant to 10 U.S.C. 871(c) the sentence as affirmed may be executed without further order."

(b) *Distribution of order.* The promulgating order shall be distributed in accordance with the applicable provisions of § 719.124, except that in 10 U.S.C. 872(a) cases the original promulgating order and original report of proceedings to vacate suspension shall be forwarded to the Judge Advocate General for attachment to the record of trial.

§ 719.132 Approval of sentences extending to dismissal of an officer.

Pursuant to the authority of 10 U.S.C. 871(b), the Under Secretary of the Navy and the Assistant Secretaries of the Navy are designated as empowered to approve sentences extending to the dismissal of an officer (other than a general or flag officer), or such part, amount, or commuted form of such sentences as they see fit, and to suspend the execution of any part of the sentence as approved.

§ 719.133 Service of decision of Navy Court of Military Review on accused.

(a) *Promulgation packages.* When, in accordance with the provisions of paragraph 100c, MCM, the Judge Advocate General elects not to certify a case to the U.S. Court of Military Appeals, a "promulgation package" will be prepared by his office and forwarded to the officer immediately exercising general court-martial jurisdiction over the command to which the accused is attached. The package shall include copies of the Navy Court of Military Review decision, a copy of the initial and supplementary court-martial orders, an endorsement (on the accused's copy of the decision) notifying him of his right to petition for review, a form of petition for review, and a postcard receipt to be signed by the accused. The package normally will also include directions to take action in accordance with the provisions of this section; however, detailed instructions may be included.

(b) *Delay in service.* Delivery of the Navy Court of Military Review decision to the accused shall be accomplished as soon as possible, unless delay is expressly authorized by the Judge Advocate General.

(c) *Change in place of confinement.* To avoid delay in service, it is imperative that the Judge Advocate General, as well as the designated confinement activity, be notified when the place of confinement or temporary custody, as designated in the initial court-martial order, is changed. In addition, any activity which receives information indicating that a promulgation package has been misaddressed because of any such change shall immediately notify those concerned.

(d) *Action by general court-martial authority.* Upon receipt of a promulgation package, the officer exercising general court-martial jurisdiction will determine whether the accused is still under his jurisdiction.

(1) *Accused transferred.* If the accused has been transferred from that jurisdiction, the package will be forwarded by endorsement (copy to Judge Advocate General) to the officer currently exercising general court-martial jurisdiction over the accused. If the current location of the accused is unknown, communication by expeditious means to the convening authority should be initiated, keeping the Judge Advocate General informed.

(2) *Accused present.* If the accused is under the jurisdiction of the recipient of the promulgation package and present within his command, action shall be taken as follows:

(i) The accused's copy of the Navy Court of Military Review decision, with the endorsement thereon, and the petition for review form shall be delivered to the accused.

(ii) The accused's signature should be obtained on the postcard receipt. If the accused refuses to sign the receipt, a certificate of personal service reciting the facts shall be prepared.

(iii) The date of service shall be noted on the copy of the Navy Court of Military Review decision marked for the general court-martial authority and the copy marked for the accused's commanding officer, if appropriate, and the copies filed accordingly.

(iv) The postcard receipt or certificate of personal service should be forwarded promptly to the Judge Advocate General.

(3) *Accused on leave awaiting appellate review or administrately separated prior to completion of appellate review.* If the accused is on leave awaiting appellate review pursuant to the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate, or if the accused has been administratively separated prior to completion of appellate review, the following shall apply:

(i) Service shall be made by registered mail, return receipt requested, in accordance with the provisions of those manuals.

(ii) Signature on the return receipt by anyone at the accused's leave address (or address of record if administratively separated) shall constitute notification as of the date of the receipt to the accused of the decision of the Navy Court of Military Review and shall commence the running of the 30-day appeal period.

(iii) The general court-martial authority shall cause a certificate of service by registered mail to be executed and to be mailed, together with the return receipt to the Judge Advocate General.

(iv) If no signed return receipt is received (for example, because the accused has changed his address without notifying his commanding officer), constructive service shall be made in the manner prescribed in subparagragh (4) of this paragraph.

(4) *Accused absent or not at leave address or home of record.* When delivery cannot be made to an accused because he is absent without leave from his assigned ship or station, or because, having been granted leave under the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate, he has changed his address without notifying his commanding officer, or because, having been administratively separated, he has changed the address listed as his home of record at the time of his separation without notifying proper authorities, if appropriate, constructive service may be made by certificate of attempted service, in accordance with the following:

(i) *Execution of certificate of attempted service.* The certificate of attempted service shall be executed in quintuplicate by the officer attempting service, and shall show the date, place, and manner in which service was attempted. In addition, it shall show either (1) that personal service could not be made because the accused was absent without authority from his assigned ship or station, or (2) that service by registered mail, return receipt requested, could not be made at the accused's leave address because he changed such address without notifying his commanding officer (or such other facts showing why a return receipt was not obtained). There shall be attached to the certificate of attempted service as enclosures thereto an authenticated extract copy of the entry in the service record or the service record book of the accused relating to his unauthorized absence or administrative separation or relating to his leave under the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate, and an authenticated copy of Form DD 553 (Deserter-Absentee Wanted by Armed

Forces), if issued, or the returned envelope showing the reason for nondelivery of attempted service by registered mail.

(ii) *Distribution.* Two copies of the certificate of attempted service shall be forwarded to the Judge Advocate General. One copy shall be forwarded to the Chief of Naval Personnel or to the Commandant of the Marine Corps, as appropriate. Two copies shall be retained by the officer immediately exercising general court-martial jurisdiction over the accused.

(iii) *Return of accused within appeal period.* If the accused returns to his assigned ship or station or advises his commanding officer of his correct address within the 30-day appeal period, a copy of the promulgation package and a copy of the certificate of attempted service shall be served upon him. If he returns to the naval service within the appeal period at some place other than his assigned ship or station, the promulgation package and a copy of the certificate of attempted service shall be transmitted by the most expeditious means to such place for personal service upon him. In either case, the required endorsement, notifying the accused of his right to petition the U.S. Court of Military Appeals, should be modified by an appropriate endorsement informing him that his appeal period is limited to 30 days from the date of the certificate of attempted service. A receipt from the accused, or his copy of the decision of the Navy Court of Military Review and for the certificate of attempted service shall be obtained and forwarded to the Judge Advocate General.

(iv) *Effect of constructive service.* Constructive service constitutes notification to the accused of the decision of the Navy Court of Military Review and commences the running of the 30-day appeal period within which he may petition the U.S. Court of Military Appeals for grant of review. At the termination of the 30-day appeal period, action will be taken in the same manner as though the accused had been served personally or by registered mail on the date of the execution of the certificate of attempted service.

(v) *Form.* The form set forth in appendix section 1g [1] is recommended but may be modified as necessary to meet the requirements of a particular case.

§ 719.134 Execution of sentence.

(a) *General.* When the sentence of an enlisted man or warrant officer as affirmed by the Navy Court of Military Review includes, unsuspended, a dishonorable or bad conduct discharge, or confinement for 1 year or more, it may not, except as provided in § 719.135, be executed until completion of appellate review, i.e., expiration of the 30-day appeal period if no petition for review is filed, or final review by the U.S. Court of Military Appeals. When such sentence as affirmed by the Navy court of Military Review does not include, unsuspended, a dishonorable or bad conduct discharge, or confinement for 1 year or more, it may be executed without further delay. See § 719.124 for requirements concerning issuance of promulgating orders.

(b) *Execution of punitive discharge.* In addition to the foregoing requirements, and notwithstanding the fact that the sentence may have been duly ordered executed, a punitive discharge may not in fact be executed until the provisions of SECNAVINST 5815.3 series have been complied with.

§ 719.135 Request for immediate execution of discharge.

(a) *General.* Prior to completion of appellate review, an accused may request immediate execution of the unexecuted portion of his sentence, following completion of the confinement portion thereof, if any, in those cases in which his sentence as affirmed by the Navy Court of Military Review:

(1) Includes an unsuspended punitive discharge; and

(2) Either does not include confinement, or the confinement portion thereof has been or will be completed prior to 30 days from the date the accused is served with a copy of the Navy Court of Military Review decision.

(b) *Conditions of approval.* Such requests may be approved by the officer exercising general court-martial jurisdiction subject to the following conditions:

(1) That the accused has received a copy of the decision of the Navy Court of Military Review in his case;

(2) That the accused has had fully explained to him his right to petition the U.S. Court of Military Appeals for grant of review;

(3) That the accused does not have an appeal pending before the U.S. Court of Military Appeals;

(4) That the accused does not intend to appeal to the U.S. Court of Military Appeals but, nevertheless, understands that his requests for immediate release does not affect his right seasonably to petition the U.S. Court of Military Appeals;

(5) That the accused has consulted counsel of his own choice; and

(6) That Naval Clemency and Parole Board review, under the provisions of SECNAVINST 5815.3 series, if applicable, has been completed.

(c) *Execution of unexecuted portion of sentence.* Upon approval of such requests, the officer exercising general court-martial jurisdiction shall order the unexecuted portion of the sentence to be duly executed.

(d) *Form of request for immediate execution of discharge.* The prescribed form is set forth in appendix section 1k.[1] Three signed copies of the request shall be transmitted to the Judge Advocate General.

§ 719.136 Filing of court-martial records.

(a) *General courts-martial.* All records of trial by general court-martial shall, after completion of final action, be filed in the Office of the Judge Advocate General.

(b) *Special courts-martial.* Records of trial by special court-martial which (1) involve an officer accused or (2) have been acted upon by the Navy Court of Military Review, including those cases which have been returned to the officer exercising general court-martial jurisdiction for further action, shall, after completion of final action, be filed in the Office of the Judge Advocate General. All other special court-martial records shall be filed in the manner provided below for summary courts-martial.

(c) *Summary courts-martial*—(1) *Shore activities.* Officers having supervisory authority over shore activities shall retain original records for a period of 2 years after final action. At the termination of such retention period, the original records of proceeding shall be transferred to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Mo. 63132.

(2) *Fleet activities.* Officers having supervisory authority who are in command of fleet activities, including Fleet Air Wings and Fleet Marine Forces, shall retain original records of proceedings for a period of 3 months. At the termination of such retention period, the original records of proceedings shall be transferred to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Mo. 63132.

Subpart E—Miscellaneous Matters

§ 719.137 Financial responsibility for costs incurred in support of courts-martial.

Financial responsibility for costs incurred as the result of necessary activities of appointees to or witnesses called before courts-martial will be governed by the following:

(a) *Travel, per diem, and fees.* (1) The costs of travel and per diem of military personnel and civilian employees of the Navy, but excluding that of personnel attached to the office of the Officer in Charge, U.S. Navy-Marine Corps Judiciary Activity, and branch offices thereof, when acting as military judges of general courts-martial, will be charged to the operation and maintenance allotment which supports temporary additional duty travel for the convening authority of the court-martial. Such costs incurred by personnel attached to the office of the Officer in Charge, U.S. Navy-Marine Corps Judiciary Activity, and branch offices thereof, when acting as military judges of general courts-martial will be charged to the operation and maintenance allotment of the Judge Advocate General.

(2) The costs of fees and mileage of civilians, other than employees of the Navy, will be charged to appropriation "Operation and Maintenance, Navy" funds administered by the Bureau of Naval Personnel.

(b) *Services and supplies.* (1) The following costs of services and supplies provided by an activity in support of

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courts-martial will be charged to the operation and maintenance allotment of the convening authority:

(i) In-house costs which are direct, out-of-pocket, identifiable, and which total $100 or more in a calendar month; and

(ii) Costs which arise under contracts which were entered into in support of courts-martial.

(2) All other costs of services and supplies will be absorbed by the operation and maintenance allotment of the activity which provides the services or supplies.

§ 719.138 Fees of civilian witnesses.

(a) *Authorization for payment.* The fees and mileage of a civilian witness shall be paid by the disbursing officer of the command of a convening authority or appointing authority or by the disbursing officer at or near the place where the tribunal sits or where a deposition is taken when such disbursing officer is presented a properly completed, public voucher for such fees and mileage, signed by the witness and certified by one of the following:

(1) Trial counsel or assistant trial counsel of the court-martial.

(2) Summary court.

(3) Counsel for the court in a court of inquiry.

(4) Recorder or junior member of a board to redress injuries to property.

(5) Military or civil officer before whom a deposition is taken.

The public voucher must be accompanied by the subpoena and by a certified copy of the order appointing the court-martial, court of inquiry or investigation. If, however, a deposition is taken before charges are referred for trial, the fees and mileage of the witness concerned shall be paid by the disbursing officer at or near the place where the deposition is taken upon presentation of a public voucher, properly completed as hereinbefore prescribed, and accompanied by an order from the officer who authorized the taking of the deposition, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher. When the civilian witness testified outside the United States, its territories and possessions, the public voucher must be accompanied by a certified copy of the order appointing the court-martial, court of inquiry, or investigation, and by an order from the convening authority or appointing authority, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher.

(b) *Obtaining money for advance tender or payment.* Upon written request by one of the officers listed in paragraph (a) of this section, the disbursing officer under the command of the convening or appointing authority, or the disbursing officer nearest the place where the witness is found, will, at once, provide any of the persons listed in subsection a above, or any other officer or person designated for the purpose, the required amount of money to be tendered or paid to the witness for mileage and fees for one day of attendance. The person so receiving the money for the purpose named shall furnish the disbursing officer concerned with a proper receipt.

(c) *Reimbursement.* If an officer charged with serving a subpoena pays from his personal funds the necessary fees and mileage to a witness, taking a receipt therefor, he is entitled to reimbursement upon submitting to the disbursing officer such receipt, together with a certificate of the appropriate person named in paragraph (a) of this section, to the effect that the payment was necessary.

(d) *Certificate of person before whom deposition is taken.* The certificate of the person named in paragraph (a) of this section, before whom the witness gave his deposition, will be evidence of the fact and period of attendance of the witness and the place from which summoned. See paragraph 117b(9), MCM.

(e) *Payment of accrued fees.* The witness may be paid accrued fees at his request at any time during the period of attendance. The disbursing officer will make such interim payment(s) upon receipt of properly executed certificate(s). Upon his discharge from attendance, the witness will be paid, upon the execution of a certificate, a final amount covering unpaid fees and travel, including an amount of return travel. Payment for return travel will be made upon the basis of the actual fees and mileage allowed for travel to the court, or place designated for taking a deposition.

(f) *Computation.* Travel expenses shall be determined on the basis of the shortest usually traveled route in accordance with official schedules. Reasonable allowance will be made for unavoidable detention.

(g) *Nontransferability of accounts.* Accounts of civilian witnesses may not be transferred or assigned.

(h) *Signatures.* Signatures of witnesses signed by mark must be witnessed by two persons.

(i) *Rates for civilian witnesses prescribed by law—(1) Civilian witnesses not in Government employ.* A civilian not in Government employ, who is compelled or required to testify as a witness before a naval tribunal, or at a place where his deposition is to be taken for use before such court or factfinding body, will receive:

(i) Twenty dollars for each day's actual attendance and for the time necessarily occupied in going to and returning from the place of attendance.

(ii) Sixteen dollars per day for expenses of subsistence (including the time necessarily occupied in going to and returning from the place of attendance) if the witness attends at a point so far removed from his residence as to prohibit return thereto from day to day.

(iii) Ten cents per mile for going from and returning to his place of residence, provided such travel is performed as a direct result of being compelled or required to appear as a witness. Regardless of the mode of travel employed by the witness, computation of mileage in this respect shall be made on the basis of a uniform table of distances adopted by the Attorney General (Rand McNally Standard Highway Mileage Guide or any other generally accepted highway mileage guide which contains a short-line nationwide table of distances and which is designated by the Assistant Attorney General for Administration for such purpose). With respect to travel in areas for which no such highway mileage guide exists, mileage shall be computed on the basis of (*a*) the mode of travel actually employed, (*b*) a usually traveled route, and (*c*) distances as generally accepted in the locality. In lieu of the mileage allowance provided for herein, witnesses who are required to travel between Hawaii, Puerto Rico, the territories and possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first class rate available at the time of reservation for passage by the means of transportation employed.

This subparagraph shall not apply to Alaska. See 28 CFR 21.3 for fees and allowances of witnesses in Alaska, or the Judge Advocate General will, upon request, furnish the current applicable rates. Further, nothing in this subparagraph shall be construed as authorizing the payment of attendance fees, mileage allowances or subsistence fees to witnesses for attendance or travel which is not performed as a direct result of being compelled or required to testify or for travel which is performed prior to being duly summoned as a witness, or for travel returning to their places of residence if the travel from their places of residence does not qualify for payment under this section.

(2) *Civilian witnesses in Government employ.* A civilian in the employ of the Government, when summoned as a witness, shall be paid (i) his necessary expenses, incident to travel by common carrier or, if travel is made by privately owned automobile, mileage at the rate of 10 cents per mile, and (ii) a per diem allowance at the rate of $25 in lieu of subsistence within the continental limits of the United States. In Alaska, Hawaii, and outside the United States, he shall be paid at the maximum rates prescribed by the Bureau of the Budget pursuant to the Travel Expense Act of 1949, as amended (5 U.S.C. 5702). Such per diem allowance shall be paid in accordance with the provisions of the Standardized Government Travel Regulations (see NCPI 4650). If the tribunal is in session at the place where the civilian witness in the employ of the Government is stationed, he shall receive no allowance.

(j) *Expert witnesses.* (1) The convening authority will authorize the employment of an expert witness and will fix the limit of compensation to be paid such expert on the basis of the normal compensation paid by U.S. attorneys for attendance of a witness of such standing in U.S. courts in the area involved. Information concerning such normal compensation may be obtained from the staff

judge advocate of the local area coordinator. Convening authorities at overseas commands will adhere to fees paid such witnesses in the Hawaiian area and may obtain information as to the limit of such fees from the Commandant of the Fourteenth Naval District. See paragraph (k) of this section for fees payable to foreign nationals.

(2) The provisions of paragraph (i) of this section are applicable to expert witnesses. However, the expert witness fee prescribed by the convening authority will be paid in lieu of ordinary attendance fees on those days the witness is required to attend the court.

(3) An expert witness employed in strict accordance with paragraph 116, MCM may be paid compensation at the rate prescribed in advance by the official empowered to authorize his employment (11 Comp. Gen. 504). In the absence of such authorization, no fees other than ordinary witness fees may be paid for the employment of an individual as an expert witness. After an expert witness has testified pursuant to such employment, the certificate of one of the officers listed in paragraph (a) of this section, when presented to the disbursing officer, shall also enclose a certified copy of the authorization of the convening authority.

(k) *Payment of witness fees to foreign nationals.* Officers exercising general court-martial jurisdiction in areas other than a State of the United States shall establish rates of compensation for payment of foreign nationals who testify as witnesses, including expert witnesses, at courts-martial convened in such areas.

§ 719.139 Warrants of attachment.

Warrants of attachment shall not be issued without prior approval of the Judge Advocate General, acting for the Secretary of the Navy, in each case.

§ 719.140 Security of classified matter in judicial proceedings.

(a) *General.* Every precaution shall be taken by convening authorities, military judges, presidents of special courts-martial, summary courts, and trial counsel to protect the security of classified matter involved in judicial proceedings. If a trial of a case involves security information or cryptographic systems and publications, the convening authority, military judge, president of a special court-martial, summary court, and trial counsel, as appropriate, are charged with the responsibility of ensuring compliance with applicable provisions of the Department of the Navy Security Manual for Classified Information, paragraph 33f, MCM, and SECNAVINST 5511.4 series.

(b) *Security clearance of personnel.* If classified matter is to be used for prosecution, appropriate personnel security clearances in accordance with the Department of the Navy Security Manual for Classified Information must be granted to all members of the court, members of the prosecution and defense, court reporters and interpreters, and all other persons whose presence is required when classified matter is introduced before the court. If the accused is represented by civilian defense counsel, such counsel must likewise be cleared before classified matter may be disclosed to him. The necessity for clearing the accused himself, and the practicability of obtaining such clearance rests in the sound discretion of the convening authority and may be one of the considerations in his determination that permission to try a particular case be requested from the Secretary of the Navy in accordance with the provisions of paragraph 33f, MCM. If it appears during the course of a trial that classified matter will be disclosed, and if the provisions of this subsection have not been complied with, the military judge or president of a special court-martial or summary court shall adjourn the court and refer the matter to the convening authority.

(c) *Procedures concerning spectators.* See § 719.115 which prescribes procedures necessary to prevent the dissemination of classified information to other than authorized persons.

§ 719.141 Court-martial forms.

(a) *List.* The forms listed below are used in courts-martial by the naval service:

STD 1156	Public Voucher for Fees and Mileage of Witnesses.
STD 1157	Claim for Fees and Mileage of Witness.
DD 453	Subpoena for Civilian Witness.
DD 454	Warrant of Attachment.
DD 455	Report of Proceedings to Vacate Suspension.
DD 456	Interrogatories and Depositions.
DD 457	Investigating Officer's Report.
DD 458	Charge Sheet.
DD 490	Verbatim Record of Trial.
DD 491	Summarized Record of Trial.
DD 493	Extract of Military Records of Previous Convictions.
DD 494	Court-Martial Data Sheet (Optional).
DD 1722	Request for Trial Before Military Judge Alone.
NAVJAG 5800/9	Criminal Activity, Disciplinary Infractions and Court-Martial Report (Rev. 4–69).
NAVJAG 5813/1	Court-Martial Data (Rev. 4–69).
NAVJAG 5813/2	Court-Martial Case Report (Rev. 6–69).

(b) *How to obtain forms.* The forms designated in paragraph (a) of this section are available from the Forms and Publications Segment of the Navy Supply System as cognizance symbol "I" material and may be obtained in accordance with the instructions contained in Navy Stock List of Forms and Publications, NAVSUP Publication 2002. Marine Corps activities will requisition forms in accordance with instructions contained in the current edition of Marine Corps Order P–4400.84, Subj: Procedures incident to supply of blank forms and general officer stationery items.

(c) *Forms prescribed by MCM.* Where forms are prescribed by the Manual for Courts-Martial, but are not immediately available, convening authorities may improvise as necessary, using the MCM and appendices thereto as guides.

§ 719.142 Suspension of Counsel.

(a) *General.* When a person, military or civilian, has, pursuant to paragraph 43, MCM, and these regulations, been suspended from acting as counsel before courts-martial and the Navy Court of Military Review, he shall not, during the period of such suspension, be eligible to so act. Such suspension is separate and distinct from any matter involving contempt, discussed in paragraphs 10 and 118, MCM, and from withdrawal of certification made pursuant to 10 U.S.C. 826 and 827.

(b) *Grounds for suspension.* Suspension shall be accomplished only when, by his personal or professional conduct, a person has demonstrated that he is so lacking in competency, integrity, or ethical or moral character as to be unacceptable as counsel before a court-martial or the Navy Court of Military Review. Specific grounds for suspension include, but are not limited to:

(1) Demonstrated incompetence while acting as counsel during pretrial, trial or postrial stages of a court-martial;

(2) Preventing or obstructing justice, including the deliberate use of frivolous or unwarranted dilatory tactics;

(3) Fabricating papers or other evidence;

(4) Tampering with a witness;

(5) Abusive conduct toward the court-martial, the Navy Court of Military Review, the military judge, or opposing counsel;

(6) Flagrant or repeated violations of any specific rules of conduct prescribed for counsel (see paragraphs 42, 44, 46, and 48, MCM);

(7) Conviction of an offense involving moral turpitude or conviction of a violation of 10 U.S.C. 848;

(8) Disbarment by a State or Federal court or the U.S. Court of Military Appeals; or

(9) Indefinite suspension as counsel by the Judge Advocate General of the Army or Air Force or the General Counsel of the Treasury Department.

Action to suspend should not be initiated because of personal prejudice or hostility toward counsel, nor should such action be initiated because counsel has presented an aggressive, zealous, or novel defense, or when his apparent misconduct as counsel stems from inexperience or lack of instruction in the performance of legal duties. The Canons of Professional Ethics of the American Bar Association are considered to be generally applicable as rules of professional conduct for persons acting as counsel before naval courts-martial and the Navy Court of Military Review, and are quoted, in part, for guidance:

"3. *Attempts to Exert Personal Influence on the Court.*

"Marked attention and unusual hospitality on the part of a lawyer to a Judge, uncalled for by the personal relations of the parties, subject both the Judge and the lawyer to misconstructions of motive and should be avoided. A lawyer should not communicate or argue privately with the Judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a Judge special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due the Judge's

station, is the only proper foundation for cordial personal and official relations between Bench and Bar."

"5. *The Defense or Prosecution of Those Accused of Crime.*

"It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound, by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

"The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible."

"7. *Professional Colleagues and Conflicts of Opinion.*

"A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

"When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

"Efforts, direct or indirect, in any way to encroach upon the professional employment of another lawyer, are unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made."

"9. *Negotiations With Opposite Party*

"A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law."

"15. *How Far a Lawyer May Go in Supporting a Client's Cause*

"Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

"It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause.

"The lawyer owes 'entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability,' to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

"16. *Restraining Clients from Improprieties.*

"A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrong-doing the lawyer should terminate their relation.

"17. *Ill-feeling and Personalities Between Advocates.*

"Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

"18. *Treatment of Witnesses and Litigants.*

"A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf."

"21. *Punctuality and Expedition.*

"It is the duty of the lawyer not only to his client, but also to the Courts and to the public to be punctual in attendance, and to be concise and direct in the trial and disposition of causes."

"24. *Right of Lawyer to Control the Incidents of the Trial.*

"As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety."

"37. *Confidences of a Client.*

"It is the duty of a lawyer to preserve his client's confidences. This duty outlasts the lawyer's employment, and extends as well to his employees; and neither of them should accept employment which involves or may involve the disclosure or use of these confidences, either for the private advantage of the lawyer or his employees or to the disadvantage of the client, without his knowledge and consent, and even though there are other available sources of such information. A lawyer should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

"If a lawyer is accused by his client, he is not precluded from disclosing the truth in respect to the accusation. The announced intention of a client to commit a crime is not included within the confidences which he is bound to respect. He may properly make such disclosures as may be necessary to prevent the act or protect those against whom it is threatened."

"39. *Witnesses.*

"A lawyer may properly interview any witness or prospective witness for the opposing side in any civil or criminal action without the consent of opposing counsel or party. In doing so, however, he should scrupulously avoid any suggestion calculated to induce the witness to suppress or deviate from the truth, or in any degree to affect his free and untrammeled conduct when appearing at the trial or on the witness stand."

(c) *Action to suspend*—(1) *General.* Action to suspend a person from acting as counsel before courts-martial and the Navy Court of Military Review will be initiated only when other remedial measures, including punitive action, have failed to induce proper behavior or are inappropriate. In each stage of proceedings looking to suspension of counsel, full consideration shall be given to the effectiveness and appropriateness of such measures as warning, admonition, instruction, proceedings in contempt and other punitive action.

(2) *Report of grounds for suspension.* When information as to the occurrence or existence of any ground for suspension comes to the attention of a member of a court-martial, a military judge, appointed counsel, staff judge advocate, or member of the Navy Court of Military Review, such information shall be reported, together with appropriate supporting information, to the officer exercising general court-martial jurisdiction over the command of such reporting officer or to the Judge Advocate General. Prompt action shall be taken by the recipient of such report to dispose of the matter in the interest of proper administration of justice, except that, if the alleged disqualifying conduct occurs during the trial of a particular case and involves counsel for the accused, action may be deferred pending completion of the trial.

(3) *Hearing.* If the officer exercising general court-martial jurisdiction or the Judge Advocate General is of the opinion that there is probable cause to believe that a ground for suspension exists, and that other remedial measures are not appropriate or will not be effective, he shall appoint a board of officers to investigate the matter and to report its findings and recommendations as to whether the person involved should be temporarily or indefinitely suspended. The board so appointed shall consist of two or more members who are certified as qualified to act as military judge or counsel of general courts-martial pursuant to 10

U.S.C. 826 or 827. The board shall cause notice to be given to the counsel concerned, informing him of the misconduct or other disqualification alleged and affording him the opportunity to appear before it for a hearing. The counsel shall be permitted at least 5 days subsequent to notice to prepare for a hearing. Failure to appear on a set date subsequent to notice will constitute a waiver of appearance. Upon ascertaining the relevant facts after notice and hearing, the board will report its findings and recommendations based thereon to the officer who appointed the board. If the board was not convened by the Judge Advocate General, the officer who appointed the board shall (unless he deems the investigation incomplete, in which case he may direct further investigation and hearing), forward the report of the board to the Judge Advocate General together with his comments and recommendations concerning suspension of the person involved.

(4) *Action by the Judge Advocate General.* Upon receipt of the report of a board, the Judge Advocate General shall determine whether the person involved shall be suspended as counsel and whether such suspension shall be for a stated term or indefinite, and shall issue an appropriate order implementing such determination. The Judge Advocate General may, upon petition of the person who has been suspended, and upon good cause shown, or upon his own motion, modify or revoke any prior order of suspension.

(5) *Effect upon other actions.* Notwithstanding these regulations, the Judge Advocate General may in his discretion withdraw any certification of qualification to act as military judge or as counsel before general courts-martial made pursuant to 10 U.S.C. 826 or 827.

§ 719.143 Petition for new trial under 10 U.S.C. 873.

(a) *Statutory provisions.* 10 U.S.C. 873 provides, "At any time within two years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition."

(b) *Time limitations.* If the petition for new trial was placed in military channels within 2 years after approval of a sentence by the convening authority, regardless of the date of its receipt in the Office of the Judge Advocate General, it shall be considered to have been seasonably filed. Except in extraordinary circumstances, petitions will not be acted upon by the Judge Advocate General until all reviews in the field, contemplated by 10 U.S.C. 865, have been completed.

(c) *Submission procedures.* If the petitioner is on active duty the petition shall be submitted to the Judge Advocate General via the petitioner's commanding officer, the command which convened the court, and the command that took supervisory authority action on the case. If the supervisory authority has the record of trial he will forward it as an enclosure to his endorsement on the petition. The endorsement shall include information and comments as deemed appropriate. If the petitioner is no longer on active duty the petition may be submitted directly to the Judge Advocate General.

(d) *Contents of petitions.* The form and contents of petitions for new trial are specified in paragraph 109c, MCM. In addition, the petition shall include the following:

(1) Place of trial.

(2) Command title of the organization at which the court-martial was convened (convening authority).

(3) Command title of the officer exercising general court-martial jurisdiction over the petitioner at the time of trial (supervisory authority).

(4) Type of court-martial which convicted the petitioner.

(e) *Receipt in the Office of the Judge Advocate General.* (1) If the case is pending before the Navy Court of Military Review or the U.S. Court of Military Appeals, or will be so pending, the petition will be referred for action to the Navy Court of Military Review or the U.S. Court of Military Appeals, as appropriate. If referred for action to the Navy Court of Military Review, such court shall take action in accordance with Courts of Military Review Rules of Practice and Procedure.

(2) In all other cases the Judge Advocate General may take one or more of the following actions as appropriate:

(i) Return the petition for compliance with the procedural requirements of paragraph 109e, MCM and paragraph (d) of this section.

(ii) Deny the petition if relief is not warranted under the criteria set forth in paragraph 109(d), MCM.

(iii) Grant the petition if relief is warranted under the criteria set forth in paragraph 109(d), MCM.

(iv) Refer the petition to one or more officers for review and preparation of a recommendation for the Judge Advocate General. In the event such a referral is made, counsel for the Government and for the petitioner will be designated and a hearing with oral argument after submission of briefs may be permitted.

§ 719.144 Application for relief under 10 U.S.C. 869 in cases which have been finally reviewed.

(a) *Statutory provisions.* 10 U.S.C. 869 provides in pertinent part, "Notwithstanding section 876 of this title (article 76) the findings or sentence, or both, in a court-martial case which has been finally reviewed, but has not been reviewed, but has not been reviewed by a Court of Military Review may be vacated or modified, in whole or in part, by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused."

(b) *Submission procedures.* Applications for relief may be submitted to the Judge Advocate General by letter. If the accused is on active duty the application shall be submitted via the applicant's commanding officer, and the command that convened the court, and the command that took supervisory authority action on the case. If the original record of trial is held by the supervisory authority he shall forward it as an enclosure to his endorsement. This endorsement shall also include information and comment on the merits of the application. If the applicant is no longer on active duty the application may be submitted directly to the Judge Advocate General.

(c) *Contents of applications.* All applications for relief shall contain:

(1) Full name of the applicant;

(2) Service number and branch of service, if any;

(3) Social Security account number;

(4) Present grade if on active duty or retired, or "civilian" or "deceased" as applicable;

(5) Address at time the application is forwarded;

(6) Date of trial;

(7) Place of trial;

(8) Command title of the organization at which the court-martial was convened (convening authority);

(9) Command title of the officer exercising general court-martial jurisdiction over the applicant at the time of trial (supervisory authority);

(10) Type of court-martial which convicted the applicant;

(11) General grounds for relief which must be one or more of the following:

(i) Newly discovered evidence;

(ii) Fraud on the court;

(iii) Lack of jurisdiction over the accused or the offense;

(iv) Error prejudicial to the substantial rights of the accused;

(12) An elaboration of the specific prejudice resulting from any error cited. (Legal authorities to support the applicant's contentions may be included, and the format used may take the form of a legal brief if the applicant so desires);

(13) Any other matter which the applicant desires to submit; and

(14) Relief requested.

The applicant's copy of the record of trial will not be forwarded with the application for relief, unless specifically requested by the Judge Advocate General.

(d) *Signatures on applications.* Unless incapable of making application himself, the applicant shall personally sign his application before an official authorized to administer oaths. If the applicant is incapable of making application, the application may be signed under oath and submitted by applicant's spouse, next of kin, executor, guardian or other person with a proper interest in the matter.

§ 719.145 Set-off of indebtedness of a person against his pay.

(a) *Court-martial decisions.* When the United States has suffered loss of money or property through the offenses of selling or otherwise disposing of, or willfully damaging, or losing military property, willfully and wrongfully hazarding a vessel, larceny, wrongful appropriation, robbery, forgery, arson, or fraud for which persons, other than accountable officers as defined in U.S. Navy Regulations, have been convicted by court-martial, the amount of such loss constitutes an indebtedness to the United States which will be set-off against the final pay and allowances due such persons at the time of dismissal, discharge, or release from active duty.

(b) *Administrative determinations.* In addition, when the Government suffers a loss of money and competent authority has administratively determined that the loss occurred through the fraud, forgery, or other unlawful acts of such persons as described in paragraph (a) of this section, the amount of such loss shall be set-off as described in paragraph (a) of this section. "Competent authority," as used herein, shall be the commanding officer of such persons and the administrative determination shall be made through an investigation pursuant to the JAG Manual and approved on review by a general court-martial authority.

(c) *Army and Air Force property.* When the money or property involved belongs to the Army or the Air Force, and such service determines liability through the procedures provided by the authority of 37 U.S.C. 1007 and demands set-off against the final pay and allowances of any naval service personnel, set-off shall be effected in accordance with paragraph (a) of this section.

(d) *Voluntary restitution.* Immediate recovery action may be instituted on the basis of a voluntary offer of the member to make restitution of all or part of any indebtedness to the Government. The voluntary offer constitutes assumption of pecuniary responsibility for the loss and, as such, is sufficient to authorize checkage of current pay, if required, to collect the amount of the indebtedness. See aso 10 U.S.C. 6161 and SECNAVINST 7220.38A series concerning the possibility of remission or cancellation of an enlisted member's indebtedness. Nothing herein shall be construed as precluding set-off against final pay in other cases when such action is directed by competent authority.

§ 719.146 Authority to prescribe regulations relating to the designation and changing of places of confinement.

The Chief of Naval Personnel and the Commandant of the Marine Corps are authorized to issue joint regulations as required to appropriate authorities relating to the designation and the changing of places of confinement of naval prisoners (see BUPERSINST 1640.5 series). Convening authorities, offices exercising supervisory authority, and commanding officers operating correctional facilities are considered appropriate authorities within the meaning of this section. The Chief of Naval Personnel is further authorized to designate places of confinement when necessary, to change the designation, and to authorize the transfer of prisoners between naval places of confinement and to Federal penal or correctional institutions.

§ 719.147 Apprehension by civilian agents of the Naval Investigative Service.

Pursuant to the provisions of paragraph 19, MCM, and under the authority of 10 U.S.C. 807(b), any civilian agent of the Naval Investigative Service, who is duly accredited by the Director, Naval Investigative Service, and who is engaged in conducting an investigation within the investigative jurisdiction of the Naval Investigative Service as established in departmental directives, which investigation has been duly requested by, or is at the direction of, competent U.S. Navy or U.S. Marine Corps authority, may apprehend, if necessary, persons subject to the UCMJ or to trial thereunder, upon reasonable belief that an offense has been committed and that the person apprehended committed it. A person so apprehended must be taken promptly before his commanding officer or other appropriate military authority. Such a civilian agent may apprehend a commissioned officer or a warrant officer only pursuant to specific orders of a commissioned officer except where such an apprehension is necessary to prevent disgrace to the service, the commission of a serious offense, or the escape of one who has committed a serious offense. Such a civilian agent, even though not conducting an investigation relating to the person apprehended, may also apprehend a person subject to the UCMJ upon observation of the commission of a felony or a misdemeanor amounting to a breach of the peace occurring in the agent's presence. A person so apprehended must be delivered promptly to his commanding officer or other appropriate military authority.

§ 719.148 Search and seizure forms.

Appendix 1l and 1m[1] contain suggested formats for recording information pertaining to authorization for searches (with instructions), and the granting of consent to search. These formats are designed as guides in processing problems which may arise in connection with cases involving searches and seizures. Use of these formats, even as guides, is not mandatory, but rests within the discretion of local commanders.

§ 719.149 Interrogation of criminal suspects form.

Appendix section 1n[1] contains a suggested format which may henceforth be utilized by investigative personnel in cases in which criminal suspects desire to waive their rights concerning self-incrimination, and to make statements. This format is designed as a guide and its use is not mandatory.

§ 719.150 Court-martial case report.

The Court-Martial Case Report, NAV JAG 5813/2 (Rev. 6-69), is designed to serve as a statistical source for planning purposes and to afford the Judge Advocate General an early source of information regarding cases which may evoke public or Congressional interest. A Case Report will be submitted by the "Presiding Officer" with respect to each accused tried by general or special court-martial. The term "Presiding Officer" includes a military judge of the Judiciary Activity, any other military judge assigned to a special court-martial, and the president of a special court-martial without a military judge. Supplies of NAVJAG Form 5813/2 (Rev. 6-69) are available in the Forms and Publications Segment of the Navy Supply System under Stock No. S/N 0105-100-8160. A form containing sample entries is set forth in appendix section 1o.[1]

[1] Filed as part of the original document.

Subpart F—[Reserved]

Subpart G—[Reserved]

Subpart H—[Reserved]

Subpart I—Administrative Fact-Finding Bodies Generally

§ 719.201 General.

(a) *Definitions.* (1) An "administrative fact-finding body" is any one of a number of administrative, as distinguished from judicial, entities, including single individuals functioning as such, which is employed to collect and record information respecting some subject.

(2) A "JAG Manual Investigation" is an administrative fact-finding body constituted under any portion of Part 719 et seq.

(b) *Functions.* (1) The primary function of all administrative fact-finding bodies constituted under these regulations is to search out, develop, assemble, analyze, and record all available information relative to the matter under investigation. Such bodies are required to formulate clearly expressed and consistent findings of fact.

(2) The collateral function of a court of inquiry and, when expressly so directed by the convening authority, a formal fact-finding body, is to afford a hearing, of the nature and scope prescribed, to any person whose conduct or performance of duty is subject to inquiry or who has a direct interest in the subject of the inquiry.

(c) *Purpose.* The primary purpose of all administrative fact-finding bodies constituted under these regulations is to provide convening and reviewing authorities with adequate information upon which to base decisions in the matters involved. These bodies are administrative and not judicial; their reports are, therefore, purely advisory; their opinions, when expressed, do not constitute final determinations or legal judgments; and their recommendations, when made, are not binding upon convening or reviewing authorities.

§ 719.202 Need and importance.

(a) *General.* The collection and preservation of important information by

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fact-finding bodies convened under these regulations are vitally necessary and useful in a great many respects. Some of the purposes served are described in the paragraphs (b) to (e) of this section.

(b) *Efficient command or administration.* Fact-finding reports may provide convening and reviewing authorities with information essential to the efficient operation of the fleet, its readiness, or improved administration of the Department of the Navy. The reports are also routed to interested bureaus, systems commands and offices of the Navy Department. The reports thus may become the basis for various actions of importance, such as:

(1) Reevaluation of operational practices or standards.

(2) Redesign and improvement of material or equipment.

(3) Modification or adoption of instructions, regulations, and procedures.

(4) Timely and accurate reply to inquiries concerning incidents of legitimate public interest, with accompanying improved public relations.

(c) *Proper disposition of claims for or against the Government.* See parts 755 et seq. of this chapter.

(d) *Redress of injuries to property.* See 10 U.S.C. 939 and part 755 of this chapter.

(e) *Administrative determinations respecting personnel and former personnel.* Reports of fact-finding bodies provide the basis for making administrative determinations respecting personnel and former personnel. Examples of such determinations within the service are: Whether the time required for treatment of an illness or injury must be "made up" after what should otherwise have been the end of an enlistment or period of obligated active service because such illness or injury is held to have been due to the individual's own misconduct; whether an illness or injury is the result of "intentional misconduct or willful neglect," within the meaning of disability separation statutes; whether an illness or injury was incurred in the line of duty while employed on inactive duty training or active duty for training; whether, and in what degree any commendatory or adverse action respecting an individual should be taken. Examples of administrative determinations outside the service are entitlement of dependents of deceased personnel to dependency and indemnity compensation, based upon whether the evidence of record (not findings or opinions) indicates the death to have been due to the individual's willful misconduct; and whether personnel accountable for funds or property may be eligible for relief from personal liability for losses, based upon affirmative showings of record that there was no negligence of commission or omission on the part of the accountable persons which may have caused or contributed to the loss. Rights as a party (see subpart J) to formal fact-finding proceedings are accorded persons to afford them an opportunity to assure that all matter favorable to them is set forth on the record to be available in connection with any future administrative determination.

§ 719.203 Investigations under special regulations.

(a) *General.* In addition to the investigations required by these regulations, various other investigative efforts are required by other regulations. A single incident requiring investigation may require only an investigation in accordance with these regulations or may require only investigation under other regulation not included herein. On the other hand, an incident may require investigation under both these regulations and other regulations, in which case, dependent upon the other regulations involved, separate proceedings may be required or combined proceedings may be permissible. Care must be exercised in determining what investigations may be required and to what extent these investigations may be combined. The following broad guidelines are set forth to assist in making this determination.

(b) *Single-purpose investigations.* If the only requirement is for an investigation under regulations not included herein, then those regulations alone should govern and an administrative fact-finding body under these regulations should not be convened. For example, if there is no other basis for investigation than prospective disciplinary action, a preliminary inquiry under MCM, paragraphs 32b and 33a, or a pretrial investigation under 10 U.S.C. 832 and paragraph 34, MCM should be conducted without recourse to the proceedings of a fact-finding body under these regulations.

(c) *Special situations where in JAG Manual investigation contraindicated or to be conducted and report prepared and routed separately and apart from other required procedures.* A JAG Manual investigation should normally not proceed at the same time as a law-enforcement type of investigation by the Federal Bureau of Investigation, Naval Investigative Service, local police department, command investigative unit or armed services police unit. This will avoid interference with law-enforcement type investigations.

(d) *Noncombinable investigations.* An administrative fact-finding body under these regulations may be required and ordered in addition to, but not in lieu of, certain inquiries, the proceedings of which are controlled by other regulations. For example:

(1) Situation reports prescribed by articles 0628 and 0727, U.S. Navy Regulations, or other situation reports prescribed by bureau manuals or Departmental regulations.

(2) Investigations conducted by the Naval Investigative Service pursuant to SECNAV Instruction 5430.13 series. See § 719.212.

(3) Investigations conducted by an inspector general or his assistants.

(4) Hearings conducted pursuant to the Disability Separation Manual (NAVEXOS P–1990).

(5) Investigation of aircraft accidents pursuant to OPNAVINST P3750.6 series.

(6) Administrative letter reports respecting security violations prescribed by OPNAVINST 5510.1 series.

§ 719.204 Types of administrative fact-finding bodies.

(a) *General.* On the basis of membership, there are three types of administrative fact-finding bodies that may be constituted under these regulations; courts-of-inquiry, boards of investigation, and single individual investigations. On the basis of procedure, there are two types of administrative fact-finding bodies: formal and informal. A formal fact-finding body is one which utilizes a formal hearing procedure, ordinarily takes all testimony under oath, often maintains a verbatim record of all evidence, and may be authorized to designate parties. On the other hand, an informal fact-finding body normally employs the preliminary inquiry method of gathering evidence, using telephone inquiries, correspondence, and informal interviews to assemble the required information conveniently and expeditiously; it shall not be authorized to designate parties.

(b) *Courts of inquiry.* The principal distinguishing features of a court of inquiry are as follows:

(1) It consists of at least three commissioned officers as members and a commissioned officer as counsel for the court.

(2) It is convened by a written appointing order.

(3) It must take all testimony under oath and record all proceedings verbatim regardless of whether such is directed in the appointing order.

(4) Persons subject to the UCMJ whose conduct is subject to inquiry must be designated parties.

(5) Persons subject to the UCMJ or employed by the Department of Defense who have a direct interest in the subject of inquiry must be designated parties upon their request to the court.

(6) It possesses the power to subpoena civilian witnesses (see 10 U.S.C. 847 which provides for prosecution in U.S. district court for failing to appear, to testify, or to produce evidence).

(c) *Formal fact-finding bodies.* The principal distinguishing features of a formal fact-finding body (other than a court of inquiry) are:

(1) It consists of one or more commissioned officers as member or members.

(2) It is convened by a written appointing order.

(3) The appointing order may direct that the body take all testimony under oath and/or record all proceedings verbatim.

(4) It utilizes a formal hearing procedure.

(5) Persons whose conduct is subject to inquiry or who have a direct interest in the subject of the inquiry may not be designated parties unless such designation is expressly authorized in the appointing order.

(6) It does not possess the power to subpoena witnesses (unless convened under 10 U.S.C. 939 and Part 755 of this chapter).

(d) *Informal fact-finding bodies.* The principal distinguishing features of an informal fact-finding body are:

(1) It may consist of one or more officers, senior enlisted persons, or civilian employees of the Department of the Navy as member or members.

(2) It may be convened orally or in writing.

(3) It is ordinarily not directed to take testimony under oath or to record testimony verbatim.

(4) It utilizes informal procedures in collecting evidence.

(5) It shall not designate any person as a party to the investigation.

(6) It does not possess the power to subpoena witnesses.

§ 719.205 Selection of type and designation of parties.

(a) *Selection of type.* The several types of fact-finding bodies described in the preceding section have been prescribed to accommodate the variety of situations which must be investigated in the naval service. Thus, the type of fact-finding body to be ordered should be determined in large measure by the powers which the fact-finding body will require, the paramount purposes of the inquiry, the relative seriousness of the subject of the inquiry, the probable complexity of the factual issues involved, and other such factors. Much must be left to the judgment and discretion of officers in command. In general, however, the following guidelines should be considered in the selection of the type of fact-finding body to be employed. Where it appears that the incident under investigation involves substantial loss of life or where significant international or legal consequences may be involved, either a court of inquiry or a formal board of investigation, depending generally upon whether the power to subpena civilian witnesses is involved, should be considered. Other serious incidents requiring investigation, such as grounding of a ship, collision, flooding, and other major afloat casualties, particularly if significant loss of life resulted, should ordinarily be investigated by a formal board or formal single officer investigation, but in such cases the requirement of a verbatim record need not invariably be imposed. In other less serious cases, an informal fact-finding body will ordinarily be adequate. In any case in which there is doubt as to the type of fact-finding body which should be ordered, the matter may be referred to a superior in command for determination.

(b) *Designation of parties.* In connection with the selection of the type of fact-finding body to be convened, the desirability of designating parties and affording the persons so designated all of the rights of a party should be considered. In general, the designation of parties before JAG Manual investigations is unnecessary because other regulations, which provide for further judicial or administrative proceedings before adverse action may be taken against an individual (see § 719.304(d)), contain adequate safeguards to protect the rights of persons so involved. If, however, the subject matter of the inquiry involves such disputed issues of fact that a risk of substantial injustice to a person or persons would exist if he or they were not afforded the rights of a party during the investigation, a court of inquiry or a formal fact-finding body which is expressly authorized to designate parties should be ordered. In other cases, subject to the considerations set forth in the preceding subsection, a formal fact-finding body which is not authorized to designate parties or an informal fact-finding body will suffice.

§ 719.206 Convening authority—power to order.

(a) *Courts of inquiry.* Any person authorized to convene a general court-martial, or any other person designated by the Secretary of the Navy for that purpose, may convene a court of inquiry (10 U.S.C. 935).

(b) *Other fact-finding bodies.* Any officer in command may order a board of investigation or a one-man investigation, either formal or informal. The appointing order of a fact-finding body other than a court of inquiry may be issued or subscribed by an officer who holds a delegation of authority for such purpose from the convening authority. For the purposes of these regulations, "officer in command" means an officer authorized to convene any type of court-martial under 10 U.S.C. 822, 823, or 824, or authorized to impose disciplinary punishment under 10 U.S.C. 815, including officers in charge. However, only a commanding officer empowered to convene a special court-martial, or superior authority, may order an investigation which involves redress of injury under 10 U.S.C. 939.

§ 719.207 Convening authority—responsibility to order.

(a) *General considerations.* The officer in command of the unit or activity concerned is primarily responsible for initiating an investigation into an incident arising in his command. If the command is an afloat command, the investigation of incidents occurring ashore may be conducted by another appropriate command when the afloat command so requests and certifies that conduct of the investigation by the afloat command would not be feasible. In case of doubt as to who should convene the factfinding body, the matter shall be referred to the area coordinator (normally the district commandant) who shall resolve the issue and ensure that any required investigation is conducted.

(b) *Incidents far removed from location of command.* Activities required to make investigations under these regulations are often geographically far removed from the scene of incidents for which they have investigating reponsibility. A typical situation of this kind is one where personnel are injured or die under doubtful circumstances at a place distant from the activity to which they are assigned (see Chapter VIII of the Manual of the Judge Advocate General) or where mobile activities are required to move from the locality of an incident before a thorough investigation can be completed. In such cases, commanding officers and officers in charge may refer the incident which is subject to investigation to another officer qualified to order the appropriate factfinding body if the investigation can be more expeditiously accomplished by a different activity. In such situations the commandant of the naval district in which the incident occurred, or comparable authority, should be requested to cause the appropriate investigation to be conducted. The request shall contain all available information such as: Time, place, and nature of the incident; full names, grades, service number, and leave status of naval personnel involved; names and addresses of all known witnesses; all available evidence and statements; and copies of all reports of the incident made to the Navy Department or other superior authority under existing regulations.

(c) *Incidents involving injuries.* If a member of the naval service is injured and is admitted to a naval hospital, the commanding officer of the hospital shall, if no investigation is being made of the incident, promptly report the matter to the commandant of the naval district in which the incident occurred or other comparable authority. The commandant or other comparable authority shall take action to insure that, if required (see parts relating to line of duty/misconduct and claims), the necessary investigation is made. Similarly, if a dependent of a member of the uniformed services is injured under circumstances involving a third person, and is furnished hospital, medical, surgical, or dental care at government expense, the agency, facility, or individual who provided such care shall promptly notify the cognizant action JAG designee (see § 757.1(c) of this chapter) so that he may insure that, if required, the necessary investigation is made.

(d) *Incidents involving more than one command.* Whenever more than one activity is involved in an incident requiring investigation, a single investigation, should be conducted if practicable. Such an investigation may be convened by the officer in command of any of the activities concerned and all activities concerned shall cooperate in the expeditious conduct of the investigation. If any difficulty or dispute arises in the convening of such an investigation, the matter should be referred to the common superior of all officers involved. If there is reason to believe that the conduct or performance of duty of the officer in command of any activity involved in the incident may be subject to inquiry, the common superior of all the officers involved should convene the investigation. For example, when a collision occurs between ships of different type commands, a single investigation should be convened by the command superior in the operational chain of command. Whenever a single investigation of an incident involving more than one activity is conducted, all activities involved shall provide all available information to the activity conducting the investigation.

§ 719.208 Dissolution.

A fact-finding body is considered dissolved when its duties have been completed, and no formal order to that effect is necessary.

§ 719.209 The record of proceedings—generally.

(a) *Content.* The record of proceedings of the investigative report must be made as complete as possible to ensure preservation of evidence relating to the incident investigated and to give authorities in the Department of the Navy an adequate basis on which to take action. Illustrative facts which should be established and supported by enclosures in particular situations are outlines in chapter IX of the Manual of the Judge Advocate General. These suggestions, however, are not all inclusive. Any information that will aid understanding or help reviewers weigh the evidence should be included. Except for facts of which a court may take judicial notice (see paragraph 147, MCM), an administrative fact-finding body should not arrive at findings of fact which are not supportable by evidentiary enclosures or personal observation.

(b) *Copies.* Each copy of the record of proceedings or investigative report must be complete within itself and should contain all enclosures and exhibits. Sufficient complete copies should be prepared to fulfill the requirements of § 719.211(c).

(c) *Classification.* Because of the wide circulation in the Department of the Navy of records of some investigations, classified information should be omitted unless inclusion is essential. Information inherently not of a classified nature, although derived from classified messages, shall be paraphrased without identifying the original message by date-time group. A record or report containing information so derived need not be classified for this inclusion alone, provided that the information paraphrased is not classified. When classified matter is necessarily included in the record of proceedings or an investigative report, the record or report shall be assigned the classification of the highest subject matter contained therein. Encrypted versions of messages shall not be included in or attached to records of proceedings or investigative reports in which the content, substance, or purport of such message is divulged, regardless of the classification given the record or report. See Department of the Navy Security Manual for Classified Information OPNAVINST 5510.1 series.

§ 719.210 The record of proceedings action by convening and reviewing authorities.

(a) *Intermediate routing.* (1) The record of proceedings or report of a fact-finding body shall be forwarded to and reviewed by the convening authority and appropriate superior authorities in the chain of command. No precise rule can be laid down as to the identity of appropriate superior authorities in the chain of command. The subject matter of the inquiry and the facts found will dictate the routing of the record or report for review. The record or report should be made available to all superior commanders who have a direct official interest in the recorded facts.

(2) District commandants and other area coordinators of shore-based activities and immediate or subarea coordinators are considered to have a direct official interest in records or reports of investigations conducted by shore activities within the area of their cognizance and relating to a subject matter affecting their area coordination, command responsibility, or claims adjudicating authority, and, unless they direct otherwise, should be included as reviewing authorities whether or not in the chain of command.

(3) All flag and general officers in command may publish categories of subject matter of investigations which are of direct official interest to them and to their subordinates, and may direct that investigations involving other categories of subject matter be given exceptional intermediate routing. For example, a type commander might direct that investigations involving solely line of duty or misconduct determinations be routed directly to him, bypassing all echelons of authority between him and the convening authorities.

(b) *Review and forwarding.* The convening authority and each field authority to whom the record of proceedings or report is routed shall transmit it by endorsement which will generally effect one of the following actions:

(1) Forward the record or report commenting that it contains no matter of direct official interest to the authority and that it is therefore transmitted without comment or recommendation.

(2) Return the record or report for further inquiry, noting any incomplete, ambiguous, or erroneous action of the fact-finding body or a prior reviewing authority.

(3) Return the record or report for further corrective action, stating in detail the inadequacy or incompleteness noted.

(4) Forward the record or report setting forth appropriate comments and recording approval or disapproval, in whole or in part, of the proceedings, findings, opinions, and recommendations. For the benefit of subsequent reviewing authorities, each shall state clearly what action he has taken, or will take, and/or his recommendations as a result of matters contained in the record. If the investigative body is also conducting a claims investigation, the reviewing authority's action will be governed by the applicable provisions of part 755 et seq., of this chapter; if the investigating body is also acting as a board for redress of injuries to property, the reviewing authority's action shall be governed by part 755 of this chapter; or if the investigating body is inquiring into the loss, compromise, or subjection to compromise of classified information, the reviewing authority's action will be governed by chapter 8 of the Department of the Navy Security Manual for Classified Information, OPNAVINST 5510.1 series.

(c) *Disciplinary action.* Except where an individual has been fully accorded the rights of a party before a court of inquiry or a formal fact-finding body, nonjudicial punishment may not be predicated exclusively upon the proceedings of a fact-finding body (see § 719.101(d)), nor may the record of proceedings or report of such fact-finding body be used in lieu of a formal pre-trial investigation as authorized by 10 U.S.C. 832(c). Nevertheless, whenever punitive or nonpunitive disciplinary action is contemplated, initiated, or taken respecting any person as the result of the incident which was the subject of inquiry, such action (its specific nature, including current status) shall be noted in the endorsement of the convening or reviewing authority.

(d) *Additional information.* Each reviewing authority's action will include any information known or reasonably ascertainable at the time of the review concerning actions taken or being taken in the case but not contained in the record or previous endorsements.

§ 719.211 The record of proceedings and copies—disposition.

(a) *Routing.* Except as indicated below, the complete original record or report of every JAG Manual investigation shall be routed to the Judge Advocate General, Navy Department, Washington, D.C. 20370, in accordance with the intermediate routing provided in § 719.210. Except when they have a direct official interest in the recorded facts and should be included as a via addressee, the routing of the record to other commands, bureaus and offices of the Navy Department will be accomplished by the Judge Advocate General.

(b) *Special routing.* (1) Records or reports of investigations which involve Marine Corps personnel and relate to shortages of public property or public funds, or contemplated or accomplished disciplinary action shall be forwarded to the Judge Advocate General via the Commandant of the Marine Corps.

(2) Records or reports of investigations into the loss of Government property entrusted to an accountable officer shall be routed as prescribed in chapter IX of the Manual of the Judge Advocate General.

(3) Records or reports of investigations which involve lost, missing, damaged, or destroyed property of the Marine Corps shall be routed to the Commandant of the Marine Corps as prescribed in paragraphs 104114 and 104115, Marine Corps Supply Manual.

(4) Records or reports of investigations which involved loss, compromise, or subjection to compromise of classified information shall be routed as prescribed in section 0804, Department of the Navy Security Manual for Classified Information, OPNAVINST 5510.1 series.

(5) If a record of investigation is to be used as a pretrial investigation pursuant to 10 U.S.C. 832(c), and the original is desired in connection with a trial by general court-martial, the original shall be retained in the field for such purpose and a complete certified copy

shall be forwarded to the Judge Advocate General via appropriate authorities.

(6) If a record or report of investigation involves a claims matter or redress of injuries to property under 10 U.S.C. 939, see part 755 of this chapter and part 750 et seq. of this chapter as appropriate.

(c) *Routing of copies.* (1) One complete copy of the record or report of investigation shall be forwarded with the original for each intermediate reviewing authority. Additionally, if a shore command conducted the investigation upon request of an afloat command, as provided in § 719.207(a) and chapter VIII of the Manual of the Judge Advocate General; information copies of the investigation record or report shall be forwarded to interested afloat commands. With respect to the right of a party to the investigation to receive a copy, see § 719.304(f).

(2) In serious cases and in cases in which the convening authority considers that the Navy Department should have advance information, he shall forward an advance copy to the Judge Advocate General. Additionally, if the record or report of investigation involves a possible admiralty claim, an advance copy shall be forwarded as soon as possible to the Judge Advocate General (Admiralty Division). Respecting records or reports of investigation which may involve Medical Care Recovery Act claims, see § 757.6(c) of this chapter.

(3) U.S. Navy convening authorities shall, when security classification permits, forward an advance copy of the record or report of investigation as soon as practicable in cases involving inquiry into material damage to a ship, submarine, or Government property (except aircraft) to: Commander, Naval Safety Center, Naval Air Station, Norfolk, Va. 23511. U.S. Navy commanders subsequently reviewing such record or report shall forward advance copies of their endorsements as above. In cases of aircraft accidents advance copies of investigations and endorsements thereon will be forwarded to Commander, Naval Safety Center only upon his specific request.

(4) In cases involving postal losses or offenses, an advance copy of the record or report of investigation shall be forwarded by the convening authority to the Chief of Naval Operations (Postal Affairs Section). See paragraph 6202, U.S. Navy Postal Instructions, OPNAVINST 2700.14 series.

§ 719.212 Investigations by Naval Investigative Service.

The investigative jurisdiction and responsibilities of the Naval Investigative Service (NIS) and the field components thereof are set forth in SECNAVINST 5430.13 series. Officers in command are cautioned to comply meticulously with the provisions and spirit of that instruction. Matters pertaining to espionage, sabotage, subversive activities, fraud against the Government, and major violations of the UCMJ are included within the jurisdiction of NIS. Where the investigative service of NIS is utilized, the officer in command shall take appropriate measures to preserve evidence and to ensure that any other phases of investigation do not compromise or otherwise impede the investigative activities of NIS. In the event the officer in command deems it necessary to proceed with inquiry by a fact-finding body prior to the completion of the investigative phase by NIS, he shall first communicate with the local NIS office and establish coordination of the investigative effort. Should the NIS office object to the initiation of the inquiry by a fact-finding body, the matter should be referred to the appropriate commandant of the naval district or comparable authority for resolution.

§ 719.213 Preliminary investigation of major incidents.

(a) *General.* The investigation of major incidents is sometimes complicated by the premature appointment of a court of inquiry or other formal investigative body. Without ascertaining the sequence of events and which witnesses can give enlightening testimony, the proceedings are made longer and more difficult as the result of lack of preparation prior to formal hearings. The purpose of all investigative proceedings is to inform authorities of the Department of the Navy fully and concisely as to the incident, its causes, and the responsibility therefor.

(b) *Suggested procedure.* In major incidents it may be advisable to order immediately an informal one-officer investigation or informal board of investigation to ascertain the seriousness of the incident, to interview all witnesses, and to prepare a summary of their testimony. The convening authority may direct in his appointing order (oral or written) that the investigative body submit an interim oral report by a specified date. At the time of the oral report, the informal investigation may be terminated and the investigative effort directed into a court of inquiry or other formal investigation. Summaries of testimony or evidence developed in the informal investigation may be used as an aid by the later investigative body. Inasmuch as all courts of inquiry and most formal boards if investigation directed to inquire into major or complicated incidents have appointed counsel, consideration should be given to detailing the officer who conducted the informal investigation to assist counsel for the court or board.

(c) *Function.* It is not the function of such preliminary investigation to fix responsibility for the incident or event. Its duties are to obtain statements of witnesses and to inform the convening authority as to the identity of the witnesses and the extent to which they can testify to pertinent facts.

§ 719.214 Authority to administer oaths.

A person on active duty appointed to perform investigative functions or to serve as counsel for an administrative fact-finding body within the meaning of these regulations is empowered to administer oaths in the performance of his duties. See 10 U.S.C. 936.

Subpart J—Parties and Witnesses

§ 719.301 Parties—definitions.

(a) A "party" is an individual who has properly been designated as such in connection with a court of inquiry or a formal fact-finding body.

(b) A person's conduct or performance of duty is "subject to inquiry" when the person is involved in the incident or event under investigation in such a way that disciplinary action may follow, that his rights or privileges may be adversely affected, or that his personal reputation or professional standing may be jeopardized.

(c) A person has a "direct interest" in the subject of inquiry:

(1) When the findings, opinions, or recommendations of the fact-finding body may, in view of his relation to the incident or circumstances under investigation, reflect questionable or unsatisfactory conduct or performance of duty; or

(2) When the findings, opinions, or recommendations may relate to a matter over which the person has a duty or right to exercise official control.

§ 719.302 Designation of parties.

(a) *Courts of inquiry.* (1) Any person subject to the UCMJ whose conduct or performance of duty is subject to inquiry shall be designated a party before a court of inquiry.

(2) Any person subject to the UCMJ or employed by the Department of Defense who has a direct interest in the subject of inquiry shall, upon his request to the court or convening authority, be designated a party before a court of inquiry.

(3) Any member of the Naval or Marine Corps Reserve not subject to the UCMJ by virtue of his status whose conduct or performance of duty is subject to inquiry may upon his request to the court or convening authority, be designated a party before a court of inquiry.

(4) No other person may be designated as a party unless expressly authorized by the Secretary of the Navy (Judge Advocate General).

(b) *Formal fact-finding bodies.* (1) When authorized by the convening authority, any member of the naval service subject to the UCMJ whose conduct or performance of duty is subject to inquiry may be designated a party before a formal fact-finding body constituted under these regulations.

(2) When authorized by the convening authority, any member of an armed force other than the Navy and Marine Corps subject to the UCMJ; any person employed by the Department of Defense; or any member of the Navy or Marine Corps Reserve not subject to the UCMJ by virtue of his status, whose conduct or performance of duty is subject to inquiry may, upon request to the fact finding body, be designated a party before a formal fact-finding body constituted under these regulations.

(3) No other person may be designated as a party unless expressly authorized by

the Secretary of the Navy (Judge Advocate General).

(c) *Informal fact-finding bodies.* No person may be designated as a party before informal fact-finding bodies constituted under these regulations.

(d) *Who may designate.* Parties may be designated by the convening authority of a court of inquiry or formal fact-finding body, by any court of inquiry, or by a formal fact-finding body when expressly authorized by the convening authority, subject to the following considerations:

(1) When parties are to be designated, and it is apparent at the time of the issuance of the appointing order that a person or persons must or should be designated, the convening authority should include such designation in the appointing order. His power to designate continues during the entire proceedings before a court of inquiry or formal fact-finding body.

(2) If at any time during the course of an investigation by a court of inquiry by a formal fact-finding body authorized to designate parties it appears to the court or body that any person not previously designated should be so designated, that person shall or may (see paragraph (a) and (b) of this section) be informed of that conclusion, be designated a party, and be informed of and accorded his rights as such.

(e) *Effect of designation.* The purpose and effect of designating an individual a party before a fact-finding body is to afford him a hearing respecting possibly adverse information concerning his conduct or performance of duty or relating to a matter over which he has a duty or right to exercise official control. The majority of investigations, although inquiring to some degree into the conduct or performance of duty of persons, result in relatively few instances in which adverse action is taken without separate administrative or judicial proceedings. The separate hearings in such cases are much more efficient and frequently are fairer to the person involved. Accordingly, as provided in § 719.205(b), it is generally undesirable to designate parties to investigations unless the subject matter of the inquiry involves such disputed issues of fact that a risk of substantial injustice to the person would exist if he were not afforded the rights of a party during the investigation.

§ 719.303 Change in status of a party.

If it no longer appears that a person previously designated as a party is involved in a material degree in the matter under investigation, his designation as a party may be withdrawn by the court of inquiry or formal fact-finding body upon application of that party, or upon the court or fact-finding body's own initiative.

§ 719.304 Rights of a party.

(a) *General.* A person duly designated a party before a fact-finding body shall be advised of and accorded the following rights:

(1) To be given due notice of such designation.

(2) To be present during the proceedings, but not when the investigation is cleared for deliberations.

(3) To be represented by counsel. See paragraph (b) of this section.

(4) To examine and to object to the introduction of physical and documentary evidence and written statements.

(5) To object to the testimony of witnesses and to cross-examine witnesses other than his own.

(6) To introduce evidence.

(7) To testify as a witness.

(8) To refuse to incriminate himself; and, if accused or suspected of an offense, to be informed of the nature of the accusation and advised that he does not have to make any statements regarding the offense of which he is accused or suspected; and that any statement made by him may be used as evidence against him in a trial by court-martial.

(9) To make a voluntary statement, oral or written, to be included in the record of proceedings.

(10) To make an argument at the conclusion of presentation of evidence.

NOTE: In courts of inquiry only, a party shall be advised of and accorded two additional rights:

(11) To challenge members of the court of inquiry for cause stated to the court, 10 U.S.C. 936(d), § 719.414.

(12) If charged with an offense, to be a witness at his own request and not to be called as a witness in the absence of his own request.

(b) *Right to counsel.* (1) The party is entitled to be represented during the proceedings of the court or investigation by civilian counsel provided by himself at no expense to the Government; by military counsel provided by the Government at no expense to the party. Such military counsel shall be of his own selection if reasonably available; or by military counsel appointed for him by appropriate military authority. Upon request for appointed military counsel, counsel qualified under 10 U.S.C. 827(b) should be appointed, if practicable, and must be appointed if the court or investigation is to be used as a pretrial investigation required by 10 U.S.C. 832. There are no special legal qualifications required of civilian counsel provided by the party himself or of military counsel selected by him. In any case in which the court or investigation is to be used as an investigation under 10 U.S.C. 832 and the party introduces nonlawyer civilian counsel or requests non-lawyer military counsel, he must be carefully advised that he is entitled to the appointment of military lawyer counsel and that proceeding without lawyer counsel will be considered a waiver of this right. Appointed military counsel will be provided for a civilian party only under one of the following circumstances:

(i) The civilian party is in a status in which he might be subject to trial by court-martial, and the court of inquiry or investigation may be used as a pretrial investigation under 10 U.S.C. 832.

(ii) Doubt exists as to the mental or physical competency of the civilian party, and he is not represented by counsel who seems capable of adequately protecting the party's interests.

(iii) The convening authority directs such action on the ground that under the peculiar circumstances of the case, the interests of the Government would be best served by making military counsel available to represent the civilian party.

(2) It is the duty of counsel to represent the party to the best of his ability and to protect and safeguard the interests of the party by all honorable and legal means. If counsel for a party is absent, a court of inquiry or formal investigation shall not proceed until his return, or until new counsel for the party is retained by him or appointed for him. However, the party may waive his right to have counsel present provided the party understands his right to counsel and the effect of the waiver. The explanation of this right and any waiver thereof shall be reported verbatim in the record.

(3) When directing that a court of inquiry or formal investigation be conducted, and the medical officer states that a member to be designated a party is incompetent due to injuries or disease and will remain so for at least 60 days, the convening authority will ensure that a qualified lawyer counsel is appointed to represent the party during the proceedings of the court or investigation. Such counsel is obligated to exercise all the rights of the party as though the party were present.

(c) *Explanation of rights.* At the outset of the proceeding of a court of inquiry or formal fact-finding body, all parties so designated shall be informed of the rights set forth in paragraph (a) of this section, and shall be asked if explanation is desired regarding any of such rights. Further explanation shall be provided to any party who requests it. Counsel for any party may waive such information and explanation by stating to the investigative body that the party to the proceeding has been fully informed and understands his rights as a party. Upon designation of a person as a party during the course of the investigative proceeding, the same course shall be followed as regards information and explanation as to rights, and a waiver may similarly be made by counsel.

(d) *Examination of previous record by party designated during proceedings; recall of witnesses.* The record of proceedings to the point the investigation has progressed will be made available for examination by a newly designated party and his counsel. Such a party may request that specified witnesses who have previously testified be recalled for cross-examination. If circumstances do not permit the recalling of a witness, evidence may be obtained from him by means of a sworn statement. In the absence of compelling justification, investigative proceedings shall not be suspended pending the obtaining of any such statement.

(e) *Previous testimony of witness thereafter designated as a party.* Any testimony given by a person as a witness prior to his designation as a party remains in the record and is considered

and used thereafter without regard to his subsequent designation as a party.

(f) *Person on witness stand when designated party.* If a person is on the witness stand at the time he is designated a party, or is thereafter called as a witness, see § 719.305 for the procedure to be followed.

(g) *Failure to accord rights.* (1) In cases where nonjudicial punishment is contemplated on the basis of the record of a court of inquiry or formal fact-finding body before which the accused was not designated a party or accorded the rights of a party, the procedures shall be as prescribed in § 719.101(d).

(2) In cases where an adverse determination respecting the contracting or incurrence of a disease or injury in line of duty or as the result of misconduct is contemplated on the basis of the record of a court of inquiry or formal fact-finding body before which the person concerned was not designated a party or accorded the rights of a party, the procedures shall be as prescribed in section 0805 of the Manual of the Judge Advocate General.

(3) In cases where a general court-martial is contemplated respecting an accused, the record of a court of inquiry or formal fact-finding body before which the accused was not designated a party or accorded the rights of a party may not be used in lieu of a formal pretrial investigation of the offenses charged against the accused. See 10 U.S.C. 832(c).

(4) In cases where charges have been brought against an accused before a court-martial, military commission, or other tribunal which is required fully to observe the rules of evidence as prescribed in the UCMJ and in chapter XXVII of the MCM, sworn testimony contained in the record of proceedings of a court of inquiry before which that accused was not designated a party or accorded the rights of a party may not be received in evidence by that court-martial, military commission or tribunal unless such testimony is admissible independently of the provisions of 10 U.S.C. 850.

(h) *Waiver of rights of a party.* Waiver of rights listed in paragraph (a) of this section which involve notice, information, or advice to be given a party (except regarding an offense of which accused or suspected), may be effected only by explicit statement on the record by party or his counsel. Advice as to the nature of any offense of which accused or suspected advice as to the right to refrain from making any statement regarding such offense, and advice as to the use against him of any statement in a trial by court-martial may not be waived. See 10 U.S.C. 831(b). Any other right is conclusively waived by the party's failing to exercise it, unless he has made, upon the record, a request to exercise it and such request has been denied.

(i) *Right to a copy of the record.* A party to an investigation is not entitled to a copy of the record or any part thereof, unless the record is to be used as a pretrial investigation under 10 U.S.C. 832 and trial of the party by general court-martial has been ordered. Consideration should be given to conducting a separate pretrial investigation when the record or report of the investigation contains either classified material or any unclassified material which might be of assistance in the prosecution or support of a claim against the United States. If a letter of censure or other non-judicial punishment is imposed, see § 719.101(f)(7) concerning the right of the individual concerned to have access to a copy of the record.

§ 719.305 Witnesses.

(a) *Calling witnesses.* Although only courts of inquiry and boards convened for the redress of injuries to property (see 10 U.S.C. 913, and Part 755 of this chapter) have powers to subpena witnesses, all administrative fact-finding bodies convened under these regulations may request civilian witnesses to attend, whether or not they are connected in any way with the naval service, and may request cognizant commanding officers to make members of the Armed Forces and persons employed by the Department of Defense available to testify. No fact-finding body is confined to any Federal reservation in its quest for relevant testimony.

(b) *Competency of witnesses.* Any party or other person charged with an offense relating to the matter under investigation shall be a competent witness before a court of inquiry only at his own request. 18 U.S.C. 3481. A person is charged with an offense when he has been formally accused by indictment or information, or by the preferring of charges and specifications pursuant to 10 U.S.C. 830. Subject to this statutory limitation, any party or other person, regardless of whether charged with or suspected of an offense, is competent as a witness before any formal or informal fact-finding body, and may be called whether or not he requests to be a witness.

(c) *Compulsory self-incrimination prohibited.* (1) No witness shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him; nor shall he be compelled to make any statement or produce evidence if the statement or evidence is not material to any issue under investigation and may tend to degrade him. (10 U.S.C. 831 (a) and (c).) See paragraph 150, MCM. The fact-finding body should advise an apparently uninformed witness of his right to decline to answer any question which might tend to incriminate him.

(2) If a person called as a witness before a court of inquiry or formal board of investigation is suspected of or is charged with an offense, he shall be informed of the nature of the offense and the subject matter of the injury. He shall also be advised that he does not have to make any statement or give any testimony regarding the offense of which he is suspected or accused and that any statement or testimony made by him may be used as evidence against him in any subsequent trial (10 U.S.C. 831(b)). After being so informed, the right to refrain from testifying regarding the offense of which he is suspected or charged must be claimed by the witness. Despite assertion of such a right, however, the witness may be questioned on matters other than the offense of which he is suspected or charged.

(3) If a person suspected or charged with an offense is required as a witness in connection with an informal investigation, the procedure set forth in § 719.606(d)(2) will be followed.

§ 719.306 Statements regarding disease or injury.

A member of the Armed Forces may not be required to sign a statement relating to the origin, incurrence, or aggravation of a disease or injury that he has. Any such statement against his interests, signed by a member, is invalid. 10 U.S.C. 1219. Any person in the Armed Forces, prior to being asked to sign any statement relating to the origin, incurrence, or aggravation of any disease or injury that he has suffered, shall be advised of his right not to sign such a statement.

§ 719.307 Warning witnesses.

The fact-finding body in its discretion may direct witnesses who are subject to naval authority, not to discuss their testimony with other witnesses or persons who have no official interest in the matter until the investigation is completed. Other witnesses may be requested, in a similar manner, not to discuss their testimony. This warning may be given to ensure that the matter before the fact-finding body can be fairly heard and to eliminate the possibility that disclosures of the substance of the testimony may influence the testimony of witnesses still to be heard.

Subpart K—Courts of Inquiry

§ 719.401 Statutory authority.

Article 135, UCMJ (10 U.S.C. 935) concerning courts of inquiry is quoted as follows:

"(a) Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any other person designated by the Secretary concerned for that purpose, whether or not the persons involved have requested such an inquiry.

"(b) A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

"(c) Any person subject to this chapter [UCMJ] whose conduct is subject to inquiry shall be designated as a party. Any person subject to this chapter [UCMJ] or employed by the Department of Defense who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

"(d) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

"(e) The members, counsel, the reporter, and interpreters of courts of inquiry shall

take an oath to faithfully perform their duties.

"(f) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

"(g) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

"(h) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel."

§ 719.402 Appointing order.

(a) *Authority to convene.* As noted in the foregoing section, any person authorized to convene a general court-martial or any other person designated for that purpose by the Secretary of the Navy may convene a court of inquiry.

(b) *Form of appointing order.* Courts of inquiry are appointed by an appointing order signed by the convening authority. The appointing order shall be in official letter form addressed to the president of the court. When circumstances warrant, a court of inquiry may be convened on oral or message orders. Written confirmation of oral and message orders will be issued in each case. Message orders and all confirmations of orders shall be included in the record of proceedings of the court.

(c) *Contents of appointing order.* The appointing order of a court of inquiry shall name the president, the members, and the counsel. When appropriate, it shall designate parties to the inquiry. It shall specify the time and place for initial meeting. It shall recite the specific purposes of the inquiry and shall contain explicit instructions as to the scope of the inquiry. Inasmuch as the information developed by the court is used not only by the convening authority but in many cases by authorities remote from his command, the appointing order should contain ample instructions to ensure the accomplishment of the purposes for which the court was convened. The court shall be directed to report findings of fact. If the convening authority desires, he may also direct that opinions and recommendations be submitted. The appointing order may in appropriate cases provide for the appointment of reporters and interpreters. For an example of an appointing order for a court of inquiry, see Appendix section 4a.[1]

(d) *Seniority of members.* No member of a court of inquiry should be junior in rank to any officer designated a party in the appointing order. Should an officer senior to any member be designated a party during the proceedings, the convening authority shall be notified so that he may revise the membership in accordance with the seniority principle, if practicable. Whenever it has not been practicable to adhere to the seniority principle in membership, the convening authority shall state the reasons therefor in his action on the record of proceedings. The seniority principle is not applicable to counsel.

(e) *Amendments.* The convening authority may amend the appointing order at any time to change the membership of the court of inquiry, to limit or increase the scope of the inquiry, to name additional parties, or to provide additional instructions. An example is contained in Appendix section 1b.[1]

(f) *Advance copies.* On occasion, it may be advantageous to forward an advance copy of the appointing order to interested superiors so that they may be apprised of significant occurrences and actions being taken in connection therewith.

§ 719.403 Duties of the president.

(a) *General.* The president shall administer the oath to the counsel for the court, preserve order, and decide upon matters relating to the routine business of the court. He may recess or adjourn the court to meet at a time or place as will be most convenient and proper.

(b) *Rulings.* Should a member object to the president's ruling on any matter, a vote shall be taken in closed session and the decision of the majority shall govern. In case of a tie vote, the decision of the president shall govern except as to challenges of members. See § 719.414(b).

(c) *Obtaining information.* Whenever it appears desirable to members of the court that certain information be elicited or developed in the interest of establishing or clarifying any matter, the president will so advise counsel for the court and may direct counsel to call witnesses, to pursue further lines of questioning, or to adduce other evidence. The president and other members of a court may examine witnesses upon completion of examination by counsel.

§ 719.404 Members.

(a) *Attendance.* The attendance at the proceedings of a court of inquiry becomes the primary duty of an officer appointed a member. No member shall fail in his attendance at the designated time and place unless prevented by illness, ordered away, or excused by competent authority.

(b) *Absence.* The court may, in the absence of a member, proceed with the inquiry only if authorized and directed to do so by the convening authority. Unless at least three members and a majority of the total membership are present, no business other than an adjournment shall be transacted. If it appears that a member will be absent for more than a short period of time and the absence reduces the court to less than three members, the convening authority shall be advised. He shall appoint additional members to ensure that at least three members will be present. Any substituted or additional member appointed shall examine the record of the proceedings conducted prior to his sitting as a member, and the fact of such examination shall be noted on the record. After such examination, each substituted and additional member shall participate fully in the subsequent proceedings of the court and in its deliberations relative to findings of fact, opinions, and recommendations.

(c) *Temporary absence.* When a member of a court who has been temporarily absent returns, the record of that part of the proceedings conducted in his absence shall be examined by him, and such examination noted in the record. Such temporary absence does not preclude that member's full participation in the deliberations of the court relative to findings of fact, opinions, and recommendations.

§ 719.405 Counsel for the court.

(a) *Requirement.* The appointment of counsel for the court is required. Whenever practicable, counsel should be qualified under 10 U.S.C. 827(b). Assistant counsel for the court may be appointed. If an understanding of the matters under inquiry involves a high degree of technical knowledge, convening authorities are encouraged to appoint an officer who possesses this technical knowledge as assistant counsel. Assistant counsel need not be qualified under 10 U.S.C. 827(b).

(b) *Duties.* Counsel for the court shall call witnesses and conduct the direct examination of all witnesses except those requested or called by a party. He shall arrange for a place for the court to meet, and for the assistance of reporters, interpreters, orderlies, and clerical assistants. He shall administer the oath or affirmation to all members, reporters, interpreters, and witnesses. He shall also supervise the recording of the proceedings and the preparation of the record.

(c) *Responsibility.* The primary responsibility of counsel is to exploit all practicable sources of information in order to bring out all the facts in an impartial manner without regard to the favorable or unfavorable effect on persons concerned.

(d) *Absence of counsel.* If the counsel for the court is absent and there is an appointed assistant counsel, he may, in the discretion of the court, act as counsel and the proceedings may continue. Otherwise, the court shall adjourn, report the absence to the convening authority, and await the return of counsel or the appointment of a new counsel.

§ 719.406 Parties.

See Subpart J of this part for provisions relating to parties, their rights, and their counsel.

§ 719.407 Reporters and interpreters.

(a) *Reporters.* The reporters appointed to record the proceedings of a court of inquiry may use longhand, shorthand, or a mechanical or sound recording device. A verbatim record of the proceedings shall be compiled, subject to exceptions authorized in § 719.435.

(b) *Interpreters.* In all courts of inquiry where testimony is to be given in

[1] Filed as part of the original document.

[1] Filed as part of the original document.

other than the English language, an interpreter shall be appointed. Prior to the assumption of his duties the interpreter shall satisfy the court that he is fully conversant with the language to be interpreted and that he has a good command of the English language. If it appears to the court that the interpreter is experiencing difficulty in interpreting, or if there is an objection by a party that the interpreter is not fully and correctly interpreting, the court shall immediately inquire into the matter. If it appears that the interpreter is not able to interpret accurately and intelligently, the court shall report this to the convening authority and request that a competent person be appointed. Until the appointment of another interpreter, no further interrogation of the witness whose testimony is to be interpreted shall be undertaken.

(c) *Appointment.* (1) If additional expense to the Government is involved in the employment of reporters or interpreters, the convening authority should follow the procedure set forth in § 719.110.

(2) The details of the appointment of reporters or interpreters will not be set forth in the record of proceedings. Only the name of such individual and the fact that he was sworn to undertake his particular duties need be shown.

§ 719.408 General procedure.

A court of inquiry is governed generally by the principles of military law, applying procedural rules analogous to those for trials by general courts-martial where appropriate and not otherwise prescribed. The court should refer to the Manual for Courts-Martial, Court Martial Reports, and other authoritative legal publications for guidance. However, the mission of the court shall be given primary consideration in the determination of procedural questions not expressly covered in these regulations.

§ 719.409 Preliminary procedures.

A court of inquiry shall assemble at the place and, as nearly as practicable, at the time named in the appointing order. The court may adjourn, when desirable, to any place as may be convenient to the court. The members shall take their seats in the same order as on courts-martial. Courts of inquiry are usually cleared until the order constituting them and the instructions contained in the appointing order have been read and the manner of proceeding decided. Normally counsel for the court will not withdraw when the court is cleared for preliminary procedures.

§ 719.410 Meeting of the court.

(a) *Sessions.* The proceedings will be public unless the convening authority or the court, for security reasons or other good cause, directs that the entire proceedings or any portion thereof be closed to the public. The fact that the inquiry is not open to the public does not require exclusion of the parties to the inquiry or their counsel. If the matter to be heard requires a security clearance and individual counsel has not been granted such clearance, the convening authority shall be advised thereof; see section 0921 Department of the Navy Security Manual for Classified Information, OPNAVINST 5510.1 series with respect to necessary security clearance of personnel and procedures if such a person or civilian counsel is not so cleared, § 719.140(b) followed.

(b) *Clearing the court.* The court may be cleared at any time for deliberation or consultation, whereupon the parties and their counsel will withdraw. Counsel for the court will also withdraw unless requested to remain. During an open hearing when numerous spectators are present, the court may withdraw to another room for deliberation or consultation.

(c) *Spectators—publicity.* As a general rule, the public will be permitted to attend open sessions of a court of inquiry. During any session of the court the taking of photographs in the courtroom or broadcasting of the proceedings from the courtroom (radio or television) shall not be permitted.

§ 719.411 Recess and adjournment.

Courts of inquiry may recess or adjourn for such period as may be necessary without permission of the convening authority. However, if the adjournment is for more than 3 days, the convening authority shall be informed by the president.

§ 719.412 Rules of evidence.

The court is not bound strictly by the rules of evidence prescribed for trials by court-martial. Admissibility of reliable evidence, notwithstanding a legal exclusionary rule, is a matter of discretion. Nevertheless, the court must enforce constitutional and statutory personal privileges, and a general observance of the spirit of the rules contained in chapter XXVII, MCM, will promote orderly procedure and ensure a full, fair, and impartial investigation. The rights of witnesses and parties shall be carefully safeguarded.

§ 719.413 Presence of party and counsel.

(a) *At organization of court.* As soon as the court has determined the manner of proceeding and whether the court will sit with open or closed to the public, each party named in the appointing order shall be called before the court. Parties may be called individually, in groups, or all together. Any party represented by counsel may appear before the court with counsel at this time, and counsel may enter waiver of record of either or both the reading of the appointing order and advice as to rights (except as to a party suspected of an offense) as to the party or parties represented by him. Unless waived, the appointing order shall be read to the party or parties before the court. The rights of a party, as set forth in § 719.304, shall be fully explained by the counsel for the court. The record may state simply that the appointing order was read or the reading thereof waived, but advice as to rights shall be reported verbatim. If any party is not represented by counsel and desires such representation, the court shall recess until counsel is obtained. If it is essential that the court take testimony which might otherwise become not conveniently obtainable, then, in lieu of recessing, the court shall appoint counsel (qualified under 10 U.S.C. 827(b)) to represent the party until he can obtain the attendance of counsel of his choice, and proceed with the taking of such testimony.

(b) *Waiver.* A party to a court of inquiry may waive his right to be present during any portion of the proceedings. This waiver must be intelligently and knowingly made by the party or his counsel and the court shall carefully consider such waiver prior to proceeding in the absence of a party. Likewise, where the party is represented by counsel, the party may waive the presence of his counsel at any session of the court. In the event of the absence of a party or his counsel, the record shall show such absence and the express waiver by the party. The record shall also affirmatively show the beginning and the end of the absence of any party or his counsel.

§ 719.414 Challenge.

(a) *The right.* Any member of a court of inquiry may be challenged at any time during the proceedings for cause stated to the court. The court will not receive a challenge to more than one member at a time. After disclosing his ground for challenge, the party may examine the member concerning that ground. This examination may or may not be under oath, at the discretion of the challenging party, but it shall be recorded verbatim. Counsel for the court may cross-examine the challenged member. After such examination and cross-exmination, any other evidence bearing on the cause for challenge will be heard.

(b) *Decision on challenge.* The burden of establishing the ground for challenge is on the party who made the challenge. The challenged member withdraws, when the court is cleared to determine the challenge. A majority or tie vote disqualifies the challenged member. The court decides the challenge according to the preponderance of the evidence. A sustained challenge is immediately reported to the convening authority. If it reduces the number of members below three, the court will adjourn until the convening authority appoints another member. If the membership is not reduced below three, the court may proceed with its inquiry unless otherwise directed by the convening authority.

§ 719.415 Oaths.

(a) *Reporter.* Every reporter shall, before entering upon his duties, make an oath or affirmation, administered by counsel for the court, in the following form:

> You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.

(b) *Court members.* Before the court begins the inquiry prescribed by the appointing order, counsel for the court

shall administer to the members the following oath or affirmation:

"You, AB, CD, and EF, do swear (or affirm) that you will faithfully perform all the duties incumbent upon you as members of this court, and that you will examine and inquire, according to the evidence, into the matter now before you without partiality. So help you God."

(c) *Counsel.* When the oath or affirmation has been administered to the members, the president of the court shall administer the following oath or affirmation to the counsel for the court, and his assistant counsel, if any (Counsel for the parties are not sworn):

You swear (or affirm) that you will faithfully perform the duties of counsel (assistant counsel) for this court. So help you God.

(d) *Interpreter.* Every interpreter shall, before entering upon his duties, make oath or affirmation, administered by counsel for the court, in the following form:

You swear (or affirm) that you will faithfully perform the duties of interpreter to this court. So help you God.

(e) *Challenged member.* If a challenged member is to be examined under oath as to his fitness to serve, counsel for the court shall administer the following oath or affirmation:

You swear (or affirm) that you will answer truthfully to the questions touching your competency as a member of the court in this case. So help you God.

(f) *Witnesses.* All person who testify before the court shall be examined on oath or affirmation, administered by by counsel for the court before they first testify, in the following form:

You swear (or affirm) that the evidence you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth. So help you God.

NOTE: In the administration of an affirmation, the word "affirm" is used in lieu of "swear." The words "so help you God," should be omitted in (1) administering an affirmation to one who does not believe in a Supreme Being; or (2) administering an affirmation to one whose individual religious belief forbids both his use of the word "swear" and a reference to the Supreme Deity in a secular proceeding.

§ 719.416 Order of presentation.

Witnesses are usually called for examination in the following order: Witnesses called by the counsel for the court; witnesses called by a party; witnesses called by counsel for the court in rebuttal; witnesses called by a party in rebuttal; and witnesses requested by the court. The order of examining each witness is usually direct examination, cross-examination, redirect examination, recross-examination, and examination by the court. Each witness will then be permitted to make a statement relating to matters pertinent to the inquiry not previously brought out in his testimony. Thereafter, counsel for the court or counsel for the parties will be permitted to examine the witness further concerning these matters as well as any matters touched upon in examination by the court. The foregoing order of presentation need not be followed when the court, in the exercise of its sound discretion, feels that a deviation therefrom will secure a more effective presentation of the evidence. However, such deviation shall not be permitted to prejudice the interests of any party to the inquiry.

§ 719.417 Attendance of witnesses.

It is the duty of counsel for the court to arrange for the attendance of all witnesses, both military and civilian. Witnesses may be summoned to appear and be examined before courts of inquiry in the same manner as provided for courts-martial. The provisions of paragraph 115, MCM and §§ 719.130–719.132 are applicable except that terminology peculiar to courts of inquiry will be understood to apply where appropriate. A warrant of attachment (see paragraph 115, MCM) shall not be issued by a court of inquiry without prior approval of the Secretary of the Navy (Judge Advocate General).

§ 719.418 Interviewing witnesses.

Counsel for the court, any party, and counsel for any party are not precluded from interviewing any witness at any time, regardless of whether such witness has previously testified.

§ 719.419 Exclusion of witnesses.

Witnesses other than a party ordinarily should be excluded from the courtroom except when they are testifying. In some cases expert witnesses may not be able to testify in an informed manner unless they are fully aware of all the circumstances surrounding the incident under inquiry. In such instances, and where the expert witness cannot give direct testimony concerning the incident, it is necessary to allow such expert to be present during the open sessions of the court in order that he may be sufficiently advised of the facts to give informed testimony as to the technical aspects of the incident. In these instances, the record must affirmatively show that the witness was present during the testimony of other witnesses.

§ 719.420 Examination of witnesses.

After a witness has been sworn, he should be informed of the nature of the inquiry unless it appears that he has been previously so informed. The court should protect every witness from improper questions, harsh or insulting treatment, and unneccessary inquiry into his private affairs. To prevent the false shaping of testimony through collusion, coercion, or other means, the court may request or direct a witness (see § 719.307) to refrain from discussing his testimony or prospective testimony with other witnesses or any other person not having an official interest in the inquiry. See sample record of a court of inquiry in appendix section 4d(6)[1] for form of instruction.

[1] Filed as part of the original document.

§ 719.421 Affidavits.

(a) *Conditions for use of affidavits.* When the testimony of a witness is desired by a court of inquiry, but it appears that the witness resides or is beyond the State, Territory, Commonwealth, or District of Columbia in which the court is sitting, or beyond the distance of one hundred miles from the place where the court is sitting; or that the witness, by reason of age, sickness, bodily infirmity, imprisonment, military necessity, nonamenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place where the court is sitting; or that the present whereabouts of the witness is unknown, an affidavit of such witness may be received in evidence by the court.

(b) *Situations in which depositions are desired.* If a situation arises in which it would be desirable to take a deposition pursuant to oral or written interrogatories, this may be accomplished in such manner as the court of inquiry may deem preferable after hearing presentations by counsel for the court and any party concerned. If there is any likelihood that the deposition might be required in a subsequent court-martial proceeding, the procedures should comply with paragraph 117, MCM and guidelines prescribed in decisions of the Court of Military Appeals.

§ 719.422 Documentary evidence.

The original of a document or writing is superior in evidentiary value to a copy. This is true even as regards modern photographic duplications which are susceptible to tampering through such devices as masking or page substitutions. Often, it is not feasible to incorporate originals in court of inquiry records due to such factors as inconvenience involved in obtaining them, or their required retention in official files, or for use in a subsequent court-martial or civil court proceeding. In such cases the record of proceedings should reflect the location of the original; contain the most reliable copy practicably obtainable; and indicate how its reliability was established, e.g., certificate of custodian of official records or comparison of copy with original document by counsel and/or members of the court of inquiry. A court of inquiry may receive a proffered copy of a document, noting upon the record at the time that later assurance of the veracity and authenticity of the document will be submitted to the court or to the convening or reviewing authorities for attachment to the record.

§ 719.423 Classified material.

See § 719.209(c).

§ 719.424 Exhibits.

(a) *General.* Exhibits will be numbered in the sequence in which they are received in evidence. It is ordinarily impracticable to attach real evidence (physical objects such as weapons, clothing, pieces of equipment, etc.) to the record. Such exhibits should be clearly and accurately described in the record by testimony or other means (photographs,

for example) so that they may be considered properly on review.

(b) *Custody.* At the conclusion of the inquiry, articles received in evidence should be delivered to the convening authority (his designated representative), to be preserved for subsequent use as evidence if disciplinary action is to be taken. When final action has been taken in the case, the articles shall be returned to their rightful owners. If the owners are not known appropriate disposition may be made of them.

(c) *Copies.* When original deck logs, bell books, or other naval records are received as exhibits, an accurate copy will be substituted when the record is prepared for submission. If damage of an admiralty nature is involved, the procedure set forth in part 752 of this chapter shall be followed.

§ 719.425 Communications with the convening authority.

If at any time during the course of the proceedings it should appear, from the evidence adduced or otherwise, that circumstances exist in the light of which the convening authority might consider it advisable to enlarge or restrict the scope of the inquiry, to alter the composition of the court (whether by augmentation or substitution), or to cancel or otherwise modify any instruction set forth in the appointing order, a report should be made to the convening authority. The court may include recommendations in this report. The convening authority may take such action on this report as he, in his discretion, deems appropriate. Copies of all such communications and replies should be appended to the record.

§ 719.426 Visiting scene of incident.

When practicable, it may be desirable to visit the scene of the incident. Usually no testimony is taken at the scene, the sole purpose being to acquaint the court with the physical characteristics of the scene. The court should normally be accompanied to the scene by counsel for the court, the parties and their counsel, and the reporter, but any party may waive attendance by either or both himself and his counsel.

§ 719.427 Statements of the parties.

Regardless of whether a party has previously testified as a witness, he may make an unsworn statement to the court after all the witnesses have testified and before the arguments. The party may not be cross-examined upon this unsworn statement. Counsel for the court or any of the other parties to the inquiry may, however, introduce evidence to rebut any statements of fact contained therein. The statement may be oral or written, and may be made by the party or his counsel. The statement should be factual, not argumentative, in nature.

§ 719.428 Arguments.

After the testimony and statements by the parties, if any, the counsel for the court and the counsel for the parties shall be permitted to present argument if they so desire. The impartial role of the counsel for the court required by § 719.405(c) shall not be abandoned. If counsel for the court presents argument, his remarks should be in the nature of a summation of the evidence rather than partisan advocacy. The counsel for the court has the right to make the opening argument and, if any argument is made on behalf of a party, the closing argument. The court may set any reasonable limitation on the length of arguments.

§ 719.429 Report by the court.

After all the evidence is in and all statements and arguments have been received, the court shall declare the inquiry closed. The court will then consider the evidence, statements, and arguments, and the instructions contained in the appointing order shall be carefully reexamined and scrupulously followed. At the request of the court, counsel therefor shall assist in the preparation of the findings of fact, opinions, and recommendations, or any part thereof. The report of findings of fact, opinions, and recommendations shall become a part of the record.

§ 719.430 Findings of fact.

The court, after deliberating on the evidence received during the inquiry, shall first proceed to record the facts found which constitute a detailed description of the matter investigated. Care shall be taken to state only facts. The findings of fact shall include only those facts which the court believes the evidence establishes, and nothing further. A fact need not be proved beyond a reasonable doubt to be listed as such; believable evidence in the record to support the finding is adequate. See appendix section 1c(1).[1]

§ 719.431 Opinions.

If opinions are called for in the appointing order, or required by regulations, the court shall list all of its opinions drawn from and supported by the facts. Depending upon the nature of the inquiry and the provisions of the appointing order, opinions include inferences drawn from the facts; opinions as to performance of duty by individuals concerned or as to performance of functions by equipment involved; and opinions required by regulation. For guidance as to what opinions must be expressed and opinions which will not be required or expressed in specific situations, see chapter VIII and IX of the Manual of the Judge Advocate General. See appendix section 4e(2).[1]

§ 719.432 Recommendations.

When the appointing order calls for recommendations, the court shall make such recommendations as are specifically directed and any others that, in its opinion, are appropriate and advisable in view of the nature of the facts found and opinions expressed. If any member of the court recommends trial by court-martial, a charge sheet, signed and sworn to by a member who has so recommended, shall be prepared and submitted to the convening authority with the record of proceedings. See paragraph 29, MCM. If a punitive letter of reprimand or admonition is recommended, a draft of the recommended letter will be prepared and forwarded with a record of proceedings. If a nonpunitive letter is recommended, a draft thereof will be separately forwarded to the appropriate commander. See appendix sections 1a,[1] 1b(1),[1] 1c(1),[1] and 4e(2).[1]

§ 719.433 Disagreement among members.

The report of the court shall be based upon the opinion of the majority. If a member does not concur with the findings, opinions, or recommendations of a majority of the court, he shall append his minority report to the record and state explicitly the parts of the majority report with which he disagrees and the reasons therefor. The minority report may also include additional findings of fact, opinions or recommendations. See appendix section 4e(2).[1]

§ 719.434 Obligation of secrecy.

Although not prohibited by his oath, no member or counsel for the court, or other person officially connected with the inquiry, shall disclose or publish any findings, opinions, or recommendations of the court or of the individual members without prior approval of the Secretary of the Navy (Judge Advocate General).

§ 719.435 Preparation and submission of the record.

(a) *Composition.* The record of proceedings of a court of inquiry shall include the original appointing order and any other communications from the convening authority. It shall contain the verbatim testimony of all witnesses and all proceedings of the court, except that, in the discretion of the court, arguments presented on behalf of the Government and any party to the inquiry may be summarized. Routine proceedings of the court may, however, be described in the past tense as actions taken in lieu of present tense recording of language actually used by participants; but this shall not include advice provided as to the rights of parties or statements or actions of parties respecting the exercise or waiver of such rights. The findings of fact, opinions, and recommendations shall be included as well as documents and exhibits received in evidence by the court. See § 719.424. A copy of the findings of fact, opinions, and recommendations shall be prefixed to the record. See sample record in appendix section 4d.[1]

(b) *Signing and authenticating.* All concurring members shall sign the record immediately under the findings of fact, opinions, and recommendations. This includes an officer who participated in only part of the proceedings (provided he participated at the time of the findings). Such limited participation shall be disclosed in the record of proceedings. In the case of a minority report, the respective reports must be

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signed by the members of the court concurring therein. The proceedings shall be authenticated by the signatures of the president and counsel for the court. In case the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president, and in case the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel (10 U.S.C. 935(h)). See appendix section 4c(3).[1]

(c) *Forwarding.* The record of proceedings, together with the number of complete copies required by the circumstances, shall be forwarded to the convening authority by the president using a short letter of transmittal. See appendix section 4b.[1]

§ 719.436 Action of the convening or reviewing authority on the record.

See § 719.210 and appendix section 4c.[1]

§ 719.437 Sample record.

The sample record of proceedings of a court of inquiry in appendix section 4d[1] may be used as a guide in the conduct of the proceedings of a court of inquiry. Nothing in the sample record, however, shall be considered as authority to depart from the provisions of this chapter. Deviations from the sample proceedings, when not inconsistent with the provisions of this chapter, may be made when appropriate and necessary to execute the primary mission of fact-finding more effectively. When procedural steps are taken which are not covered in the sample record, the provisions of appendix 8, MCM may be consulted for general guidance.

Subpart L—Formal Fact-Finding Bodies

Formal Boards

§ 719.501 Composition.

A formal board of investigation shall consist of two or more commissioned officers. When practicable, the senior member should be at least a lieutenant commander in the Navy or a major in the Marine Corps.

§ 719.502 Appointing order.

(a) *Authority to convene.* For persons authorized to convene a formal board of investigation, see § 719.206(b).

(b) *Form of appointing order.* Formal boards of investigation are convened by an appointing order signed by the convening authority. The appointing order shall be in official letter form addressed to the senior member of the board. When circumstances warrant, a formal board may be convened on oral or message orders. Written confirmation of oral and message orders will be issued in each case. Message orders and all confirmations of orders shall be included in the record of proceedings.

(c) *Contents of appointing order.* The appointing order of a formal board of investigation shall name the members and, when appropriate, separate counsel and parties. It shall specify the time and place for initial meeting. It shall recite the specific purposes of the inquiry and shall contain explicit instructions as to the scope of the inquiry. Inasmuch as the information developed by the investigative board is used not only by the convening authority but in many cases by authorities remote from the command, the appointing order should contain ample instructions to ensure the accomplishment of the purposes for which the investigation was convened. All formal boards shall be directed to report findings of fact. If the convening authority desires, he may also direct that opinions and recommendations be submitted. The appointing order may direct the administration of oaths to witnesses and the verbatim recording of the proceedings. In addition, it shall in every case state whether the formal board is or is not authorized to designate parties to the investigation. This authorization may be withheld despite the fact that the convening authority has, in the appointing order itself, designated a party or parties. This authorization may be granted broadly or it may be limited; that is the formal board may be empowered to designate as a party any person whose conduct or performance of duty may be subject to inquiry (subjection to the limitations contained in § 719.302(b)), or it may be empowered to designate parties from a specified class of persons, for example, officers. The appointing order may provide for the appointment of reporters and interpreters.

(d) *Seniority of members.* In those instances where the convening authority has designated or has authorized a formal board to designate parties, no member of the board should be junior in rank to any duly designated party. Should an officer senior to any member be designated a party during the proceedings, the convening authority shall be notified so that he may revise the membership in accordance with the seniority principle, if practicable. Whenever it has not been practicable to adhere to the seniority principle in membership, the convening authority shall state the reasons therefor in his action on the record of proceedings. The seniority principle is not applicable to counsel except when the junior member of a formal board is also acting as counsel.

(e) *Amendments.* The convening authority may amend the appointing order at any time to change the membership of the formal board, to limit or increase the scope of the inquiry, to name additional parties, or to provide additional instructions.

(f) *Advance copies.* On occasion it may be advantageous to forward an advance copy of the appointing order to interested superiors so that they may be apprised of significant occurrences and actions being taken in connection therewith.

§ 719.503 Duties of the senior member.

(a) *General.* The senior member shall preserve order, decide upon matters relating to the routine business of the board. He may recess or adjourn the board to meet at a specified time and place.

(b) *Rulings.* Should a member object to the senior member's ruling on any matter, a vote shall be taken in closed session and the decision of the majority shall govern. In case of a tie vote, the decision of the senior member shall govern.

(c) *Obtaining information.* Whenever it appears desirable to the members of a formal board that certain information be elicited or developed in the interest of establishing or clarifying any matter, the senior member will so advise the counsel for the board (appointed or junior member as the case may be) and, where appropriate, may direct counsel to call witnesses to pursue further lines of questioning, or adduce such other evidence as may be deemed advisable. The senior member and the other members may examine witnesses upon completion of examination by counsel.

§ 719.504 Members.

(a) *Attendance.* The attendance at the proceedings of a formal board of investigation becomes the primary duty of an officer appointed a member of the board. No member of the board shall fail in his attendance at the designated time and place unless prevented by illness, ordered away, or excused by competent authority.

(b) *Absence.* A formal board may, in the absence of a member, proceed with the investigation only if authorized and directed to do so by the convening authority. If it appears that a member will be absent for more than a short period of time, this fact shall be communicated to the convening authority who may appoint such new members as he may desire or direct that the investigation continue with the reduced membership.

(c) *Temporary absence.* When a member of a formal board who has been temporarily absent returns, the record of that part of the proceedings conducted in his absence shall be examined by him, and the record will reflect that this has been done. Such temporary absence does not preclude that member's full participation in the deliberations of the board relative to findings of fact, opinions, and recommendations.

§ 719.505 Counsel for the board.

(a) *General.* It is not mandatory that separate counsel be appointed for a formal board of investigation. The convening authority may, in his discretion, appoint a separate counsel for the board but if he does not do so, the junior member of the board will act as counsel. If the convening authority appoints counsel for the board, he may also appoint such assistance counsel for the board as he may desire.

(b) *Duties.* Counsel for the formal board, whether appointed or junior member, shall call witnesses and conduct the direct examination of all witnesses except those requested or called by a party. He shall arrange for a place of meeting of the board and for the assistance of reporters, interpreters, orderlies, and such

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clerical assistants as may be needed. Counsel for the board shall administer the oath or affirmation to the reporters, interpreters, and all witnesses. He shall also supervise the recording of the proceedings and the preparation of the record. It is the duty of the counsel for the board to bring out all the facts in an impartial manner without regard to the favorable or unfavorable effect on persons concerned.

(c) *Absence of counsel.* If the separately appointed counsel for the formal board is absent, the appointed assistant counsel, if any, may, in the discretion of the board, act as counsel and the proceedings may continue. Otherwise, the board shall communicate the fact of the absence to the convening authority who may appoint other counsel or assistant counsel, or may direct that the junior member of the board assume the duties of counsel and that the board continue with its proceedings.

(d) *Qualifications.* It is not necessary that counsel for a formal board of investigation have any particular qualifications. In the interest of orderly proceedings and when available, however, convening authorities are encouraged to appoint a qualified lawyer as counsel. If an understanding of the matters under investigation involves a high degree of technical knowledge, consideration should be given to the appointment of counsel or assistant counsel who possess this technical knowledge.

§ 719.506 Applicable Court of Inquiry provisions.

As a general rule, the principles and rules of procedure applicable to courts of inquiry set forth in Subpart K of this part are to be applied, insofar as practicable and are not otherwise modified by the provisions of this chapter. In addition to the applicable provisions of Subparts I and J of this part, the following sections of Subpart K of this part are applicable to formal boards of investigation:

Reporters and interpreters, § 719.407 (When a verbatim record of proceeding has been directed);
General procedure, § 719.408;
Preliminary procedures, § 719.409;
Meeting of the board, § 719.410;
Adjournment, § 719.411;
Rules of evidence, § 719.412;
Presence of party, § 719.413;
Order of presentation, § 719.416;
Interviewing witnesses, § 719.418;
Exclusion of witnesses, § 719.419;
Examination of witnesses, § 719.420;
Affidavits, § 719.421;
Documentary evidence, § 719.422;
Exhibits, § 719.424;
Communications with the convening authority, § 719.425;
Visiting scene of incident, § 719.426;
Statements of the parties, § 719.427;
Report by the board, § 719.429;
Findings of fact, opinions and recommendations, §§ 719.430–719.432;
Disagreement among members, § 719.433;
Obligation of secrecy, § 719.434; and
Preparation and submission of the record, § 719.435 (Provisions concerning a verbatim record are applicable only when the formal board of investigation has been directed to submit a verbatim record of proceedings.)

§ 719.507 Challenge.

(a) *Basis.* There is no authority to make or entertain a challenge of a member of a formal board of investigation. If, however, any party to an investigation has reason to believe that a member should not sit, he may present evidence to show such reason. A party may examine a member relative to his fitness as a member and such examination may be under oath at the discretion of the party. If requested, counsel for the board will administer the appropriate oath set forth in § 719.415.

(b) *Determination.* The board will not decide the issue but shall report the facts to the convening authority who shall determine if the member shall continue to sit. Copies of the communication and reply will be appended to the record.

§ 719.508 Oaths.

Members and counsel of a formal board of investigation need not be sworn. The appropriate oaths for reporters, interpreters, and witnesses (as set forth in § 719.415) shall be administered by counsel for the board.

§ 719.509 Attendance of witnesses.

A formal board of investigation has no power to subpena witnesses. Otherwise, the provisions of § 719.417 apply to formal fact-finding bodies.

§ 719.510 Arguments.

The provisions of § 719.428 apply to formal boards of investigation. If, however, the junior member of the board is designated or acts as counsel for the board, he shall not make an argument. In this event, only the parties or their counsel may make argument.

§ 719.511 Sample record.

The sample record of proceedings of a court of inquiry set forth in Appendix section 4b[1] may be used as a guide in the conduct of proceedings and preparation of the record of a formal board of investigation, with appropriate changes in terminology (for example, "board" must be substituted for "court" and "senior member" for "president"). Nothing in the sample record, however, shall be considered as authority to depart from the provisions of this chapter. Deviations from the sample proceedings, when not inconsistent with the provisions of this chapter may be made when appropriate and necessary to execute more effectively the primary fact-finding mission. When procedural steps are taken which are not covered in the sample record, the provisions of appendix 8, MCM may be consulted for general guidance.

FORMAL ONE-OFFICER INVESTIGATIONS

§ 719.512 Composition and appointment.

A formal one-officer investigation shall consist of one commissioned officer and may be convened in writing by any officer in command. See §§ 719.206(b) and 719.502. Whenever practicable, the investigating officer should be senior to any designated party. See § 719.502(d). Counsel for the investigation may be appointed, but is not required.

§ 719.513 Procedure.

A formal one-officer investigation is governed by the rules and principles prescribed for a formal board of investigation insofar as those rules and principles can be applied to a single officer investigation. The mission of the officer must be given primary consideration in the determination of procedural questions not covered by the sources of guidance. The investigating officer shall sign the record.

§ 719.514 Challenge.

A party has no right of challenge in a formal, one-officer investigation. If a party contends that the investigating officer cannot approach the fact-finding mission with an open mind, the facts should be reported to the convening authority for appropriate action. The officer designated to conduct the one-officer investigation is not subject to examination by the party.

Subpart M—Informal Investigations

§ 719.601 Composition and appointment.

Informal fact-finding bodies may be composed either of a single investigator or of two or more members. The single informal investigator and members of an informal board of investigation may be commissioned or warrant officers, senior enlisted persons, or mature civilian employees of the Department of the Navy. If practicable, the member or members of an informal investigation should not be junior to any person whose conduct or performance of duty will be subject to inquiry. Ordinarily, counsel is not appointed for an informal fact-finding body.

§ 719.602 Appointing order.

(a) *General.* Informal fact-finding bodies may be convened by either an oral or written order of any officer in command (see § 719.206(b)). In any case in which other than commissioned officers are appointed, or in which the appointing order expressly convenes an informal board of investigation, the fact-finding body so convened will be an informal fact-finding body under this part. A sample appointing order is contained in appendix section 6a.[1]

(b) *Content.* In every case the appointing order should direct the fact-finding body to report findings of fact. When opinions and/or recommendations are desired the appointing order should expressly direct their submission. In any case or doubt or ambiguity as to the scope and extent of the investigation desired, the appointing order should recit the specific purpose of the investigation and provide explicit instructions as to the scope of the inquiry. The appointing order may direct that testimony or statements of some or all witnesses be taken

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under oath and may direct that testimony of some or all witnesses be recorded verbatim. In any case in which it is directed that testimony be taken under oath and/or recorded verbatim, the convening authority should expressly indicate that the investigation is nonetheless "informal." In any case in which detailed instructions are provided to an informal fact-finding body, consideration should be given to the issuance of a written appointing order.

§ 719.603 Parties.

Parties may not be designated by the convening authority or by the fact-finding body in an informal investigation.

§ 719.604 Oaths.

A single informal investigator and members of informal boards usually are not sworn. When an informal fact-finding body takes testimony or statements of witnesses under oath, it should utilize the oath prescribed in § 719.415.

§ 719.605 Procedures.

Inasmuch as an informal fact-finding body does not perform the collateral function of affording a hearing (see § 719.201(b)(2)), it is free to determine and utilize the most effective methods of seeking out, uncovering, collecting, analyzing, and recording all information which is or may be relevant to a determination of all the facts and circumstances of the subject under inquiry. For example, if a board, it may divide aspects, witnesses, or evidentiary facets of the inquiry among the members for individual investigation and development, holding no collective meeting until an initial review is made of all the information collected to determine its completeness. It may call witnesses before the assembled members to present testimony in a formal manner or it may obtain relevant information from the witnesses by informal personal interview, correspondence, telephone inquiry, or other means. In short, an informal fact-finding body may employ any method which it finds most efficient and effective in performing its investigative function.

§ 719.606 The investigation.

(a) *General.* Facts and circumstances of an incident or matter under investigation are most often proved or disapproved by: (1) inferences drawn from real (tangible) evidence; (2) documentary evidence; and (3) testimony or statements of witnesses. In addition, some facts or circumstances may be of such common, indisputable knowledge that no need exists to obtain specific evidence to support them. In this latter category are, for example, general facts and laws of nature, general facts of history, the locations of major elements of the Navy or Marine Corps, the organization of the Department of Defense and its components, and similar items. This includes, but is not necessarily limited to, those matters of which judicial notice may be taken (see paragraph 147 MCM).

(b) *Real evidence.* Whenever the condition, location, or other characteristic of an item of real evidence is of value in tending to establish the existence or nonexistence of a fact, that item or a photograph, description, or other suitable reproduction thereof should be included in the report of investigation, together with the necessary statements of witnesses identifying the item and certifying to the accuracy of the reproduction. If the physical layout of a room, compartment, or other structure is relevant, the investigation should consider the desirability of including plans or charts of the space. If the interrelated location of items in a general area is of factual significance, maps, aerial photographs, or similar projections may be of value in the report. In addition, the investigator or board members should not overlook their own value as witnesses respecting real evidence. If a member observes an item and gains impressions therefrom not adequately portrayed by a photograph, chart, map, or other representation, he should record his impressions concerning the items and include such statement as an enclosure to the report.

(c) *Documentary evidence.* Documentary evidence is that taken from records, documents, letters, diaries, reports, existing statements, and other written, printed, or graphic sources by which the existence or nonexistence of a fact may be indicated. This type of evidence is often the best and most persuasive evidence available. Single investigators and boards should be alert to discover all such items which may be relevant to the matter under inquiry and to attach the originals or copies thereof to the report.

(d) *Testimony or statements of witnesses*—(1) *Witnesses not suspected of misconduct or improper performance of duty.* Ordinarily, statements of witnesses will be obtained during an informal interview in which the witness relates his knowledge and it is then reduced to writing and signed; however, in the discretion of the single investigator or board, witnesses may be called and their testimony elicited by means of recorded questions and answers. If a signed statement is obtained, the single investigator or board may assist the witness in preparing his written statement to avoid excessive inclusion of irrelevant material or the omission of important facts and circumstances which are within the knowledge of the witness. However care should be taken to ensure that the statement is phrased in the actual language of the witness. The interviewer must scrupulously avoid coaching the witness or suggesting the existence or nonexistence of material fact.

(2) *Witnesses suspected of an offense, misconduct, or improper performance of duty.* In the case of a witness suspected of an offense, see 10 U.S.C. 831(b). If it appears probable that a prosecution of the individual for the suspected offense may ensue, then refer to appendix section 1n.[1] Ordinarily the investigator or board should collect all relevant information from all available sources other than persons suspected of offenses, misconduct, or improper performance of duty before interviewing such persons. Before interviewing a person in the Armed Forces who is suspected of misconduct or improper performance of duty, the person concerned should be advised generally of the nature of the inquiry and of the possible effect of an ultimate adverse determination. Such person should then be given an opportunity to discuss the matter with someone not acting for the Government in connection with the investigation.

(3) *Witnesses suffering from a disease or injury.* A member of the Armed Forces, prior to being asked to sign any statement relating to the origin, incurrence, or aggravation of any disease or injury that he has suffered, shall be advised that he has a statutory right not to sign such a statement and that he therefore may not be required to do so. See § 719.306.

(e) *Rules of evidence.* An informal fact-finding body is not bound by the formal rules of evidence applicable before courts-martial and may collect, consider and include in the record any matter of reasonable believability or authenticity which is relevant to the matter under inquiry. In general, however, care should be taken to authenticate (indicate the genuineness of) real and documentary items or reproductions thereof enclosed with the report by certifications of correctness of copies or statements of authenticity, as may be appropriate. The statement of a witness should be signed by the witnesses or should be certified to be either an accurate summary, or the verbatim transcript, of oral statements made by them.

(f) *Participation of an expert as a member.* A person possessing technical knowledge may be appointed to an informal fact-finding body either for full participation or for the limited purpose of utilizing his special experience. If appointed for this limited purpose, he need not participate in any aspect of the inquiry that does not concern his specialty. The investigative report in such cases will make clear any limited participation by a member.

(g) *Classified material.* See § 719.209(c).

§ 719.607 Communications with convening authority.

If at any time during the investigation it should appear, from the evidence adduced or otherwise, that circumstances exist in the light of which the convening authority might consider it advisable to enlarge, restrict, or otherwise modify the scope of the inquiry or to change in any respect any instruction provided in the appointing order, a report should be made to the convening authority. The convening authority may take such action on this report as he, in his discretion, deems appropriate.

§ 719.608 Investigative report.

(a) *Form and contents in general.* In all cases an investigative report shall be submitted in letter form. It shall consist of a preliminary statement, findings of fact, opinions and recommendations when so directed by the convening authority, and enclosures.

[1] Filed as part of the original document.

(b) *Preliminary statement.* The purpose of the preliminary statement is to inform the convening and reviewing authorities that the requirements as to procurement of all reasonably available evidence and the directives of the convening authority have been met. After setting forth the nature of the investigation, it should set forth in detail the difficulties encountered in the investigation, if any; any limited participation in the investigation by a member; and any other information necessary for a complete understanding of the case. The itinerary of the investigator or board in obtaining information is not required. The preliminary statement does not obviate the necessity for findings of fact as to pertinent material matters. For example, despite expressions in both the subject and the preliminary statement that an investigation is concerned with the crash of an airplane and resulting fatal injuries to the pilot, the initial findings of fact should set forth in detail the description of the airplane, time and place of the accident, the identity of the pilot, etc.

(c) *Findings of fact.* The findings of fact represent the evaluation of the evidence and information received and collected. These findings must be as specific as possible as to times, places, persons, and events. Each fact may be made a separate finding, or facts may be grouped into a narrative. It is for the fact-finding body to determine which method is the most effective in the presentation of a particular case.

(d) *Opinions.* Opinions are the logical inferences or conclusions which flow from the facts. The investigation will express its opinions when directed to do so by the convening authority. For guidance as to the opinions normally required in specific situations, see chapters VIII and IX of the Manual of the Judge Advocate General.

(e) *Recommendations.* Recommendations will be made only when the convening authority has so directed in his order appointing the fact-finding body. If required, such recommendations as are specifically directed and those which appropriately flow from the findings of fact and expressed opinions shall be made. If trial by court-martial is recommended, a charge sheet, signed and sworn to by a member joining in the recommendation, shall be prepared and submitted as an enclosure to the investigative report. See paragraph 29, MCM. If a punitive letter of reprimand or admonition or a nonpunitive letter is recommended, a draft of the recommended letter shall be prepared and forwarded as an enclosure to the investigative report. See Appendix section 1a, b, and c.[1]

(f) *Enclosures.* The written appointing order, if any, will be the first enclosure. Subsequent enclosures will contain all the evidence developed by the investigation. Each statement, affidavit, transcript of testimony, photograph, map, chart, document, or other exhibit will be made a separate enclosure. The signatures of the board members to the basic report constitute authentication of all enclosures thereto; individual authentication or witnessing, however, is indicated in the situations dealt with in § 719.606 (b), (c), and (e).

(g) *Signing and authentication.* (1) All persons who participated in the investigation shall sign the investigative report. This includes all persons who participated in the investigation at the time of the findings, even though their participation was limited.

(2) If there are two members of an informal board of investigation and they cannot agree on findings of fact, opinions, or recommendations, the report shall be signed by the senior member. The other member shall, in a signed dissenting report, state clearly the parts of the report with which he disagrees, and his reasons therefor. If the informal board consists of three members, the majority shall provide the report of the board and the signed minority report of the dissenting member, stating his reasons for dissent, shall be included.

§ 719.609 Sample report.

A sample informal investigative report is contained in appendix section 6b.[1]

The provisions of this part are effective October 1, 1970.

[SEAL] D. C. CHAPMAN,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

JULY 10, 1970.

[F.R. Doc. 70-9122; Filed, July 23, 1970; 8:45 a.m.]

[1] Filed as part of the original document.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in subparagraph (e) (13) relating to the State of Texas, subdivision (i) relating to Cottle County and subdivision (vi) relating to San Jacinto County are deleted.

[1] Filed as part of the original document.

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

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

The amendment excludes portions of Cottle and San Jacinto Counties in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 70-9546; Filed, July 23, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68-CE-18-AD; Amdt. 39-1040]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 95 and 95-55 Series Airplanes

Amendment 39-702 (34 F.R. 8, 9), as amended by Amendment 39-712 (34 F.R. 1008, 1009), AD 68-26-6, applicable to Beech Models 95 and 95-55 series airplanes, is an AD which prohibits turning type takeoffs or takeoff immediately following a fast taxi turn and requires the installation of a permanent type placard listing these prohibited maneuvers.

Subsequent to the issuance of these amendments the manufacturer has designed new fuel cells for Beech Models 95 and 95-55 series airplanes. These fuel cells retain a quantity of fuel at their outlets and thereby prevent loss of engine power which occurred with the previous cells when the airplane performed

maneuvers prohibited by the AD. Beech Kit 35-9009S provides these new fuel cells and installation information. When these fuel cells are installed in both wings in these model airplanes, AD 68-26-6 is no longer applicable. Accordingly, a paragraph C is being added to AD 68-26-6 to cover this exemption.

Since this amendment is relaxatory in nature and is in the interest of safety, it imposes no additional burden on any person. Consequently, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), Amendment 39-702 (34 F.R. 8, 9), as amended by Amendment 39-712 (34 F.R. 1008, 1009), AD 68-26-6, is amended by adding a paragraph C which reads as follows:

(c) Airplanes in which fuel cells have been installed in both wings in accordance with Beech Kit 35-9009S are exempt from compliance with this AD. When this installation has been accomplished remove the placard and revision to the Airplane Flight Manual required by Paragraph B of the AD.

This amendment becomes effective July 24, 1970.

(Secs. 313(a), 601 and 603 of the 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 Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-9581; Filed, July 23, 1970; 8:50 a.m.]

[Airspace Docket No. 70-WE-39]

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

Alteration of Transition Area

On June 2, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8501) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Ontario, Oreg., 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., September 17, 1970.

(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 July 15, 1970.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (35 F.R. 2134) the description of the Ontario, Oreg., transition area is amended to read as follows:

ONTARIO, OREG.

That airspace extending upward from 700 feet above the surface within 4.5 miles west and 9.5 miles east of the 168°and 348° bearings from the Ontario, Oreg., RBN, extending from 18.5 miles south to 6 miles north of the RBN.

[F.R. Doc. 70-9532; Filed, July 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-42]

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

Alteration of Control Zone

On June 4, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8667) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Phoenix, Arizona (Luke Air Force Base), 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., September 17, 1970.

(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 July 15, 1970.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (35 F.R. 2054) the description of the Phoenix, Ariz. (Luke Air Force Base) control zone is amended to read as follows:

PHOENIX, ARIZ. (LUKE AFB)

Within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) within 2 miles each side of the Luke TACAN 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the TACAN, and within 2 miles each side of the Luke TACAN 209° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the Luke TACAN.

[F.R. Doc. 70-9533; Filed, July 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-44]

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

Alteration of Control Zone, Transition Area, and Federal Airway

On June 10, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8945) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Laramie, Wyo., control zone, transition area, and Federal Airway V-4.

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

Effective date. These amendments shall be effective 0901 G.m.t., September 17, 1970.

(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 July 15, 1970.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (35 F.R. 2054) the description of the Laramie, Wyo., control zone is amended to read as follows:

LARAMIE, WYO.

Within a 5-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Laramie, Wyo., transition area is amended to read as follows:

LARAMIE, WYO.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 5 miles each side of the Laramie VORTAC 301° radial, extending from the 9-mile radius area to 11.5 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 9.5 miles northeast of the Laramie VORTAC 301° radial, extending from the VORTAC to 19 miles northwest of the VORTAC.

In § 71.123 (35 F.R. 2009) alter V-4 by deleting all between "* * * Cherokee, Wyo." and "* * * Denver, Colo., * * *" and substitute "Laramie, Wyo.;" therefor.

[F.R. Doc. 70-9534; Filed, July 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SW-9]

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

Designation of Transition Area

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

On March 6, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 4216) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Santa Elena, Tex.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

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

SANTA ELENA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Diamond "O" Ranch Airport (lat. 26°43'10" N., long. 98°33'25" W.), and within 3.5 miles each side of the 359° bearing from the Santa Elena RBN (lat. 26°43'07" N., long. 98°33'37" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

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

Issued in Fort Worth, Tex., on July 14, 1970.

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

[F.R. Doc. 70-9535; Filed, July 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SW-21]

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

Designation of Transition Area

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

On May 21, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7818) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Cushing, Okla.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

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

CUSHING, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cushing Municipal Airport (lat. 35°57'00" N., long. 96°46'30" W.), and within 3.5 miles each side of the 180° bearing from the Cushing RBN (lat. 35°53'24" N., long. 96°45'30" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

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

Issued in Fort Worth, Tex., on July 14, 1970.

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

[F.R. Doc. 70-9536; Filed, July 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SW-29]

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

Alteration of Transition Area

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

On May 9, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7303) stating the Federal Aviation Administration proposed to alter the Blytheville, Ark., transition area. The proposal described only a 700-foot portion. It was stated that additional controlled airspace with a floor of 1,200 feet above the surface is required and that it was included in a separate proposal for the Arkansas transition area. The Arkansas proposal included a proposal to amend the 1,200-foot portion of the Blytheville transition area to exclude the portions within the Arkansas and Tennessee transition areas. Although no mention was made of the existing 5,000-foot MSL portion of this transition area, it was not intended that this portion be revoked. Action is taken herein to retain the existing 1,200-foot portion which lies outside the States of Arkansas and Tennessee and to retain the 5,000-foot MSL portion.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

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

BLYTHEVILLE, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (lat. 35°57'50" N., long. 89°56'40" W.), excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (lat. 35°56'15" N., long. 89°49'45" W.), within 4 miles east and 7 miles west of a 005° bearing from the Hicks RBN (lat. 35°57'52" N., long. 89°49'35" W.), extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport; and that airspace extending upward from 1,200 feet above the surface within the States of Kentucky and Missouri south of a line beginning on the Arkansas/Missouri State line at lat. 36°26'25" N., thence to lat. 36°20'00" N., long. 89°59'00" W., to lat. 36°20'00" N., long. 89°49'30" W., to lat. 36°33'30" N., long. 89°34'00" W., to lat. 36°28'00" N., long. 89°19'00" W.; and that airspace extending upward from 5,000 feet MSL bounded by a line beginning at lat. 36°33'30" N., long. 89°34'00" W., to lat. 37°03'00" N., long. 89°19'00" W., to lat. 36°58'30" N., long. 89°00'00" W., to lat. 36°28'00" N., long. 89°19'00" W., to point of beginning excluding the portion within the Tennessee transition area, the Paducah, Ky., transition area and the portion extending upward form 5,000 feet MSL within Federal airways.

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

Issued in Fort Worth, Tex., on July 14, 1970.

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

[F.R. Doc. 70-9537; Filed, July 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SW-32]

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

Alteration of Transition Area

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

On May 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8369) stating the Federal Aviation Administration proposed to alter the San Antonio transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the San Antonio, Tex., transition area is amended to read:

SAN ANTONIO, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 29°22'30" N., long. 97°47'00" W., thence west via lat. 29°22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at lat. 29°31'50" N., long. 98°28'12" W., to lat. 29°13'15" N., long. 98°20'00" W., thence southeast to lat. 29°05'30" N., long. 98°14'30" W., thence southwest to lat. 29°01'40" N., long. 98°21'40" W., thence northwest to lat. 29°06'30" N., long. 98°34'10" W., thence north to the 23-mile radius circle at lat. 29°12'00" N., long. 98°32'40" W., thence clockwise along the arc of the 23-mile radius circle to lat. 29°46'30" N., long. 98°12'30" W., thence to lat. 29°43'00" N., long. 98°01'30" W., thence to point of beginning, and within 5 miles northeast and 8 miles southwest of the La Vernia VOR 149° radial extending from the VOR to 12 miles southeast.

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

Issued in Fort Worth, Tex., on July 14, 1970.

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

[F.R. Doc. 70-9538; Filed, July 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SW-34]

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

Alteration of Control Zones and Transition Areas and Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Little Rock, Ark. (Adams Field) and (Little Rock AFB), and Pine Bluff, Ark., control zones and the Little Rock, Pine Bluff, and Stuttgart, Ark., transition areas and revoke the Benton, Ark., transition area.

On June 2, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8500) stating the Federal Aviation Administration proposed to alter controlled airspace in the Benton, Little Rock, Pine Bluff, and Stuttgart, Ark., terminal areas.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

(1) In § 71.171 (35 F.R. 2054), the Little Rock, Ark. (Adams Field), control zone is amended to read:

LITTLE ROCK, ARK. (ADAMS FIELD)

Within a 5-mile radius of Adams Field (lat. 34°43'45" N., long. 92°13'45" W.), within 1.5 miles each side of the ILS localizer southwest course extending from the 5-mile radius zone to the LOM, and within 3.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 12 miles northeast of the airport excluding the portion within the Little Rock, Ark. (Little Rock AFB), control zone.

(2) In § 71.171 (35 F.R. 2054), the Little Rock, Ark. (Little Rock AFB), control zone is amended to read:

LITTLE ROCK, ARK. (LITTLE ROCK AFB)

Within a 5-mile radius of Little Rock AFB (lat. 34°55'05" N., long. 92°08'45" W.), within 1.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 1.5 miles west of the OM, within 1.5 miles each side of the Jacksonville TACAN 076° radial extending from the 5-mile radius zone to 6.5 miles east of the TACAN, within 2 miles each side of the extended centerline of Runway 24 extending from the 5-mile radius zone to 6 miles southwest of the airport, and within 1.5 miles each side of the Jacksonville TACAN 241° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN.

(3) In § 71.171 (35 F.R. 2054), the Pine Bluff, Ark., control zone is amended by deleting "* * * the Pine Bluff VOR TAC 185° radial * * *" and substituting "* * * the Pine Bluff VORTAC 186° radial * * *" therefor.

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

LITTLE ROCK, ARK.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 34°39'15" N., long. 92°36'-00" W., thence to lat. 35°06'00" N., long. 92°18'00" W., to lat. 35°06'00" N., long. 91°58'00" W., to lat. 34°47'00" N., long. 91°-56'00" W., to lat. 34°31'00" N., long. 92°01'-00" W., to lat. 34°26'00" N., long. 92°30'00" W., to lat. 34°28'00" N., long. 92°36'00" W., thence clockwise along the arc of a 6.5-mile radius circle centered at lat. 34°33'30" N., long. 92°36'30" W. to point of beginning.

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

PINE BLUFF, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grider Field (lat. 34°10'35" N., long. 91°55'55" W.), and within 5 miles each side of the Little Rock VORTAC 137° radial and the Pine Bluff VORTAC 007° and 186° radials extending from the Little Rock, Ark., transition area to 22.5 miles south of the Pine Bluff VORTAC.

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

STUTTGART, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stuttgart Municipal Airport (lat. 34°36'15" N., long. 91°34'30" W.), and within 3.5 miles each side of the 350° bearing from the Stuttgart RBN (lat. 34°39'52" N., long. 91°35'30" W.) extending from the 6.5-mile radius area to 11.5 miles north of the RBN.

(7) In § 71.181 (35 F.R. 2134), the Benton, Ark., 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 Forth Worth, Tex., on July 16, 1970.

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

[F.R. Doc. 70-9539; Filed, July 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SW-35]

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

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Forrest City, Ark., and West Helena, Ark., transition areas.

On June 2, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8501) stating the Federal Aviation Administration proposed to alter controlled airspace in the Forrest City and West Helena terminal areas.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

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

FORREST CITY, ARK.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Forest City Municipal Airport (lat. 34°56'42" N., long. 90°46'16" W.), and within 3.5 miles each side of the 180° bearing from the Forrest City RBN (lat. 34°56'28" N., long. 90°46'24" W.) extending from the 5.5-mile radius area to 11.5 miles south of the RBN.

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

WEST HELENA, ARK.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Thompson-Robbins Airport (lat. 34°34'29" N., long. 90°40'48" W.), and within 3.5 miles each side of the 350° bearing from The Thompson-Robbins RBN (lat. 34°34'16" N., long. 90°40'33" W.) extending from the 5.5-mile radius area to 11.5 miles north of the RBN.

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

Issued in Fort Worth, Tex., on July 16, 1970.

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

[F.R. Doc. 70-9540; Filed, July 23, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SW-25]

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

Designation, Alteration and Revocation of Transition Areas

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

On May 21, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7817) stating the Federal Aviation Administration proposed to designate the Arkansas transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

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

ARKANSAS

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Arkansas.

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

Batesville, Ark.	Flippen, Ark.
Cherokee Village, Ark.	Greenville, Miss.
Crossett, Ark.	Memphis, Tenn.
Decatur, Ark.	Walnut Ridge, Ark.

In § 71.181 (35 F.R. 2134), the 1,200-foot portions of the following transition areas are amended by changing the last period to a comma and adding "excluding the portion within the State of Arkansas." thereto:

Fort Smith, Ark.	Tulsa, Okla.

In § 71.181 (35 F.R. 2134, 7177), the 1,200-foot portion of the Point Lookout, Mo., transition area is amended by changing the period to a comma and adding "excluding the portion within the State of Arkansas." thereto.

In § 71.181 (35 F.R. 2134), the Poplar Bluff, Mo., transition area is amended by deleting all after "extending from 6 miles north" and substituting "to the Arkansas transition area, and within 5 miles each side of the 075° bearing from the Earl Fields Memorial Airport extending from the airport to V-9." therefor.

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

Issued in Fort Worth, Tex., on July 14, 1970.

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

[F.R. Doc. 70-9541; Filed, July 23, 1970; 8:47 a.m.]

[Airspace Docket No. 69-SW-73]

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

Alteration of Transition Area

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

On December 13, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19660) stating the Federal Aviation Administration proposed to alter this transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Fort Stockton, Tex., transition area is amended to read:

FORT STOCKTON, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos County Airport (lat. 30°55'00" N., long. 102°54'30" W.), within 6 miles each side of the Fort Stockton VORTAC 308° and 128° radials extending from the 6-mile radius area to 8 miles northwest of the VORTAC, and within 7 miles each side of the Fort Stockton VORTAC 128° radial extending from 9 miles southeast to 21 miles southeast of the VORTAC.

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

Issued in Fort Worth, Tex., on July 14, 1970.

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

[F.R. Doc. 70-9542; Filed, July 23, 1970; 8:47 a.m.]

[Airspace Docket No. 70-PC-3]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R-3108 at Kauna Point, Hawaii.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to make appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

In § 73.31 (35 F.R. 2327) R-3108 Kauna Point, Hawaii, 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 Washington, D.C., on July 20, 1970.

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

[F.R. Doc. 70-9543; Filed, July 23, 1970; 8:47 a.m.]

[Docket No. 10446; Amdt. No. 713]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.11 is amended by establishing, revising, or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective August 20, 1970.

Muskegon, Mich.—Muskegon County Airport; ADF-1, Amdt. 3; Canceled.
Niles, Mich.—Jerry Tyler Memorial Airport; VOR 1, Amdt. 4; Canceled.
Visalia, Calif.—Visalia Municipal Airport; VOR 1, Amdt. 1; Canceled.

Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective August 20, 1970.

Winfield-Arkansas City, Kans.—Strother Field; VOR/DME Runway 35, Orig.; Canceled.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective August 20, 1970.

Allendale, S.C.—Allendale Co. Airport; VOR-A, Orig.; Established.
Benton Harbor, Mich.—Ross Field; VOR Runway 9, Amdt. 1; Revised.
Benton Harbor, Mich.—Ross Field; VOR Runway 27, Amdt. 9; Revised.
Bishop, Calif.—Bishop Airport; VOR-1, Orig.; Canceled.
Findlay, Ohio—Findlay Airport; VOR Runway 7, Amdt. 4; Revised.
Fredericksburg, Va.—Shannon Airport; VOR Runway 23, Amdt. 2; Revised.
Huntington, Ind.—Huntington Municipal Airport; VOR-1, Original; Established.
Lancaster, Pa.—Lancaster Airport; VOR Runway 8, Amdt. 5; Revised.
Lancaster, Pa.—Lancaster Airport; VOR Runway 31, Amdt. 5; Revised.
Lima, Ohio—Allen County Airport; VOR Runway 27, Amdt. 6; Revised.
Montgomery, N.Y.—Orange County Airport; VOR Runway 8, Amdt. 3; Revised.
Muskegon, Mich.—Muskegon County Airport; VOR-1, Amdt. 7; Revised.
Niles, Mich.—Jerry Tyler Memorial Airport; VOR Runway 3, Orig.; Established.
Princeton, N.J.—Princeton Airport; VOR-1, Amdt. 1; Revised.
Somerville, N.J.—Somerset Airport; VOR Runway 8, Amdt. 6; Revised.
Visalia, Calif.—Visalia Municipal Airport; VOR Runway 12, Orig.; Established.

Visalia, Calif.—Visalia Municipal Airport; VOR Runway 30, Orig.; Established.
Winfield-Arkansas City, Kansas—Strother Field; VOR Runway 35, Orig.; Established.
Goldsboro, N.C.—Goldsboro-Wayne Airport; VOR/DME No. 1, Orig.; Established.
Savannah, Tenn.—Savannah Municipal Airport; VOR/DME Runway 18, Orig.; Established.

Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective August 20, 1970.

Benton Harbor, Mich.—Ross Field; LOC Runway 27, Amdt. 1; Revised.
Chattanooga, Tenn.—Lovell Field; LOC (BC) Runway 2, Amdt. 10; Revised.
Joplin, Mo.—Joplin Municipal Airport; LOC (BC) Runway 31, Amdt. 12; Revised.
Montgomery, N.Y.—Orange County Airport; LOC Runway 3, Orig.; Established.
Rochester, Minn.—Rochester Municipal Airport; LOC (BC) Runway 13, Amdt. 5 Revised.

Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective August 20, 1970.

Batesville, Ark.—Batesville Municipal Airport; NDB (ADF)-1, Amdt. 4; Revised.
Benton Harbor, Mich.—Ross Field; NDB (ADF) Runway 27, Amdt. 1; Revised.
Binghamton, N.Y.—Broome County Airport; NDB (ADF) Runway 34, Amdt. 11; Revised.
Carbondale-Murphysboro, Ill.—Southern Illinois Airport; NDB (ADF) Runway 18, Amdt. 2; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB (ADF) Runway 34L, Amdt. 9; Revised.
Greenville, Ill.—Greenville Airport; NDB (ADF) Runway 18, Amdt. 1; Revised.
Joplin, Mo.—Joplin Municipal Airport; NDB (ADF) Runway 13, Amdt. 15; Revised.
Lancaster, Pa.—Lancaster Airport; NDB (ADF) Runway 8, Amdt. 10; Revised.
Lima, Ohio—Lima Airport; NDB (ADF) Runway 9, Amdt. 1; Revised.
Miami, Fla.—Dade-Collier Training and Transition Airport; NDB (ADF) Runway 9, Amdt. 1; Revised.
Montgomery, N.Y.—Orange County Airport; NDB (ADF) Runway 3, Orig.; Established.
Muskegon, Mich.—Muskegon County Airport NDB (ADF) Runway 32, Orig.; Established.
Newburgh, N.Y.—Stewart Airport; NDB (ADF) Runway 9, Orig.; Established.
Oakland, Calif.—Metropolitan Oakland International Airport; NDB (ADF) Runway 29, Amdt. 7; Revised.
Pittsfield, Maine—Pittsfield Municipal Airport; NDB (ADF) Runway 1, Amdt. 1; Revised.
Titusville, Fla.—TI-CO Airport; NDB (ADF) Runway 18, Amdt. 1; Revised.
Wabash, Ind.—Wabash Municipal Airport; NDB (ADF) Runway 27, Orig.; Established.
Wauseon, Ohio—Fulton County Airport; NDB (ADF) Runway 27, Orig.; Established.
Willoughby, Ohio—Lost Nation Airport; NDB (ADF) Runway 9, Amdt. 4; Revised.
Willoughby, Ohio—Lost Nation Airport; NDB (ADF) Runway 27, Amdt. 7; Revised.
Winfield-Arkansas City, Kans.—Strother Field; NDB (ADF) Runway 35, Orig.; Established.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective August 20, 1970.

Binghamton, N.Y.—Broome County Airport; ILS Runway 34, Amdt. 14; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 32L, Amdt. 10; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; Parallel ILS Runway 32L, Amdt. 2; Revised.
Miami, Fla.—Dade-Collier Training and Transition Airport; ILS Runway 9, Amdt. 1; Revised.
Joplin, Mo.—Joplin Municipal Airport; ILS Runway 13, Amdt. 14; Revised.
Muskegon, Mich.—Muskegon County Airport; ILS Runway 32, Amdt. 6; Revised.

Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective August 20, 1970.

Broomfield, Colo.—Jeffco Airport; Radar-1, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on July 15, 1970.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 F.R. 5610).

[F.R. Doc. 70-9506; Filed, July 23, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Barley Loan and Purchase Program

Correction

In F.R. Doc. 70-8808 appearing at page 11166 of the issue for Saturday, July 11, 1970, the word "scheduled" in the penultimate line of § 1421.58(c)(2)(i) should read "established".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8794]

PART 13—PROHIBITED TRADE PRACTICES

Chinchilla Producers Association of Colorado, Inc., and James E. Martin

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-125 Individual or private business being: 13.15-125(a) Association: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1460 *Individual or private business as professional person, association or guild;* Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Chinchilla Producers Association of Colorado, Inc. et al., Denver, Colo., Docket No. 8794, June 23, 1970]

In the Matter of Chinchilla Producers Association of Colorado, Inc., a Corporation, and James E. Martin, Individually and as an Officer of Said Corporation

Consent order requiring a Denver, Colo., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, misrepresenting the training and services available to purchasers, and misusing the word "association" in its trade name.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Chinchilla Producers Association of Colorado, Inc., a corporation, and its officers, and James E. Martin, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication; that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, or spare buildings, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for, and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive pedigreed or select quality chinchillas.

5. Each female chinchilla purchased from respondents and each female offspring will produce at least four live young per year.

6. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla from respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to five live offspring at 111-day intervals.

8. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla from respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $25 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from $20 to $60 each.

10. Chinchilla pelts from the offspring of respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of pelts from chinchillas of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

11. A purchaser starting with three females and one male will have, from the sale of pelts, an annual income, earnings or profits of $20,250 in the fourth year after purchase.

12. Purchasers of respondents' breeding stock will realize earnings, profits, or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits, or income of purchasers or respondents' breeding stock unless in fact the past earnings, profits, or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits, or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

14. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all of their obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

15. Purchasers of respondents' chinchilla breeding stock will receive service calls from respondents' service personnel four times a year for the first year after purchase of the animals or at any other interval or frequency unless purchasers do in fact receive the represented number of service calls at the represented interval or frequency.

16. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

17. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

18. Chinchilla mutation breeding stock has a market value of $1,500 each or any other price or range of prices; or that the pelts of chinchilla mutants having a white, silver or beige color or any other color generally sell for $75 to $150 each or any other price, average price or range of prices.

19. Respondents doing business as Chinchilla Producers Association have been in the chinchilla business for 13 years; or misrepresenting, in any manner, the length of time respondents individually or through any corporate or other device have been in business.

20. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

B. Using the word "Association" or any other word or term of similar import or meaning as part of the respondents' trade or corporate name or in any other manner; or misrepresenting, in any other manner, the nature or status of respondents' business.

C. 1. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

D. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of the respondents' products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compiled with this order.

Issued: June 23, 1970.

By the Commission.

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

[F.R. Doc. 70-9525; Filed, July 23, 1970; 8:45 a.m.]

[Docket No. 8781]

PART 13—PROHIBITED TRADE PRACTICES

Richard A. Romain and Educational Service Co.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–125 Individual or private business being: 13.15–125(m) Educational or research institution; 13.15–205 Offices in principal cities; § 13.75 *Free goods or services;* §13.155 *Prices:* 13.155–100 Usual as reduced, special, etc.; § 13.255 *Surveys;* § 13.260 *Terms and conditions:* 13.260–40 Insurance coverage. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1450 *Individual or private business as educational, religious or research institution;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1757 *Surveys;* § 13.1760 *Terms and conditions:* 13.1760–40 Insurance coverage; Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased.* Subpart—Shipping, for payment demand, goods in excess of or without order: § 13.2195 *Shipping, for payment demand, goods in excess of or without order.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Richard A. Romain et al., New York, N.Y., Docket No. 8781, June 23, 1970]

In the Matter of Richard A. Romain, an Individual Trading as Educational Service Co.

Consent order requiring an individual trading as the Educational Service Co. with headquarters in New York City and engaged in the selling of encyclopedias and childrens' books by door-to-door salesmen to cease misrepresenting that its solicitors are conducting surveys, that any of its material is "free," that it has

an office in Chicago, that it provides life or property insurance for its customers, and that any sales contract is inoperative unless approved by the signatory's spouse. The order also prohibits deceptive pricing tactics, using the words "Junior Institute" and "Complete Ten Year Educational Plan," and delivering unordered volumes and attempting to collect for them.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Richard A. Romain, an individual trading as Educational Service Co., or under any other trade name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of encyclopedias, children's books, or other books or supplementary services in connection therewith, or any other articles of merchandise or services in connection therewith in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondent's agents representatives or employees are visiting the homes of families for the purpose of conducting tests or surveys or for any other purpose other than the sale of books or supplementary service connected therewith; or misrepresenting, in any manner, the nature or purpose of any prospective customer or customer contact or solicitation.

(b) Any encyclopedias, books, supplements, publications or supplementary service in connection therewith are "free" or in any sense a gratuity when in fact payment therefor is included in the total price to be paid by the purchaser.

(c) Said encyclopedias, books, products or services are being offered for sale or sold on special or favorable terms or conditions as a part of an advertising or promotional plan or program.

(d) Any price at which respondent's encyclopedias, books, supplements, publications or supplementary service in connection therewith or other products are offered for sale, is a special or reduced price unless such price constitutes a substantial reduction from the price at which such publications were sold in substantial quantities for a reasonably substantial period of time by the respondent in the recent regular course of his business; or representing that any price is an introductory price unless such price is substantially less than the price to which the respondent in good faith intends to increase the price and that within a reasonable period thereafter such price was in fact so increased.

(e) Respondent has an office or place of business in the city of Chicago, Ill., or any other locality other than the place or places whereat he actually conducts his business.

(f) That respondent provides customers with credit life insurance at no additional charge; or misrepresenting in any manner that respondent provides life insurance in any form for purchasers of his products or services.

(g) That respondent provides customers with a Property Insurance Certificate at no additional charge; or misrepresenting in any manner that respondent provides any type of property insurance for purchasers of his products or services.

(h) That no obligation would exist under a sales transaction on the part of a purchaser until subsequent receipt of said transaction by the signatory's spouse.

(i) That no obligation would exist under a sales transaction on the part of the purchaser until subsequent receipt of a deposit by the respondent from the purchaser.

2. Misrepresenting in any manner, either orally or in writing, the monthly installment costs, the total contract cost, the terms, conditions or provisions of any contract of sale between respondent and a purchaser or prospective purchaser of respondent's products or services.

3. Using the words "Junior Institute" or any abbreviation or simulation thereof, or any other word or words of similar import, or misrepresenting, in any manner, the nature, character or affiliation of respondent's business.

4. Using the words "Complete Ten Year Educational Program" or any other word or words of similar import, or misrepresenting, in any manner, the nature or character of respondent's sales offer or respondent's participation therein after the sale is completed.

5. Sending or delivering said encyclopedias, books, products or services to any person, firm or corporation who or which has not entered into a written contract or agreement to receive them.

6. Attempting to enforce payment in any manner, for said encyclopedias, books, products or services from any person, firm or corporation who or which has not entered into a written agreement to receive and purchase them.

7. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondent's products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

Provided however, That the prohibitions of this order will not be applicable to any service rendered by the respondent in his capacity as a lawyer or attorney at law in his formal practice of law.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 23, 1970.

By the Commission.

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

[F.R. Doc. 70-9524; Filed, July 23, 1970; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 520—FOREIGN FUNDS CONTROL REGULATIONS

Deletions From Lists of Scheduled Securities

The List of Foreign Scheduled Securities appended to § 520.205 (General Ruling No. 5) is hereby amended by the deletion of the following securities:

Brazil, United States of—External Sinking Fund, Gold, 6½% Loan of 1926, due Oct. 1, 1957:
$500—Bonds Numbered D700 and D1165 with Coupons Attached.

Dominican Republic Customs Administration—20-Year, 5½%, Gold Loan of 1922-6, due 1961:
$1,000—No. 5760.

The List of Domestic Scheduled Securities appended to § 520.205b (General Ruling No. 5B) is hereby amended by the deletion of the following securities:

Atchison, Topeka and Santa Fe Railroad Co. (The)—General Gold, 4%, due 1995:
$1,000—No. 70552 and No. 70098.

Central Pacific Railway Co.—First Refunding Gold, 4%, due 1949:
$1,000—Bonds Nos. 24078; 43317.

Cities Service Co.—5% Gold Debentures, 1958:
$1,000—No. 1063 and No. 1967.

Cities Service Co.—Refunding 5% Gold Debentures, 1966:
$1,000—No. 16523.

Cities Service Co.—5% Gold Debenture, 1969:
$1,000—Nos. 15205; 25551; and 45665.

Southern Pacific Co.—4½%, 40-Year Gold Bonds, due 1969:
$1,000—No. 60757.

Southern Railway Co.—4% Development and General Mortgage Bonds due 1956:
$1,000—Nos. 4570; 6598; 12679; 20246; 27459; and 37530.

State of Missouri—Series I, 4¼% Road Bond, due Mar. 1, 1944:
$1,000—No. 3412.

[SEAL] MARGARET W. SCHWARTZ, *Director, Office of Foreign Assets Control.*

[F.R. Doc. 70-9570; Filed, July 23, 1970; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Yellowstone National Park, Wyo.; Boating

A proposal was published at page 6075 of the FEDERAL REGISTER of April 14, 1970, to amend § 7.13 of Title 36 of the Code of Federal Regulations by the revision of

paragraphs (d), (11), and (12). The effect of the amendment is to clarify existing regulations governing boats and to stipulate specific areas in, or adjacent to, marina developments wherein the beaching of vessels is prohibited. In addition, the effect is to eliminate vessels from that portion of the Yellowstone Lake to a point 300 yards downstream from Fishing Bridge, as the boat dock at that vicinity has been removed, and consequently the need for boat access no longer exists. The outlet of Yellowstone Lake is presently marked very adequately with buoys to define this point.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No objections or unfavorable comments or suggestions have been received, and the proposed amendment is hereby adopted without change and is set forth below.

Due to the pressing need for these regulations, this amendment shall take effect on the date of its publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 23 Stat. 73, as amended, 16 U.S.C. 26)

Section 7.13 is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(d) *Boats.* * * *

(11) *Restricted landing areas.* (i) Prior to July 1 of each year, the landing of any vessel on the shore of Yellowstone Lake between Trail Creek and Beaverdam Creek is prohibited, except upon written permission of the Superintendent.

(ii) The landing or beaching of any vessel on the shores of Yellowstone Lake (*a*) within the confines of Bridge Bay Marina and the connecting channel with Yellowstone Lake, and (*b*) within the confines of Grant Village Marina and the connecting channel with Yellowstone Lake is prohibited except at the piers or docks provided for the purpose.

(12) *Restricted waters.* (i) Vessels are prohibited on the following lakes and lagoons:

(*a*) Sylvan Lake.

(*b*) Eleanor Lake.

(*c*) Twin Lakes.

(*d*) Beach Springs Lagoon.

(ii) Vessels are prohibited on park streams (as differentiated from lakes and lagoons), except on the channel between Lewis Lake and Shoshone Lake, which is open only to hand-propelled vessels.

(iii) The following lake waters shall be open only to hand-propelled vessels:

(*a*) Shoshone Lake.

(*b*) The following portion of Flat Mountain Arm of Yellowstone Lake: West of a line beginning at a point marked by a monument located on the south shore of the Flat Mountain Arm and approximately 10,200 feet easterly from the southwest tip of the said arm, said point being approximately 44°22' 13.2" N. latitude and 110°25'07.2" W. longitude, then running approximately 2,800 feet due north to a point marked by a monument located on the north shore of the Flat Mountain Arm, said point being approximately 44°22'40" N. latitude and 110°25'07.2" W. longitude.

(*c*) The southernmost 2 miles of the south and southeast arms of Yellowstone Lake, as more full described in subdivision (vi) of this subparagraph.

(iv) Motorboats are permitted on Lewis Lake and on Yellowstone Lake except as restricted by subdivision (vi) of this subparagraph.

(v) Motorboats are prohibited on all waters of the park other than those named in subdivision (iv) of this subparagraph.

(vi) The operation of motorboats on Yellowstone Lake within the south arm and the southeast arm shall be confined to areas known as "Five Mile Per Hour Zones," being generally waters between the following described lines in the south arm and southeast arm, but specifically excluding the southernmost 2 miles of both arms which are open only to hand-propelled vessels.

(*a*) In the south arm: That portion between the following two lines:

(*1*) A line beginning at Plover Point, and running generally east to a point marked by a monument on the northwest tip of the peninsula common to the south and southeast arms; and

(*2*) A line beginning at a point marked by a monument located on the west shore of the south arm, approximately two (2) miles north of the cairn which marks the extreme southern extremity of Yellowstone Lake in accordance with the Act of Congress establishing Yellowstone National Park; said point being approximately in latitude 44°18'22.8" N., at longitude 110°20'04.8" W., Greenwich Meridian, from which the line runs due east to a point on the east shore of the south arm marked by a monument. Operation of motorboats south of the latter line is prohibited.

(*b*) In the southeast arm: That portion between the following two lines:

(*1*) A line beginning at a point marked by a monument on the northwest tip of the peninsula common to the south and southeast arms and running generally east to a point marked by a monument at the mouth of Columbine Creek; and

(*2*) A line beginning at a point marked by a cairn which marks the extreme eastern extremity of Yellowstone Lake, in accordance with the Act of Congress establishing Yellowstone National Park; said point being approximately in latitude 44°19'42.0" N., at longitude 110°12'06.0" W., Greenwich Meridian, from the line which runs westerly to a point on the west shore of the southeast arm, marked by a monument, said point of arrival being approximately in latitude 44°20'03.6" N., at longitude 110°16'19.2" W., Greenwich Meridian. Operation of motorboats south of the latter line is prohibited.

(vii) The operation of vessels within the "Five Mile Per Hour Zones" shall be subject to the following limitations:

(*a*) Motorboats shall satisfy the flame arrestor requirements of the Motorboat Act of April 25, 1940, as amended (46 U.S.C. 526i), and the regulation at 46 CFR 25.35–1(a).

(*b*) A speed of 5 miles per hour shall not be exceeded.

(*c*) Class 1 and Class 2 motorboats shall proceed no closer than one-quarter (¼) mile from the shoreline except to debark or embark passengers, or while moored when passengers are ashore.

(viii) Written authority for a motorboat to enter either or both the south arm or the southeast arm "Five Mile Per Hour Zones" shall be granted to an operator thereof on application subject to the following:

(*a*) Prior to commencing a trip into either "Five Mile Per Hour Zone," the operator will complete and file with the Superintendent a form statement showing:

(*1*) Length, make and number of motorboat.

(*2*) Type (inboard, inboard-outboard), turbo-jet make and horsepower rating of motor.

(*3*) Name and address of head of party.

(*4*) Number of people in party.

(*5*) Number of nights planned to spend in each "Five Mile Per Hour Zone."

(*6*) Whether party will remain overnight on board the motorboat or in campgrounds on shore.

(*b*) Within 24 hours after having completed a motorboat trip which included a permitted entry into a "Five Mile Per Hour Zone," the operator shall file with the Superintendent a trip report stating:

(*1*) Which of the "Five Mile Per Hour Zones" were visited.

(*2*) The number of nights the party camped on shore and the places where this camping took place.

(ix) The disturbance in any manner or by any means of the birds inhabiting or nesting on either of the islands designated as "Molly Islands" in the southeast arm of Yellowstone Lake is prohibited; nor shall any vessel approach the shoreline of said islands within one-quarter (¼) mile.

(x) Water skiing, boat racing, towing of aircraft, water pageants, and spectacular or unsafe types of recreational use are prohibited on all park waters.

(xi) These restrictions shall not apply to vessels operated for administrative purposes or in emergencies.

* * * * *

JACK K. ANDERSON,
Superintendent,
Yellowstone National Park, Wyo.

[F.R. Doc. 70–9530; Filed, July 23, 1970; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—SCHEDULE FOR RATING DISABILITIES

Prestabilization Rating From Date of Discharge From Service

In Part 4, § 4.28 is revised to read as follows:

§ 4.28 Prestabilization rating from date of discharge from service.

The following ratings may be assigned, in lieu of ratings prescribed elsewhere, under the conditions stated for disability from any disease or injury. The prestabilization rating is not to be assigned in any case in which a total rating is immediately assignable under the regular provisions of the schedule or on the basis of individual unemployability. The prestabilization 50-percent rating is not to be used in any case in which a rating of 50 percent or more is immediately assignable under the regular provisions.

	Rating
Unstabilized condition with severe disability—	
Substantially gainful employment is not feasible or advisable	100
Unhealed or incompletely healed wounds or injuries—	
Material impairment of employability likely	50

NOTE (1). Veterans Administration examination is not required prior to assignment of prestabilization ratings; however, the fact that examination was accomplished will not preclude assignment of these benefits. Prestabilization ratings are for assignment in the immediate postdischarge period. They will continue for a 12-month period following discharge from service. However, prestabilization ratings may be changed to a regular schedular total rating or one authorizing a greater benefit at any time. In each prestabilization rating an examination will be requested to be accomplished not earlier than 6 months nor more than 12 months following discharge. In those prestabilization ratings in which following examination reduction in evaluation is found to be warranted, the higher evaluation will be continued to the end of the 12th month following discharge or to the end of the period provided under § 3.105(e) of this chapter, whichever is later. Special monthly compensation should be assigned concurrently in these cases whenever records are adequate to establish entitlement.

NOTE (2). Diagnosis of disease, injury, or residuals will be cited, with diagnostic code number assigned from this rating schedule for conditions listed therein.

(72 Stat. 1125; 38 U.S.C. 355)

This VA regulation is effective the date of approval.

Approved: July 20, 1970.

[SEAL] DONALD E. JOHNSON,
Administrator of Veterans Affairs.

[F.R. Doc. 70-9551; Filed, July 23, 1970; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting with guns is not permitted.

(2) The open season for hunting deer on the refuge is from 12 m. to sunset on August 28, 1970, and from sunrise to sunset August 29, 1970, through September 30, 1970.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1970.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

JULY 17, 1970.

[F.R. Doc. 70-9529; Filed, July 23, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

ASSIGNMENT OF CLAIMS

Chapter 5A of Title 41 is amended as follows:

PART 5A-7—CONTRACT CLAUSES

Subpart 5A-7.1—Fixed-Price Supply Contracts

Section 5A-7.101-8 is revised to read as follows:

§ 5A-7.101-8 Assignment of claims.

See Subparts 1-30.7 of this title and 5A-30.7 of this chapter for contract clauses relating to assignment of claims.

PART 5A-30—CONTRACT FINANCING

Chapter 5A is amended by the addition of new Part 5A-30, as follows:

Subpart 5A-30.7—Assignment of Claims

Sec.

AUTHORITY: The provisions of this Part 5A-30 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR Parts 5-1, 101(c).

Subpart 5A-30.7—Assignment of Claims

§ 5A-30.702 Conditions governing assignment of claims.

§ 5A-30.702-70 Requirements-type and indefinite quantity contracts.

Where more than one agency may be making payments under a requirements-type or indefinite quantity contract, it is necessary to restrict assignments of claims to individual orders placed thereunder in order to prevent confusion and delay in making payment. Thus, in such contracts, assignments shall be limited to each particular purchase order amounting to $1,000 or more. However, this limitation is unnecessary in connection with requirements-type and indefinite quantity contracts which are under the sole administrative control of GSA.

§ 5A-30.703 Contract clause—assignment of claims.

§ 5A-30.703-70 Requirements-type and indefinite quantity contracts for use by more than one agency.

When entering into requirements-type or indefinite quantity contracts under which more than one agency may place orders, the following clause (Article 8 of GSA Form 1424) shall be included in the solicitation:

ASSIGNMENT OF CLAIMS

If this is a requirements or indefinite quantity contract under which more than one agency may place orders, Article 8(a) of Standard Form 32 is inapplicable and the following is substituted therefor:

In order to prevent confusion and delay in making payment, no claim or claims for all moneys due or to become due under this contract shall be assigned by the contractor; but it shall be permissible for the contractor to assign separately to a bank, trust company, or other financing institution, including any Federal lending agency, in accordance with the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), all moneys due or to become due under any particular purchase order amounting to $1,000 or more issued by any Government activity or agency under this contract. Any such assignment shall be effective only if and when the assignee thereof shall file written notice of the assignment together with a true copy of the in-

strument of assignment with the officer issuing such purchase order, in addition to complying with the filing requirements set forth in clause 4 of the proviso in said Act, as amended. Notwithstanding any other provisions of this contract, payments to an assignee of any moneys due or to become due under any purchase order assigned as provided herein shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off.

§ 5A–30.703–71 Definite quantity contracts and requirements-type or indefinite quantity contracts for use only by GSA.

When entering into definite quantity contracts and requirements-type or indefinite quantity contracts under which only GSA may place orders, the clause prescribed in § 5A–30.703–70 (Article 8 of GSA Form 1424) is inapplicable. Therefore, the Assignment of Claims clause set forth in Article 8(a) of Standard Form 32 and § 1–30.703 of this title will apply, and assignments of total amounts due or to become due under definite quantity contracts and requirements-type and indefinite quantity contracts for use only by GSA shall be honored if in proper form.

§ 5A–30.706 Procedures upon receipt of notice of assignment and instrument of assignment.

§ 5A–30.706–70 Requirements-type and indefinite quantity contracts for use by more than one agency.

Upon receipt of a notice of assignment together with a true copy of the instrument of assignment by the FSS office that issued the purchase order under the contract, the appropriate ordering officer shall:

(a) Promptly furnish written notification of the pending assignment to the Accounts Payable Branch, Finance Division, OAD, of the appropriate accounting center;

(b) Secure written assurance from assigned counsel that both the notice and instrument of assignment (1) are in proper form, (2) are properly executed, and (3) are one that the contractor is entitled to make under the terms of the contract;

(c) Return three copies of the acknowledged notice of assignment to the assignee; and

(d) Promptly forward one copy of the notice together with a true copy of the instrument of assignment to the appropriate accounting center.

§ 5A–30.706–71 Definite quantity contracts and requirements-type or indefinite quantity contracts for use only by GSA.

(a) Where definite quantity contracts involve the issuance of one or more purchase orders, the contracting officer shall process any notice and instrument of assignment thereof as prescribed in § 5A–30.706–70.

(b) Where definite quantity contracts are utilized (1) to supplement and satisfy regional stores stock replenishment needs that exceed the MOL or monthly supply potential of term contracts or (2) to satisfy requirements that exceed the MOL of Federal Supply Schedule contracts, the contracting officer shall process any notice and instrument of assignment thereof in accordance with procedures prescribed in § 5A–30.706–70. The contracting officer shall also notify those Regional Chiefs, Procurement Division, or Chiefs, Inventory Management Division, as the case may be, who will issue orders against the contract, that all moneys due or to become due under the contract have been assigned. Such notification shall be furnished the appropriate regional divisions on GSA Form 1584, Contract Summary (see § 5A–76.201 of this chapter), concurrently with the transmittal of copies of the notice and instrument of assignment to the accounting center, and shall include (i) the contract number, (ii) the assignee's name and address, and (iii) the assignment date.

(c) Where requirements-type or indefinite quantity contracts are for the sole use of GSA, the contracting officer shall process any notice and instrument of assignment thereof as prescribed in paragraph (b) of this section; however, notification of the assignment by means of GSA Form 1584 shall be furnished all appropriate regional division chiefs (see § 5A–76.201 of this chapter).

(d) Where ordering officers receive notices and instruments of assignment of claims relative to paragraph (a), (b), or (c) of this section concerning contracts or purchase orders prepared by another FSS office, the ordering officer shall return such documents to the contractor together with the name and address of the contracting officer or ordering officer to whom such notices and assignments should have been sent.

PART 5A–51—CONTRACT FINANCING

Part 5A–51, Contracting Financing, is deleted in its entirety.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1, 101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: July 15, 1970.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[F.R. Doc. 70–9453; Filed, July 23, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Federal Water Quality Administration

[18 CFR Part 610]

DISCHARGE OF OIL

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Interior, pursuant to the authority contained in section 11(b)(3) of the Federal Water Pollution Control Act (62 Stat. 1155, as amended, 33 U.S.C. 466 et seq.) as amended by the Water Quality Improvement Act of 1970 (Public Law 91-224, approved Apr. 3, 1970), which was delegated to him by the President in Executive Order No. 11548 dated July 20, 1970 (35 F.R. 11677), proposes to adopt a new Part 610.

The Water Quality Improvement Act of 1970 amended the Federal Water Pollution Control Act to add a new section 11 to that act which provides in subsection (b)(3) of that section as follows: "The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful." The President by Executive Order 11548 dated July 20, 1970 has delegated his authority under section 11(b)(3) quoted above to the Secretary of the Interior, who has determined the quantities, times, locations, circumstances and conditions under which the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone is harmful to the public health and welfare of the United States as indicated in the following proposed regulations.

Interested persons may submit, in triplicate, written data or arguments in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Part 610 would be adopted as follows:

PART 610—DISCHARGE OF OIL

Sec.

AUTHORITY: The provisions of this Part 610 issued under sec. 11(b)(3) of the Federal Water Pollution Control Act, as amended (84 Stat. 91; 33 U.S.C. 1161).

§ 610.1 Definitions.

As used in this part, the following terms shall have the meaning indicated below:

(a) "Oil" means oil of any kind or any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(b) "Discharge" means but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(c) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(d) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(e) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(f) "Person" means an individual, firm, corporation, association, and a partnership;

(g) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(h) "Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(i) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or public vessel;

(j) "Act of God" means an act occasioned by an unanticipated grave natural disaster;

(k) "Applicable water quality standards" means water quality standards adopted pursuant to section 10(c) of the Federal Act and State-adopted water quality standards for waters which are not interstate within the meaning of that Act.

(l) "Federal Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1151, et seq.

§ 610.2 Applicability.

The regulations of this part apply to the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone, prohibited by section 11(b) of the Federal Act.

§ 610.3 Discharge into navigable waters harmful.

For purposes of section 11(b)(3) of the Federal Act, discharges of such quantities of oil into or upon the navigable waters of the United States or adjoining shorelines determined to be harmful to the public health or welfare of the United States, at all times and locations in such waters, and under all circumstances and conditions, unless otherwise excluded in this part, include discharges which:

(a) Violate applicable water quality standards, or

(b) Cause a visible film, sheen or discoloration of the surface of the water or adjoining shorelines.

§ 610.4 Discharges into contiguous zone harmful.

For purposes of section 11(b)(3) of the Federal Act, discharges of such quantities of oil into or upon the waters of the contiguous zone determined to be harmful to the public health or welfare of the United States, at all times and locations in such waters, and under all circumstances and conditions, unless otherwise excluded in this part include discharges which:

(a) Violate applicable water quality standards of the navigable waters of the United States, or

(b) Cause a visible film, sheen or discoloration of the surface of the water.

§ 610.5 Discharge prohibited.

As provided in section 11(b)(2) of the Federal Act, no person shall discharge or cause or permit to be discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone any oil, whether mixed with ballast, bilge or other matter, if such discharge has been determined to be harmful to the public health or welfare of the United States.

§ 610.6 Exclusions.

For purposes of section 11(b)(3) of the Federal Act, discharges determined to be

harmful in §§ 610.3 and 610.4 do not include:

(a) Discharges resulting from a properly functioning vessel engine;

(b) Discharges resulting from the act of a third party;

(c) Discharges resulting from an Act of God;

(d) Discharges when necessary to save human life or limb; and

(e) Within the contiguous zone discharges where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended.

§ 610.7 Dilution.

Dilution or addition of dispersants or emulsifiers to oil to be discharged which would circumvent the provisions of this part is prohibited.

§ 610.8 Demonstrations.

Notwithstanding any other provisions of this Part, the Secretary of the Interior may permit the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into, or upon the waters of the contiguous zone, in connection with research, demonstrations, or studies relating to the prevention, control or abatement of oil pollution.

§ 610.9 Notice.

Any person in charge of any vessel or onshore or offshore facility as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of § 610.5 or discharges identified in § 610.6, or any other discharge of oil into the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, shall immediately notify the U.S. Coast Guard of such discharge. Such person shall record the amount, rate, time, date, circumstances and location of each such discharge and such other information, in such manner, and in such form as the Secretary of the Department in which the Coast Guard is operating may, by regulation, prescribe. The records of such discharges shall be made available to officers of the Coast Guard upon demand.

Dated: July 21, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-9569; Filed, July 23, 1970; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 914]

[Docket No. AO-369]

ORANGES GROWN IN INTERIOR DISTRICT IN FLORIDA

Decision and Referendum Order With Respect to Proposed 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 in Lakeland, Fla., on June 24–27, 1969, pursuant to a notice thereof published in the FEDERAL REGISTER (34 F.R. 8705), and a correction thereto published in the FEDERAL REGISTER (34 F.R. 9754), upon a proposed marketing agreement and order regulating the handling of oranges grown in the Interior District in Florida, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing and the record thereof, the recommended decision in this proceeding was filed with the Hearing Clerk, U.S. Department of Agriculture. 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. 70–4561; 35 F.R. 6132). A notice extending the time for filing written exceptions to the recommended decision was filed on May 1, 1970, and published in the FEDERAL REGISTER (35 F.R. 7183).

Rulings on exceptions. Exceptions to the recommended decision were filed by Cecil Hull, President, Lake County Farm Bureau, Tavares; J. L. Holsonback, Vice President, Consolidated Tomoka Land Co., Sebring; James A. Henderson, Vice President, Keen Fruit Corp., Frostproof; Leslie R. Huffstetler, Sr. of Eustis; Kenneth E . McCall, Manager, McCall Fruit Co., Orlando; James B. Tyre III, President, Umatilla Packers Inc., Umatilla; Stewart Welch, Vice President, Eustis Fruit Co., Eustis; Hayette S. Hudson of Hayette S. Hudson Fruit Co., Inc., Oviedo; W. L. Broadway, President, Indian Lake Fruit Co., Ocoee; E. D. Austin of E. D. Austin Fruit, Inc., Umatilla; Jerome A. Willner, President, Golden Triangle Fruit Co., Inc., Eustis; William S. Frey, Vice President, B & B Groves, Inc., Eustis; W. P. Floyd, President and General Manager, Lake County Citrus Sales, Inc., Leesburg; Albin P. Crutchfield, President, Deerfield Groves Co., Wabasso; Bob Pippin, President, Pippin Packing Co., Inc., Winter Haven; Jules Freeman, Chairman, Board of Directors, American Agronomics Corp., Miami; Wilson C. McGee, Attorney at Law, Orlando, and Charles E. Davis of Fishback, Davis, Dominick, Simonet and Salfi, Attorney for Opponents Consolidated Financial Corp. and Vaughn-Griffin Packing Co., and Wilson C. McGee, General Manager, United Growers, Orlando.

Each of these exceptions was carefully and fully considered in conjunction with the record evidence and the recommended decision pertaining thereto in arriving at the findings and conclusions set forth in this decision. To the extent any such exception is not specifically ruled upon and is at variance with the findings, conclusion, and actions decided upon in this decision, such exception is denied.

One brief, while expressing favor of a marketing order providing for prorate of fresh fruit, strongly protests the order as not treating equally and equitably every segment of the industry. The brief also contained a request that the proposed order be changed to provide equal priority and equal protection. No details were provided to show wherein the order does not treat every segment of the industry equally. No alternative method was proposed. The brief also contained a request for a hearing on this matter. The rules and regulations of the Department do not provide for a hearing at this stage of the proceeding. A public hearing was held in Lakeland, Fla., on June 24–27, 1969, pursuant to a notice thereof which was published in the FEDERAL REGISTER June 3, 1969 (34 F.R. 8705). The request for a hearing is denied.

Several of the briefs indicated opposition to the order but contained no reasons for such opposition, or relied on matters or information developed after the close of the hearing and not adduced at the hearing. Some briefs indicated opposition because the handler handles a small volume of fruit, ships fruit only for a short period each season, or is a new handler. Each of these handlers felt that the order would adversely interfere with his normal or projected operation .

One brief takes exception to the recommended decision in the following respect: (1) That there is not sufficient evidence in the record to support the finding that a marketing order is needed to establish orderly marketing conditions for oranges produced in the Interior District in Florida; (2) that there is not sufficient evidence in the record to support the finding that all handling of oranges produced in the Interior District in Florida is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce; and (3) that there is not sufficient evidence in the record to support the finding that the Interior District is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

There is an abundance of evidence in the record which shows that the shipment of more oranges to market than the fresh market can use has a demoralizing effect on the market. Moreover the threat of such excess shipments provide a like effect. As pointed out in the recommended decision under such conditions, receivers, jobbers, and buyers for retail chain stores buy very sparingly because of the threat of lower prices due to an oversupply of oranges in the market. The evidence also show that more orderly marketing conditions are likely to prevail when the available supply is more nearly in line with market demand.

As pointed out in the recommended decision, Florida Interior District oranges are widely distributed throughout the United States. They are also exported to several foreign countries. Oranges initially sold to destinations within the production area often are later shipped to out-of-state markets or into foreign markets. The evidence of record clearly and strongly supports the findings that all handling of Florida

Interior oranges is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

With respect to the finding that the Interior District in Florida is the smallest regional production area, the brief argues (1) that the production area is too small because it excludes the Indian River District, and (2) that the production area is too large due to the difference in climatic conditions north and south—within the production area. The recommended decision contained a conclusion that for the purposes of the order, the Interior District is the smallest regional production area that is practicable.

It is recognized that the temperature at the top of a tree may be higher or lower than that at the bottom of tree. Soil conditions at or near the top of a hill may be some different from those found at the bottom of such hill. It was not intended or implied that the entire production area need be or is exactly alike in all respects. Such precision is not likely to be found and it is not necessary for the successful operation of the order. Thus, the conclusion that the Interior District is the smallest regional production area is a logical one.

Also, the exception requested opportunity to present oral argument in support thereof. The aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and orders make no provisions for oral argument at this stage of the promulgation proceeding. Such request is, therefore, denied.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(2) The existence of the right to exercise Federal jurisdiction in this instance;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including the definition of terms used therein which are necessary and incidental to attainment of the declared objectives of the act, and including all those set forth in the notice of hearing among which are those applicable to the following additional terms and provisions;

(a) The establishment, maintenance, composition, powers, duties, and operation of a committee for the local administration of the order;

(b) The incurring of expenses and the levying of assessments;

(c) The method for regulating shipments of oranges grown in the production area;

(d) The provision for continued regulation of the flow of shipments of Interior District oranges during periods when the season average price for such oranges is above parity, in order to avoid unreasonable fluctuations in supplies and prices;

(e) The specification of exceptions from regulation of oranges handled in certain types of shipments or for certain specified purposes;

(f) The requirement for inspection and certification of oranges handled;

(g) The establishment of recordkeeping and reporting requirements for handlers;

(h) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions as set forth in sections 57 through 65 and published in the FEDERAL REGISTER (34 F.R. 8705) on June 3, 1969, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in sections 66 through 68 and also published in said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on evidence adduced at the hearing and the record thereof, are as follows:

(1) Florida's commercial citrus fruit producing area is confined to the part of the State lying south and east of the Suwannee River. This producing area is subdivided under Order No. 905 (7 CFR Part 905) into the Interior District and the Indian River District (Regulation Areas I and II). The Indian River District is comprised of six counties or parts of counties, which form a narrow strip of land along the Indian River which borders the Atlantic Ocean in Eastern Florida. The Interior District consists of the rest of the producing area and is bordered by the Suwannee River, the Georgia border, the Atlantic Ocean, the Indian River District, and the Gulf of Mexico.

Based on the five seasons from 1963–64 through 1967–68, Florida produced an average of about 94,600,000 boxes of round oranges (early and midseason types, except for Temple oranges; and late type oranges which include the Valencia and related type oranges) each season. Out of this amount, about 14,700,000 boxes or 16 percent was sold as fresh fruit, while most of the remaining 84 percent was processed. About 9,600,000 boxes or two-thirds of the fruit sold in fresh form moved in interstate commerce. Of the total interstate fresh shipments, the Interior District in Florida shipped about 8,500,000 boxes or about 90 percent, while the Indian River District shipped the remaining 10 percent.

Florida's round orange production has increased considerably during the last few years. It is expected to increase, as hereinafter shown, even more during the next few years.

The fresh orange market usually returns more money per unit of fruit than any other outlet. Hence, producers try to market as much of their fruit in this outlet as possible. However, this outlet will take only about 16 percent of the total orange crop at prices which will provide favorable returns to producers. With only a limited volume of oranges being marketed in the fresh market outlet, there are during a season many more oranges available for the fresh market than can be marketed at satisfactory prices. Thus, it is imperative that the fresh market be protected so as to provide an adequate volume of oranges in this outlet. The order is designed to do that by tailoring the supply more nearly to the demand during those weeks when an oversupply appears imminent.

The need to protect the fresh market will probably be greater in the future than at present. This is due to the large increase in orange plantings and the anticipated larger crops in the future. During the last few years, approximately 148,000 additional acres have been planted to oranges. In December 1967, about 22 percent of the orange trees were not of bearing age. As these trees reach bearing age in the next few years and as other young trees develop more bearing surface, larger orange crops may be expected. Production of 200 million boxes may be attained within the next few years. Production during the 1966–67 season was 139,500,000 boxes. During the 1967–68 season, 100,500,000 boxes were produced. The June 1969 USDA production estimate for the 1968–69 season was 132 million boxes. There is no indication that fresh sales are likely to increase sufficiently to keep pace with this projected production.

About 90 percent of the fresh orange shipments originate in the Interior district and consist of oranges produced in that district. The other orange shipments, approximately 10 percent of the fresh orange sales, consist of oranges produced in the Indian River District. This ratio is likely to remain or swing slightly more to the Interior district because of recent plantings and anticipated production.

The average on-tree returns for Florida oranges were $2.48 per box for the period, 1963–64 through 1967–68. During this period, Florida growers received on an average of 71 percent of parity for their oranges for fresh use. The on-tree returns for fresh Florida oranges was $4.48 per box or 140 percent of parity during the 1963–64 season, but such price declined to $.91 per box or 25 percent of parity during the record 1966–67 season. While the 1966–67 crop was unusually large, it reflects the potential production of Florida's orange industry, under good growing conditions.

The record evidence indicates that in a given period there is an inverse relationship between the volume of orange shipments for fresh use and prices received, and that shipment of a relatively few carloads of oranges in excess of market demand has in the past weakened the market and depressed prices. After such prices begin to decline, it is difficult to reestablish a reasonable price level and stabilize the market without volume control. It was reported that under such conditions, receivers, jobbers, and buyers for retail chainstores buy very sparingly whenever there is a threat that over supplies of oranges will lower prices and there is danger that anyone with a substantial quantity of oranges on hand will sustain a loss. It was further indicated

that considerable time is required to stabilize the market if the market is glutted with oranges, and that the quality of the fruit held over in wholesale and retail channels deteriorates and becomes unattractive to consumers. Thus, consumption is curtailed, and spoilage losses are magnified at the retail level. The record indicates that when prices in fresh orange outlets decline to a certain level, relative to the price of oranges for processing, shippers then dump fruit into the processing market. Thus, the processing market is depressed and this reduces total returns received by the producers. Moreover, the record shows that, although the industry is aware of the detrimental effect of unstabilized market conditions resulting from overshipments, several factors operate which tend to encourage overshipment during certain periods and, in the absence of any restraint, are beyond the individual control of handlers. One of these factors is the urge among handlers to make full use of harvest labor and packing facilities. This often results in the shipment to market of Interior oranges far in excess of market demand and contributes to unstable marketing conditions.

The foregoing indicates that Florida's orange production has increased considerably during the past few years and further increases are expected in the near future. In addition, the Florida orange industry experiences occasional chaotic marketing conditions, especially during periods of heavy shipments, which result in serious price declines. Although such price declines usually occur during the months of heavy shipments, they can occur any time during the marketing season when a few carloads of oranges in excess of the market demand are shipped. From a marketing standpoint, the foregoing portends a situation where it will be necessary in the interest of producers and consumers to maintain an orderly flow of fresh oranges to market closely equated with market demand throughout the marketing season to avoid market gluts and extreme price fluctuations.

The record indicates that the industry has made an effort to exert some degree of control over shipments of oranges through its recommendations for restriction of grades and sizes under Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. However, the supply of oranges which could be shipped under any reasonable grade or size restriction, particularly during periods of heavy production, far exceeds the market demand because about 90 percent of the Interior District's orange crop is utilized in channels other than interstate fresh shipments and much of this amount in the absence of volume limitation could be shipped into the interstate fresh market. Therefore, grade and size restrictions do not offer a practical solution to the problem of overshipment.

Florida grapefruit are subject to volume regulation under Order No. 912 (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, and under Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida. Evidence of record shows that limitations established under the volume prorate provisions of these grapefruit marketing orders tend to stabilize the market for grapefruit. Limiting shipments when the market is burdened with or threatened with excessive supplies prevents excessive shipments into marketing channels. This encourages buyers to maintain purchases since prices are likely to remain relatively stable after they have purchased their fruit. The record indicates that marketing conditions for fresh grapefruit are similar to those for fresh oranges.

The authority to limit weekly shipments of Interior oranges to fresh market channels under a marketing order would provide a means whereby the quantity of fruit shipped could be adjusted to that required in such marketing channels. Moreover, such regulations would make information readily available as to the quantity of such oranges which could be shipped during a particular week, and market receivers could maintain their commercial operations on the basis of the rate at which the supply of oranges would be available to them. This would tend to promote more orderly marketing conditions for oranges, than would exist in the absence of a program providing restraint on the volume of oranges shipped. Individual handlers cannot successfully bring about such conditions by reducing shipments, or delaying shipments, as other handlers can nullify such action by increasing the volume of their shipments.

Therefore, a volume prorate for oranges should stabilize and strengthen the market for oranges, increase total sales, and thereby tend to increase returns to producers. Thus, it is concluded that a marketing order is needed to establish orderly marketing conditions for Interior oranges by providing a means of limiting the quantity of such oranges that can be shipped in fresh market channels as hereinafter set forth.

(2) Oranges grown in Florida's Interior District are distributed throughout the United States and exported to several foreign countries. Markets within the State of Florida are also important outlets for Interior oranges. Last season about one-third of the fresh Interior oranges were sold in Florida markets. Sometimes such oranges, which are initially shipped to destinations in the part of Florida south and east of the Suwannee River, are later shipped to markets in western Florida or outside the State. However, some shipments are sent directly to destinations west of the Suwannee River in Florida. Once the fruit reaches this western part of Florida, it moves freely into the Alabama and Georgia markets. Wholesale distributors, some of which are located near the northern border of Florida, ship oranges to markets throughout the United States. Fruit sold in this western Florida market is subject to the same price changes as other markets in the United States. Obviously, there is considerable competition between oranges that are sold in Florida west of the Suwannee River and those which are sold in the southern parts of the neighboring States of Georgia and Alabama. From the foregoing it is apparent that interstate commerce is affected by Interior orange shipments to west Florida, and oranges shipped to that area should be subject to volume limitations under the order.

The Suwannee River is designated as the boundary line for regulations under Orders No. 905, No. 912, and No. 913. The Suwannee River is a natural boundary and is recognized as such by the State of Florida in its citrus laws. The Florida State Department of Agriculture has stationed compliance personnel at road guard stations located on the various highways which cross the Suwannee River and the Georgia border. Here they check all the fruit as it moves out of the citrus producing areas south and east of this line.

Any handling of Interior oranges in fresh market channels exerts a direct influence upon all other handling of such oranges in fresh form. It is the primary objective of all handlers of Interior oranges to obtain the highest possible return for their oranges. Markets within the State of Florida provide the same opportunities to dispose of fresh oranges as do markets within other States. Whenever the price of oranges in one market, whether within the State or outside thereof, is higher than that in other markets, supplies tend to be diverted to the market having the highest price.

It is found, therefore, that all handling of Interior oranges is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce. Hence, except as hereinafter provided, all handling of oranges grown in the Interior District of Florida should be subject to the authority of the act and of the order.

(3) The term "oranges" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, should include all varieties of the fruit classified botanically as citrus sinensis, Osbeck (commonly called sweet oranges or round oranges) grown in the Interior District in the State of Florida. This group of oranges includes Early, Midseason, and Late Types belonging to citrus, sinensis, of varieties such as Parson Brown, Hamlin, Navel, Pineapple, seedling oranges, Valencia, Lue Gim Gong, and Pope Summer. It does not include such fruits as tangerines, tangelos, Temple oranges, Murcott Honey oranges, or King oranges, which are either hybrids or belong to the Citrus reticulata grouping. The term should be limited to the oranges grown in the Interior District inasmuch as the order is to apply only to such oranges.

The two terms "Early and Midseason Type oranges" and "Late Type oranges" should be defined in the order because the prorate bases, hereinafter provided for, are predicated on the amounts of oranges of each of these two groupings shipped during a historical base period.

In the order, the term "Early and Midseason Type oranges" should apply to all oranges except "Late Type oranges". An example of varieties within the Early and Midseason Type grouping, are Parson Brown, Hamlin, Navel, Pineapple, and seedling oranges. Within this grouping there are Early Type oranges, which are usually harvested from September through February, and Midseason Type oranges which usually are harvested from late November through March. Late Type oranges are normally harvested from February through June. The term "Late Type oranges" should refer to those varieties of oranges which usually mature later in the season and consist of Valencia, Lue Gim Gong, Pope Summer, and similar late maturing varieties of oranges.

A definition of the term "Interior District" or "district" should be set forth in the order to delineate the production area in which the oranges to be regulated are grown. The boundary of such district should be established as hereinafter set forth. This boundary is identical with that of Regulation Area I prescribed in Order No. 905 and with the Interior District prescribed in Order No. 913. The Interior District, defined in Order No. 905 as Regulation Area I, lies south and east of the Suwannee River comprising all of that portion of Florida having commercial orange production except the Indian River District, defined in Order No. 905 as Regulation Area II.

Oranges produced in the Interior District move freely throughout the district after they are harvested. They often move considerable distances to packinghouses after they are picked. When the fruit is stored in the coloring rooms, graded and packed, it often loses its identity as to where it was grown. All of the oranges in the packinghouse are treated in a similar manner, and they are all graded in the same way. In the Interior District, all oranges of a specific quality and variety sell for similar prices, regardless of whether they were grown in the northern, eastern, southern, or western part of the district. However, oranges from the Indian River District sell for higher prices, on an average, than oranges from the Interior District, reportedly because Indian River fruit is of higher internal quality.

In order for the committee to accurately distinguish shipments of Interior District oranges from shipments of oranges produced in the Indian River District, the order should authorize the committee, with the approval of the Secretary, to require handlers to report that the oranges in question were produced in the Interior District or the Indian River District, as the case may be.

When deemed appropriate by the committee, handlers should provide this information by means of a notation on the shipping manifest. They may also provide such information to the Federal or Federal-State Inspection Service with written authority for such service to include a notation to that effect on the inspection certificate. Handlers may send the information directly to the committee in the form of a report.

It is concluded that, for the purpose of the order, the Interior District, as hereinafter defined, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

(4) The term handler or shipper should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of Interior oranges that is to be regulated, the term should apply to all persons who place such oranges in commerce by performing any of the activities within the scope of the term handle, as hereinafter described. In other words, any person who is responsible for the sale or transportation of Interior oranges, or who in any other way directly or indirectly places such oranges in commerce, should be a handler under the order and be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of oranges owned by another person should not be considered as making such carrier a "handler" as, in such instances, the carrier is performing services for hire and is not responsible for the quantity or pack of the commodity. Of course, if the carrier is the owner of the oranges being transported, such carrier would be the handler the same as any other person who may primarily be engaged in another business—such as producer or retailer—but at times is also a handler of oranges.

The term "handle" or "ship" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place Interior oranges in the channels of commerce between the "Regulation area", as hereinafter defined, and any point outside thereof in the United States, Canada, or Mexico. The handling of such oranges begins at the time the fruit is picked from the trees and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities, such as selling (including consignment and delivery), or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of Interior oranges to fruit which conforms to the applicable requirements of the order.

It is usual for oranges, after picking, to be sorted, graded, packed, or otherwise prepared for market. Such preparation for market generally is performed at a packinghouse within the Interior District. However, it is the practice of a few handlers, who have packinghouses located outside the Interior District but within the regulation area, to transport limited quantities of Interior oranges to such packinghouses where they are prepared for market. All oranges grown in the Interior District should be subject to the provisions of the order, regardless of where they are packed. The grower, in such instances, properly relies on the person preparing the oranges for market to see that they meet all requirements for marketing. Moreover, such activities, if performed, are preliminary to placing the fruit in marketing channels. It would not be practical, and would unnecessarily complicate the administration of the order, to require persons engaged in the preparation of oranges for market to meet the requirements of regulations under the order at any time except after such preparation. Therefore, the movement of oranges from the grove where grown to the place within the regulation area where the fruit is to be prepared for market, and activities in connection with such preparation, should not be covered as handling subject to regulation.

While some oranges are handled for consumption within the regulation area, most of the transportation of oranges within such area is from groves to packinghouses and processing plants or from packinghouses to destinations outside the regulation area. The quantity of oranges handled for consumption within the regulation area is small, in relation to the total movement, and the difficulties of enforcing regulations for fruit so marketed would be great. Moreover, it is not necessary that such handling be regulated in order to accomplish the objectives of the program.

The State of Florida laws require the inspection and certification of all citrus shipments by the Federal-State Inspection Service, and each handler is required to furnish the inspector with copies and duplicates of a manifest of each truckload or carload of fruit that leaves his packinghouse. Order No. 905 currently requires the inspection and certification of all fruit regulated under it, which includes oranges, by the Federal-State Inspection Service, and similar requirements are proposed for this order. The inspection certificates show the time, place, and quantity of each lot of fruit inspected and shipped. So that the committee will have knowledge as to the destination of each shipment for assessment purposes and determinations relative to allotments, each handler should be required to furnish information to the committee showing the destination of each shipment of oranges produced in the Interior district. This information may, if deemed appropriate by the committee and with the Secretary's approval, be in the form of a notation on the shipping manifest. Also, the handler may provide the information to the Federal-State Inspection Service and request that it be noted on the inspection certificate. He may provide such information directly to the committee in the form of a report. However, the committee should determine the manner in which handlers should provide such information.

The term "handle" should relate to transactions involving only the markets in the 48 contiguous States of the United States, the District of Columbia, Canada, or Mexico. All of these areas are considered by handlers of Interior oranges to be one "domestic" market.

Methods of shipment to these markets are the same and shipments may readily be diverted from one market destination to another after the oranges leave the regulation area. Most exported oranges are transported by boat and as such shipments are in transit a considerable length of time, it would be impracticable to determine what volume of oranges should be shipped to a particular export market. It is the policy of the Florida citrus industry to promote the exportation of all citrus fruits, including oranges.

The primary responsibility for determining whether a particular lot of oranges conforms to the order requirements should rest with the person who places such oranges, or causes oranges to be placed, in the current of the regulated commerce. In most cases, such person will be the one who was responsible for packing or otherwise preparing the oranges for market. However, the order should not excuse a subsequent handler of the fruit from complying with such requirements, as such oranges may have been handled contrary to the provisions of the order. Each person who handles oranges should be responsible for seeing that all order requirements are met at the time such person handles the fruit.

As all handling of Interior oranges is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all such handling should be subject to the order and regulations issued pursuant thereto.

(5) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the Interior Orange Marketing Committee—the agency which will administer the program locally—are to be maintained. It is desirable to establish the fiscal period as a 12-month period beginning on the first day of August of each year. Such a period would fix the end of the fiscal period and the beginning of the next at a time of relative inactivity in the marketing of Interior oranges. This would facilitate fixing the term of office of members and alternates to coincide with such period as it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still insure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. However, since the order, if it becomes operative, cannot be effective at the beginning of such period, the initial fiscal period should begin on the effective date of the order. Therefore, it is concluded that such term should be defined as hereinafter set forth.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

The term "standard packed box" should be defined, as hereinafter set forth, to provide a specific unit of measure for purposes as assessment, volume limitations, and handler allotments. Interior District oranges are packed in a number of different containers of varying sizes and capacities. The common unit of measure throughout the industry for statistical and other purposes is the standard 1⅗ bushel box. Hence, the establishment of assessments, regulations, and allotment in terms of a container equivalent to 1⅗ bushels will have specific meaning to growers, handlers, and others within the industry.

The term "regulation area" should be defined so as to include therein all of the State of Florida that is south and east of the Suwannee River. As indicated heretofore, substantial quantities of oranges move within this area for processing. Also, a few handlers transport from the Interior District to packinghouses located at other points within this area for the purpose of preparing such oranges for market. It would complicate the administration of the order to apply regulations to fruit handled for consumption within the area; and it is not necessary to do so in order to accomplish the purposes of the order.

It is desirable to fix the boundaries of the regulation area so as to coincide with established check points employed by the State in connection with its regulations concerning citrus fruits. A large portion of the shipments of Florida citrus fruits, including Interior oranges, are made by truck and there have been established so-called road guard stations to check truck shipments of citrus fruits and other commodities. These stations are located near the highway crossings of the Suwannee River and on the major roads near the Georgia border leading out of the State that do not cross that river. As all Interior oranges marketed in fresh form are prepared for market within the regulation area, there are already available facilities for checking compliance with the regulations under the order. The exclusion of any portion of the State other than that west of the Suwannee River would increase the number of routes by which oranges could move by truck from the regulation area and would correspondingly increase the difficulty and expenses of effecting compliance with the order provisions.

It is desirable to define the terms "week" or "full week" as a 7-day period beginning with Monday. The use of such period would make the weekly period coincide with the period used by all segments of the industry for record keeping purposes. Therefore, the order should contain such definition.

The term "producer" should be synonymous with "grower" and should be defined to include any person who is engaged, in the Interior District, in the production of oranges for market and who has a proprietary interest therein. A definition of the term grower is necessary for such determinations as who is eligible to vote in referenda and whether producer approval requirements for issuance of the order have been met.

(a) It is desirable to establish an agency to administer the order locally under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Interior Orange Marketing Committee" is a proper identification of the agency and accurately reflects its character.

The record evidence indicates that selection of the members and alternates of the Growers Administrative and Shippers Advisory Committees, designated under Order No. 905, and whose residences and principal places of business are in the Interior District, as the members and alternates of the Interior Orange Marketing Committee would be a practical means of staffing such committee and this would avoid many of the objectionable problems which often are invoived in establishing and dealing with an additional group. The number of members on each of the aforesaid committees under the current provisions of Order No. 905 from the Interior District is 7. Hence, such selection would provide a well balanced committee, with respect to grower and handler representation. In addition, Order No. 913 provides that this same method be used in selecting members to the Interior Grapefruit Marketing Committee. Therefore, both the Interior Orange Marketing Committee and the Interior Grapefruit Marketing Committee would be similarly constituted. It was pointed out that these committeemen gain considerable knowledge about the marketing problems, particularly oversupply situations, for several types of citrus when considering grade and size regulations for oranges, grapefruit, tangerines, and tangelos under Order No. 905 and volume regulations for Interior grapefriut under Order No. 913. Moreover, most growers and shippers, who are likely to be nominated and selected to represent the industry in

connection with Order No. 905, are likely to be familiar with both the growing and marketing of citrus fruits, including Interior oranges. Hence, such committeeeman would be well qualified to perform the functions of committeemen on the Interior Orange Marketing Committee.

It is, therefore, concluded that the order should provide, as hereinafter set forth, that the members and alternates of the Growers Administrative and Shippers Advisory Committees selected under Order No. 905, whose residences and principal places of business are in the Interior District shall be the members and alternates of the Interior Orange Marketing Committee.

A vacancy on the proposed Interior Orange Marketing Committee would occur as the result of a vacancy on the Growers Administrative Committee or Shippers Advisory Committee under Order No. 905. Appointment by the Secretary to fill a member or alternate member vacancy on either such committee would automatically fill the corresponding vacancy on the proposed committee.

The term of office of committee members and alternates (under the order) should be concurrent with the term of office of the Growers Administrative and Shippers Advisory Committees. Such term of office is for 1 year beginning on August 1 and ending the last day of July. Hence, the term of office will begin sufficiently in advance of the beginning of Interior orange shipments each season to allow adequate time for the committee to organize and start functioning.

It was testified at the hearing that in order to provide for continuity of operations, should there be any termination or suspension of Order No. 905, continuation of the Interior Orange Marketing Committee should be authorized until an alternate method of nomination and selection of members and alternates by the Secretary, by amendment of the order, could be accomplished. In order that there would be an administrative committee in existence to function at all times, the Secretary should be authorized to select committee members and alternates without regard to provisions of the order.

Since the order, if made effective, obviously cannot become effective until after the 1970–71 marketing year is in progress, the initial members and alternates should be the eligible incumbent members and alternates of the Growers Administrative and Shippers Advisory Committees designated under Order No. 905.

The order should provide that an alternate member shall serve in the place of a member of the committee, in appropriate circumstances, in order to help insure full representation at meetings. If any committee member is sick, or otherwise unable to attend a meeting, the alternate member should attend and serve for the member at such meeting. Also, the alternate should act for the member for whom he is an alternate should the member die, be removed from office, or be disqualified, and should serve in this capacity until a successor to such member has been appointed and has qualified. So that as large a representation as possible will be present at meetings, the order should provide that in the event neither a member nor his alternate is able to attend a meeting, the chairman of the committee may designate any other alternate member who is not acting as a member to serve in such member's place and stead. To the extent practicable, such designation should be made so as to maintain the composition of the committee as prescribed in the order.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive, and that it may develop that there are other duties which the committee may need to perform.

A simple majority of the members should constitute a quorum when the committee is acting on matters other than recommendations for volume regulation. Moreover, any decision or action on any such matter should require concurrence by such a majority. Such a provision is necessary to assure consideration of such matters by at least a majority of the committee and encourage full attendance and opportunity for discussion by committee members at assembled meetings. To this end, it should also be provided that all committee votes must be cast in person.

It was emphasized at the hearing that regulation of volume of shipments of Interior oranges should not be recommended unless such regulation is favored by a substantial majority of the committee after full discussion and consideration of the need for such regulation as evidenced by market price and supply factors. Therefore, the order should provide that any committee vote to recommend volume regulation should require concurrence by not less than 60 percent of the full committee, except when regulations have been in effect for 3 continuous weeks or longer. Since the purpose of volume regulation as herein contemplated is to restrict the flow of oranges to fresh markets only during weeks when market supplies are, or are expected to be, excessive rather than to restrict the volume for the season as a whole, the order should provide that after regulations have been in effect for 3 continuous weeks or more, not less than 80 percent of the full committee shall concur before any recommendation for volume regulation is made to the Secretary. This larger percentage of concurrence would insure adequate committee discussion and recognition of the need for regulation by at least 12 members of the committee. It would also tend to prevent any recommendation for volume regulation, except during periods of extremely poor marketing conditions. However, in recommending amendment of an existing regulation, concurrence by 60 percent of the full committee would be sufficient since this action would be to increase the quantity of oranges permitted to be shipped.

The number of votes necessary to constitute a majority favorable to volume regulation is stated in terms of percentages to allow for a possible change in the number of members on the committee. Since the membership would be limited to the same persons serving on the Growers Administrative and the Shippers Advisory Committees under Order No. 905, whose residences and principal places of business are in the Interior district, it is possible that in the future the tering Order No. 905 may be changed by membership of the committees administamendment or that a different number of members and alternates of either committee may have their residences and principal places of business in the Interior district. By prescribing a majority in terms of percentage of the committee rather than as a specific number, the necessary flexibility is provided in the order to deal with such possible changes.

Under the presently constituted Growers Administrative and Shippers Advisory Committees the order would have an administrative committee of 14 members. Therefore, under present circumstances, the requirement for 60 percent concurrence on recommended volume regulations would mean that 9 of the 14 members of the proposed committee should be favorable to such action and a requirement for 80 percent concurrence for continued volume regulation would mean that 12 of the 14 committee members should be favorable.

In order for an alternate to serve adequately in place of an absent member, it may be desirable that he should have attended previous meetings along with the member so as to have full understanding of all background discussions leading up to actions that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee, hence attendance at meetings as an alternate member could provide helpful experience. Although only committee members and alternates acting as members have authority to vote on actions taken by the committee, an alternate from a different part of the regulation area than the member, could, by attending the meeting, provide additional information to be considered in connection with a proposed volume regulation or other matters. In addition, as heretofore discussed, certain actions by the committee require concurrence of not less than a specified proportion of the members. In the event that members are absent, the presence of alternates to serve in their place would help assure that business could be conducted. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings, notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The order should also provide

for reimbursement of reasonable out-of-pocket expenses incurred by members and alternates in performance of their designated duties under the order. It would not be reasonable to require members or alternates to bear personally such expenses incurred in the interest of all growers and handlers. The same reimbursement of expenses that is available to members should be made available to alternate members for attendance at meetings when they are requested to attend meetings.

(b) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under an order, and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

Opponents on brief contended that administrative assessments to be imposed on handlers under the order are unlawful taxes and that the power to impose such "taxes" cannot lawfully be delegated to the administrative committee. These contentions are without merit and are denied. The assessments are not "taxes" but are fully lawful assessments imposed on regulated handlers to defray the cost of their regulation as expressly provided by the act (section 10). Also, although the committee is to recommend a budget and rate of assessment, it is the Secretary and not the committee who approves the budget and fixes the rate of assessment.

As his pro rata share of such expenses, each handler who first handles oranges during a fiscal period should pay assessments to the committee, at a rate fixed by the Secretary, on all oranges so handled. In this way, each handler's total payments of assessments during a fiscal period would be proportionate to the quantity of oranges handled by each such handler and assessments would be levied on the same oranges only once.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. The committee, because of its knowledge of the prospective crop, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

The rate of assessment to be applicable during a fiscal period should be fixed by the Secretary on the basis of the recommendation of the committee, or from other available information, so as to assure such assessments are consistent with the act. Such rate should be fixed on a fair and equitable unit basis and in an amount designed to secure sufficient funds to cover the expenses which may be incurred during the fiscal period.

The Secretary should have the authority to increase the assessment rate, at any time during the fiscal period or thereafter, when necessary to obtain sufficient funds to cover the expenses of the committee applicable to such period. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all oranges handled during the particular fiscal period so that the total payments by each handler during each fiscal period will be proportionate to the total volume of oranges handled during that period. Likewise, should the provisions of the order be suspended, during any portion or all of a fiscal period, it will be necessary to secure funds to cover expenses during such period. The committee will incur expenses each fiscal period even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods would tend to increase rather than decrease total expenses as complete liquidation of the committee's affairs would be necessary to eliminate the payment of any salaries, rent, or utilities. Thereafter, when operations were resumed, it would be necessary to hire and train new personnel and new quarters would have to be obtained and outfitted. Such costs probably would exceed the expenses of maintaining an office and a minimum staff during a period of suspension. Moreover, the committee should be in a position to resume its functions fully at any time conditions are such that a period of suspension of operations should be terminated. Since expenses will not cease when the order is suspended or inoperative for a period, authorization should be provided to require the payment of assessments during such periods, as authorized by the act for the maintenance and functioning of the committee.

Prior to each marketing season, the committee should estimate committee expenditures and the volume of orange shipments for the forthcoming fiscal period, and based on these estimates an assessment rate, pursuant to the order, should be fixed prior to each fiscal period; so that, the committee may operate efficiently and conduct its affairs in a businesslike manner. However, the anticipated crop for any season is susceptible to reduction by adverse weather since a substantial part of the orange crop is still unharvested at the times of the year when hurricanes and freezing conditions occur. If the crop were reduced sufficiently to result in assessment income falling below program expenses, there would arise the necessity for handlers to pay an increased rate of assessment, in order to avoid or cover a budget deficit, and the order should so provide, as hereinafter set forth.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. All such fiscal and financial records should be audited at least once each year by a certified or registered public accountant. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each month and each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate of the committee, he should similarly be required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to the committee. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the committee the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

Hearing testimony emphasized that it would be far less burdensome for handlers to contribute to a reserve fund during years of normal production than to be required to pay a sharply increased rate of assessment on a materially reduced crop. Except for a few exceptions, the same handlers ship oranges year after year. Thus, the same persons who contribute to the reserve fund would receive the benefit from it. The reserve fund should be established by using surpluses, including amounts budgeted for the reserve, arising from assessments levied at rates designed to yield a surplus during years of normal production. Although a reserve fund would be established gradually, attainment of the full amount should not be unduly delayed because the need for a financial reserve could occur during any season due to the unpredictable nature of the weather hazards involved.

The reserve fund could properly be used for several purposes. One important purpose would be its use in covering a deficit which occurred during a season when assessment income was insufficient to cover expenses, without encountering the problems associated with changing the assessment rate well after the season has begun. A reserve fund would also allow the setting of a relatively stable assessment rate from year to year, as

such funds could be used to augment assessment income during periods of low production. In addition, at the beginning of each fiscal period operating costs are incurred but there is little income from assessments until shipments are being made in volume often 2 to 3 months later. Unless an operating reserve is available or handlers choose to leave their credits on deposit with the committee, funds to cover these costs must be borrowed, the costs of which are an expense which handlers must pay. Also, should the order be terminated at some future date, funds in the reserve would be available to pay liquidation costs rather than assessing handlers to secure the necessary funds. It is appropriate for all handlers who have benefited from the operation of the program to participate in the payment of the costs of liquidating the program upon its termination.

In order that such a reserve fund would not be accumulated beyond a reasonable amount, it should be limited to approximately one-half of the usual expenses of one fiscal period. It was shown that such an amount should be sufficient to cover any foreseeable need especially since some assessment income may be expected during any year. After the reserve fund has reached the proposed limit, to assure that the reserve does not exceed such approximate limit, the assessment rate could be set at a level calculated to result in a deficit and such deficit covered from the reserve.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the funds to be distributed. Therefore, it is desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

It is concluded, therefore, that the order should permit excess assessments to be placed in a reserve and used to cover all expenses authorized under the order and any necessary expenses of liquidation.

(c) The declared policy of the act is, among other things, to establish and maintain such orderly marketing conditions for oranges, among other commodities, as will tend to establish parity prices therefor, and be in the public interest. The regulation of Interior orange shipments, as authorized in the order, would provide a means of carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of orange shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions are being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for oranges since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions since the beginning of the season are sufficiently marked to warrant modification of the marketing policy previously adopted. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend regulations limiting the total quantity of oranges which may be shipped during weekly periods whenever it believes that such regulation will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions in the interest of producers and consumers. In arriving at its recommendations for regulation, the committee should consider current information with respect to the factors affecting marketing conditions for oranges.

The record indicates that the authority for volume regulation is needed primarily to facilitate the establishment of a more orderly flow of fruit to market during critical periods when a market glut appears imminent. Therefore, authority for continuous regulation during each week of the season is not necessary and the authority of the order to regulate the volume of shipments should be limited to that which will permit a maximum of 12 weekly volume regulations in any fiscal period. Furthermore, provision for volume regulation on such limited basis should result in more judicious consideration of recommendations by the committee, and would encourage the committee to recommend such regulation only at such times and to the extent such are needed to effect orderly marketing. Also, limiting regulation to a number of weeks, as specified, would be desirable from the standpoint of permitting handlers ample opportunity to ship oranges during weeks when no regulations are prescribed. In view of the foregoing, it is concluded that authority for volume regulation as hereinafter set forth would be a reasonable means by which to effect orderly marketing and the order should so provide.

The demand for oranges varies depending upon the volume of available supplies, the quality of such supplies, the availability of competing commodities, and other factors. It is not possible to anticipate precisely the quantities of oranges that may be sold advantageously during a particular week, because factors, such as changing weather conditions and varying supplies of competing fruits, cause market conditions to change quite rapidly. Consequently, when conditions change so that the then current regulation does not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend an increase in the quantity of oranges which may be handled during the particular week or the suspension or termination of such regulations, whichever the situation warrants. The quantity of oranges, fixed by a regulation, to be shipped during a given week should not be decreased as handlers cannot be expected to reduce shipping schedules after being notified of the quantities of oranges that they may individually handle. Moreover, inequities could result if some handlers had already shipped their allotments prior to such a decrease.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to fix, or increase, the quantity of oranges that may be handled during a particular week to help producers to obtain favorable returns or to regulate the flow of oranges in the interest of producers and consumers through establishment of more orderly marketing conditions for oranges and to avoid unreasonable fluctuations in supplies and prices. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing or amending such regulations as may be necessary to effectuate the declared policy of the act. Also, when the Secretary determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation.

The order should provide a method for apportioning equitably to handlers the total quantity of oranges that may be shipped under regulation during each week such regulations are in effect. The evidence of record shows that such equitable apportionment can be achieved by allocating to each applicant handler, on the basis of the handler's prorate base computed from such handler's past

performance in the handling of oranges to reflect the same relationship his shipments bore to the shipments of all applicant handlers during the representative period. Such equitable apportionment may be achieved by allocating such quantity to applicant handlers on the basis of the relationship existing among such handlers in a representative previous period. The proportion of the total allotment given the individual handler should bear the same relationship to the total allotment as the volume of shipments of that handler bore to the total volume shipped by all applicant handlers in the representative period. This should be achieved by the application of each handler's prorate base (computed as hereinafter set forth to reflect such relationship) to the total allotment.

The order should authorize a method for computing the prorate bases for handlers. The method should be based on the total shipments made by the handler during a representative period. The Agricultural Marketing Agreement Act of 1937, as amended, specifies that the allotment of the amount which each handler may market shall be based upon amounts which each handler has available for current shipment, or upon the amounts shipped by each such handler in such prior period as the Secretary determines to be representative or both. Record evidence clearly establishes that because of the large volume of oranges that are processed and the existence of cash buyers who purchase oranges throughout the season, it is not feasible to establish and operate an orange prorate program in the Interior District in Florida at the present time on the basis of amounts handlers have available for current shipments. The order should authorize that the calculation of the respective amounts which each handler may handle should be based upon shipments he made during a representative period. Such period should comprise the past 3 years and the elapsed weeks in the current season so as to include shipments made by all handlers. Three years is a long enough period for each handler's shipments to reflect his proportion of the total fresh orange shipments. A shorter period may not truly reflect such position, and a longer period would serve no useful purpose.

There are handlers each year who made no shipments in one or more seasons within the aforesaid 3-year-period; and there are a number of reasons why a handler would make no shipments during an entire season. It is appropriate however that the shipments made by a handler during the immediately preceding seasons, if any, of the 3 year period be used in the calculation of the prorate bases for handlers. For illustrative purposes only, let us assume that a handler made shipments during the 1966–67 season, made no shipments during the 1967–68 season, then made shipments during the 1968–69 season, and during the current season (1969–70). Only the shipments made during the 1968–69 season and the shipments made during the current season should be used in computing a prorate base for such handler. According to the evidence of record, the fact that the handler made no shipments for an entire season (1967–68) indicates that something drastic may have happened to his operations as a handler. For example, he may have suffered a serious illness, or experienced labor troubles, or a loss of packing facilities through fire. When such handler resumed the business of handling during the 1968–69 season, the shipments made during the 1966–67 season should not be used in the computation of his prorate base. Such shipments would not necessarily reflect the handler's present position in the industry. Furthermore, a handler may reenter the business on a very limited scale or through reorganization or refinancing or otherwise may reenter the business with a much larger volume than he formerly handled. In the operation of the order, only the shipments made within the immediately preceding seasons within the representative period may be used in the computation of prorate bases for handlers.

According to the record, it would be equitable to provide in the order for the computation of prorate bases for all handlers on the basis of prior shipments, including those made during certain weeks, as hereinafter discussed, of the current season. The representative period for all such shipments would thus become the three preceding seasons together with the designated elapsed portion of the current season.

The order should specify the method for computing two separate prorate bases for handlers—one for early and midseason type oranges and another for late type oranges. Such method for computing a prorate base for each handler of early and midseason type oranges should specify that the computation shall be made by adding together the handler's shipments of early and midseason type oranges made in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and dividing the total by a divisor computed by adding together the number of elapsed weeks of the current season and 32 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. In connection with determining the prorate base for each handler of early and midseason type oranges, the term "representative period" should mean the three previous seasons together with the current season; the term "season" should mean the 32-week period beginning with the first full week in September; and the term "current season" should mean the period beginning with the first full week in September of the current fiscal period through the fourth full week preceding the week of regulation, except that when official shipping records of the handlers are available to the committee the term "current season" should extend through the third full week preceding the week of regulations. Such method for computing a prorate base for each handler of late type oranges should specify that the computation shall be made by adding together the handler's shipments of late type oranges in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and dividing the total by a divisor computed by adding together the number of weeks elapsed in the current season and 21 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. In connection with determining the prorate base for each handler of late type oranges, the term "representative period" should mean the three previous seasons together with the current season; the term "season" should mean the 21-week period beginning with the first full week in February and the term "current season" should mean the period beginning with the first full week in February of the current fiscal period through the fourth full week preceding the week of regulation, except that when official shipping records of all handlers are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

Thirty-two weeks should be the portion of the fiscal period used in the divisor for computing the prorate for early and midseason oranges because such total weeks represent the period during which early and midseason oranges are likely to be shipped during any season. For the same reason, 21 weeks should be the portion of the fiscal period used in the divisor for computing the prorate base for late type oranges.

The official records of shipments of handlers are provided to the committee by the Federal-State Inspection Service. Shipments are tabulated by said service after the conclusion of the weekly shipping period without reference to the particular day of the week the shipments are in fact made. When the tabulation has been completed, the report is mailed to the committee. The evidence of record shows that, on the basis of past performance, the information concerning handler's shipments through the third full week preceding the week of regulation will generally be available when the committee meets to consider the need for regulation. It is not possible, at the present time, to define the term "current season" so as to include in each instance shipments of said third week as there have been occasions, and there may continue to be occasions, when the information concerning handlers shipments extends only through the fourth full week preceding the week of regulation.

It is important for the committee to have record of the latest shipments of handlers for inclusion in the calculation of the prorate bases. Often, the orange shipments made early in the season are of small volume due to lack of maturity, small size fruit, or for other reasons. Later shipments are often in larger amounts as more fruit becomes mature, size becomes larger, and the demand for

such fruit may improve. Since the prorate base is to be computed each week when volume regulation is likely to be recommended, it would be equitable and in keeping with the desires of the industry, to include all the shipments of record that have been made during the current season. Thus, it would not be appropriate to require the computation in each instance to include only those shipments made up to and including the fourth full week prior to the week of regulation if information concerning shipments made 1 week later was available to the committee. Accordingly, the prorate base computation, and the terms "representative period", "season" and "current season" should be on the basis heretofore discussed and as hereinafter set forth.

The order should provide that each handler who desires to handle oranges during regulated periods should make application to the committee for a prorate base and allotments. Such application is necessary in order that the committee will have knowledge of the handlers for whom the prorate bases and allotments are to be computed. Each such application should be supported by such information and substantiated in such manner as the committee may require. In most instances, such information probably would include only a certification as to past shipments of oranges which can readily be checked against records of the Federal-State Inspection Service. However, the committee should have authority, with approval of the Secretary, to require such information as may be necessary in order to assure that the allotments computed for individual handlers are appropriate.

The committee should check the accuracy of the information submitted with the application for a prorate base and allotments and correct any error, omission, or inaccuracy in such information; and the person submitting the information should be given an opportunity to discuss with the committee the factors considered in making the correction. Only in this manner can the determination of correct allotments to individual handlers be assured.

Whenever the Secretary has fixed the total quantity of oranges that may be handled during any week, the order should provide a method for equitably allocating such quantity between early and midseason type oranges and late type oranges during the period when both types of oranges are being shipped. The allocation as between the two types is desirable and necessary due to the different dates when the two types of oranges reach maturity.

A method which is equitable and which should be used in the order is based on the following two factors: (1) The rate of decrease of the percentage of early and midseason type oranges in weekly shipments of oranges during that portion of the last three fiscal periods when shipments of both types of oranges were being made, and (2) the relative proportions of the two types of oranges shipped in the current fiscal period as reflected by shipments made during the first or second week preceding the week in which the committee meets to consider the need for regulation. The committee can obtain a preliminary report of handlers shipments from the Federal-State Inspection Service. It is likely that this report will include sufficient shipments made during the week immediately preceding the week in which the committee meets to provide the committee with a basis for a reasonable estimate of the respective proportions. However, there may be occasions when the information is insufficient or not available and the method should permit the committee to use the records of shipments made the second week prior to the week of the committee meeting. The respective proportions of shipments computed from shipment data of the last three seasons' overlapping periods would provide an index to which the weekly data may be applied to estimate probable proportions in subsequent weeks of the current season. An examination of the shipping data for the past several fiscal periods reveals a pattern of decline of early and midseason type orange shipments and an increase in late type orange shipments, once the shipment of late type oranges begins for a particular shipping season. Shipments of late type oranges do not begin during the same week of each shipping season because of maturity factors. But, once shipments begin, it is possible to predict, with a fair degree of precision, what proportion of each type of oranges will likely be shipped during the next week or the following week.

It is not practical to fix in the order the precise allocation of allotment of the two types of oranges for each week. In some seasons, shipments of late type oranges may be early, while in others they may be late. Also, it is desirable for such allocation to reflect the latest marketing trends. This should be accomplished by basing the allocation on shipments made during the last three seasons, rather than on the three seasons included in the initial calculation.

The quantity which may be handled during a specified week as fixed by the Secretary should be allocated between the two types in the manner heretofore discussed. However, during that portion of any fiscal period beginning with the first full week in January and ending with the first full week in May, the allocation to either type of oranges should be not less than 5 percent. This requirement makes available to all handlers the benefits of the overshipment, borrowing, and transfer provisions. Historically, the period beginning with the first full week in January and ending with the first full week in May is the period when both early and midseason type oranges and late type oranges might be shipped simultaneously. Such period begins sufficiently early in the fiscal period to include the shipment of early-maturing late type oranges and extends sufficiently late in the fiscal period to include the shipment of late-maturing early and midseason type oranges.

The committee should, at the beginning of each fiscal period, adopt rules and regulations with the approval of the Secretary for implementing the procedure for determining allocation of the fixed quantity between the respective types of oranges.

Such rules and regulations should set forth a formula which reflects the respective proportions of weekly shipments of each type of orange during the preceding three fiscal periods showing the weekly differences in the proportions of each type and the proportion of the two types as reflected by shipments during a specified week of the current season.

The method for computing an allotment for each handler should be specified in the order. An allotment should be the quantity of oranges, without regard to type, which may be handled during any week by each handler who has applied for and received a prorate base, whenever the Secretary has fixed the total quantity of oranges that may be handled during such week. Such allotment should be based on two components: (1) Such handler's historical shipments of early and midseason type oranges, and (2) such handler's historical shipments of late type oranges. Each handler should be allowed to use his allotment to handle both types of oranges. Allowing a person to use his allotment to handle either type of oranges will add flexibility to the order, in that a handler can use his allotment to ship either type of oranges as he prefers. Without this provision, such handler may not be permitted to handle oranges during a particular week because his allotment was for the other type or he may handle such oranges only if he could borrow allotment. A person's allotment should be the sum total of two components. One of these components should be computed by multiplying the "fixed quantity" of early and midseason type oranges, by a percentage obtained by dividing each person's prorate base for early and midseason type oranges by the aggregate total of the prorate bases of all handlers so computed for early and midseason type oranges. Similarly, the other component should be computed by multiplying the "fixed quantity" of late type oranges by a percentage obtained by dividing such person's prorate base for late type oranges by the aggregate total of the prorate bases of all handlers so computed for late type oranges.

The order should provide that whenever volume regulation is likely to be recommended by the committee, it should compute a prorate base or bases for each person who has applied therefor and for an allotment. Also, if volume regulation is recommended and the Secretary fixes the total quantity of oranges that may be handled during a particular week, the committee should determine each handler's allotment. The committee should make these computations and provide reasonable notice to each such person of the allotment so computed for him.

The order should contain provisions permitting, to the extent practicable, flexibility in handler activities under the program regulations. Such flexibility can be provided by authorizing the overshipment and undershipment of allotments

and allotment loans of transfers between handlers.

During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment should be permitted to handle, in addition to the allotment available to him, an amount of oranges equal to 10 percent of such allotment or 500 boxes, whichever is greater. The Secretary, on the basis of recommendations of the committee or other available information should be authorized to increase the quantity from 500 boxes to 1,000 boxes. The order should provide for repayment of such overshipment in subsequent weeks. However, the order should permit such a person to make successive overshipments when regulations continue in effect for two or more successive weekly periods, until such overshipments total the amount authorized by the Secretary before such overshipments are charged against his allotments.

Under the overshipment procedure a handler may overship during each of the consecutive weeks of regulation until a total of such overshipments reaches 500 boxes or the amount authorized by the Secretary. This provision will provide needed flexibility in the order. It will also allow those handlers who have been issued small allotments an opportunity to make overshipments and take advantage of marketing opportunities that presently are not open to such handlers. Because of the total small quantity that is likely to be overshipped during a particular week under this provision, no adverse marketing conditions are expected to result from it. The subsequent weekly allotments issued to the handler should then be used to repay such overshipments. However, if the handler does not make any shipments of oranges during a weekly period for which an allotment was issued to him, the entire allotment should be used to offset, to the extent thereof, any permitted overshipment by such handler during the immediately preceding week or weeks of continuous regulation. But, if a person's allotment for such week is less than the excess shipments authorized by the Secretary, the remaining quantity should be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset. The authority permitting the Secretary to increase the amount of allowable overshipments from 500 boxes to not more than 1,000 boxes should afford handlers greater flexibility in the handling of oranges during periods of regulation. Such an increase should be made effective, insofar as possible, at the start of a fiscal period and continue throughout the season. In any event, if the situation warrants such a change at any time, such change should be made promptly and the order should permit such action. In addition to providing authority for the Secretary to increase the total quantity that may be overshipped, the order should contain authority for him to decrease such amount but not below 500 boxes. Suppose, for example, that the amount was increased from 500 boxes to 1,000 boxes. After a period of operation, if the committee determines that 1,000 boxes are too large an amount to be permitted for overshipment, the Secretary, on the basis of a committee recommendation or other available information, should be authorized to prescribe such lesser amount as he deems appropriate in the circumstances, as for example, 750 boxes or the original 500 boxes, instead of the 1,000 boxes.

The order should provide that all requirements to undership allotment because of previous overshipments shall be canceled any time there is no regulation in effect. A period of no regulation would indicate that the burdensome situation which called for a limitation of shipments had passed and now handlers should be permitted to ship freely.

The limitations on the amount of overshipment allowed is necessary to assure that the quantity fixed by the Secretary for the particular week is not exceeded by more than a reasonable amount.

Similarly, provision should be made to permit a handler who has handled a quantity of oranges less than the total allotment available to him for a particular week to handle during the following week, if volume regulation is in effect, an additional quantity of oranges equal to such undershipment but not exceeding 25 percent of the allotment available to such handler during the week of undershipment. This provision for, in effect, carrying forward allotment that has not been used is desirable and is needed because at times weather or other conditions may not permit a handler to ship all of his allotment. The limitation on the amount of carryover allowed is also desirable as it will tend to cause each handler to endeavor to use the allotment or lend or transfer it to others. Shipment of the quantity fixed by the Secretary should be encouraged since otherwise marketing opportunity may be lost. The order should, therefore, provide that this percentage may be changed (i.e. increased or decreased) by the committee with the approval of the Secretary, so that an adjustment may be made if necessary to improve order operations or be in response to the then existing conditions as may warrant such action.

Provision should be made for the lending, borrowing, and transferring of allotment. This would enable handlers who have allotment in excess of their needs and those who have less to adjust their operations accordingly. The committee must, of course, have knowledge of all allotment loans and transfers so it can determine whether handlers are in compliance with the order provisions. All loan and transfer transactions should, therefore, be subject to the prior approval of the committee so as to assure that such transactions are made in accordance with the provisions of the order. The committee should be authorized to assist handlers in the arrangement of allotment loans and transfers. Some handlers may at times have excess allotment but do not know who desires additional allotment.

Each loan agreement should provide for repayment and the loan should be repaid as agreed except for loans falling due during any week when no volume regulation is in effect. In the latter situation the loan should be deemed canceled the same as when a handler's obligation to repay an overshipment fails in a week when no regulation is in effect for the reasons heretofore discussed. In any event the lending handler would be free to handle any amount desired without the repayment of the borrowed allotment.

(d) The order should also contain authority for issuance of such volume regulations in above-parity price situations as will tend to establish and maintain such orderly marketing conditions for oranges as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout the normal marketing season and avoid unreasonable fluctuations in supplies and prices. The need for such authority is illustrated by the fluctuating price and supply factors. The issuance of volume regulations during periods of above-parity prices, subject to the limitations on total weeks allowable, could well serve the same objective of stabilizing prices and supplies available to consumers as regulations issued during periods of below-parity prices. Such regulations would make it possible to extend the supply over a longer period during seasons of short supply and thus preclude the ill effect of the occurrence of even short periods of oversupply to the market.

(e) The order should provide for the exemption from its provisions of such handling of oranges which it is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to all of the provisions of the program.

Oranges which are handled by parcel post, to a charitable institution for consumption by the institutions, or to relief agencies for distribution by them have little influence on the level of prices for oranges sold for fresh consumption in the domestic markets. Also, oranges which are shipped for commercial processing into canned or frozen products or a beverage base are marketed in a manner distinctly dissimiliar to the marketing of fresh oranges. Hence, oranges handled for such purposes should be exempted from compliance with the regulations pursuant to or under the order such as the requirements for payment of assessments and for inspection and certification of orange shipments.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of oranges, in such specified small quantities, or types of shipments, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the exemption of

such handling as may be found not feasible administratively to regulate or which does not materially effect marketing conditions in commercial channels. It would be impracticable to set forth these exemptions in detail in the order, because to do so could destroy the flexibility which is necessary to reflect the differing conditions affecting the handling of oranges. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for specified purposes, should also be exempted from regulation, inspection, and assessments, and the period during which such exemptions should be in effect.

The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, including procedures and safeguards as are necessary to prevent oranges handled for any of the exempted purposes from entering into regulated channels of trade other than for such purposes and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the oranges moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such oranges may not have to comply with other requirements of, or pursuant to, the order. These procedures might include such requirements as filing applications for authorization to move oranges in exempted channels and certification by the receiver that such oranges would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(f) Provision should be made in the order requiring all oranges handled, whenever regulations are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation. The requirement of inspection and certification of all oranges subject to regulation is needed to provide evidence of compliance with the regulations in effect. Handlers are familiar with the Federal and Federal-State Inspection Services and with the procedures for inspection and certification of oranges in the production area. All oranges are required under Florida laws and by Order No. 905 to be inspected by the Federal-State Inspection Service. The record indicates that no additional cost would accrue by reason of the inspection requirement in the order as only the one inspection would be performed to meet the requirements of all such programs. After the first handler of a lot of oranges has had such lot inspected and certified as meeting the applicable regulations, subsequent handlers would be permitted to handle such fruit without incurring the expense of another inspection. However, should it develop that the first handler had not complied with such inspection requirements, this should not excuse the subsequent handler or handlers from complying with the inspection and certification requirements.

(g) The committee should have the authority to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the order and to maintain for prescribed periods of time, such records as may be necessary to verify reports pursuant to this section. It is anticipated that much of the information needed by the committee in order to carry out its functions can be obtained from copies of inspection certificates. However, prompt reports of over- and undershipment of allotment will be necessary in order for the committee to advise the handlers of the allotment each has available for use during a particular week. Under a program of this nature, it would be practically impossible to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with the approval of the Secretary, reports and information, as needed and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

Each handler should be required to maintain records pertaining to the handling of oranges for such period as the committee with the approval of the Secretary may specify. This requirement is necessary so that the reports submitted to the committee by handlers can be verified. Including this requirement in the order will make it clear to all handlers that appropriate records must be maintained.

(h) Except as provided in the order, no handler should be permitted to handle oranges, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle oranges except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(i) The provisions of §§ 914.57 through 914.65, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 914.66 through 914.68, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 914.57 *Right of the Secretary;* § 914.58 *Effective time;* § 914.59 *Termination;* § 914.60 *Proceedings after termination;* § 914.61 *Duration of immunities;* § 914.62 *Agents;* § 914.63 *Derogation;* § 914.64 *Personal liability;* and § 914.65 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 914.66 *Counterparts;* § 914.67 *Additional parties;* and § 914.68 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. September 1, 1969, was initially fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. On August 8, 1969, the Hearing Examiner filed an announcement extending such time until September 15, 1969, and on September 9, 1969, he further extended such time until October 1, 1969.

A brief was filed on behalf of Consolidated Financial Corp., and Vaughn-Griffin Packing Co. by Charles E. Davis of Fishback, Davis, Dominick, and Salfi, 170 East Washington Street, Orlando, Fla., attorneys for opponents.

The brief touches on many points, including matters relating to: (1) notice of the hearing; (2) objections to the Hearing Examiner's rulings; (3) a suggested evaluation of the evidence, (4) a summary of the evidence of many witnesses and (5) a summary of exhibits.

Opponents objected in their brief to rulings of the Hearing Examiner not admitting in evidence certain exhibits proffered by them at the hearing and requested that such rulings be overruled. Except as otherwise indicated herein such requests are denied.

These exhibits generally were tendered by the opponents without testimony to support their authenticity and relevance. This procedure presented difficulties noted by the Hearing Examiner at various places in the record. For example, Exhibit No. 11 for identification clearly was not admissible per se without supporting testimony and shows on its face that it is incomprehensible without explanation. Other exhibits which were refused because of failure to show authenticity per se but were never retendered through a witness include Exhibits No. 16 and No. 17 for identification. Other proffered exhibits related to periods or subject matter so remote as to be of little assistance in the resolution of the questions presented at the hearing, particularly in the absence of a showing of the connection, if any, between such exhibits and the periods and issues under consideration at the hearing. Still other proffered exhibits, not sufficiently authenticated, dealt with orange shipments by handlers which information became generally available for the record by the Hearing Examiner's ruling that the best

evidence was contained in the public records of the Federal-State Inspection Service, of which official notice was taken by the Hearing Examiner with the full acquiescence of counsel for the opponents.

Opponents also offered an exhibit entitled "Interior Grapefruit Weekly Shipments Interstate Only, for the Seasons 1963–64, 1964–65, and 1965–66 for the following handlers: Lake Hamilton Cooperative, Inc.; Lakeland Packing Co.; Lake Region Packing Association; Minute Maid Groves Corp.; Keen Fruit Corp.; Blue Goose Growers, Inc." This proffer was rejected by the Hearing Examiner. This same exhibit had previously been received in evidence, as Exhibit P. 19, in a proceeding under section 608c(15)(A) of the act entitled In re Vaughn-Griffin Packing Co., AMA Docket No. F&V 913–1, and was a part of the record certified to the District Court and later to the Court of Appeals on statutory review of the ruling in that proceeding. It had also been received as Exhibit No. 11 in an amendment proceeding involving the Interior Grapefruit marketing order, Order No. 913, Docket No. AO–353–A1–RO–1. In the circumstances here presented, the exhibit is considered as part of this record and for that purpose official notice is taken thereof, it being part of the official public records of the Department. The content of the exhibit, however, is such that it does not alter the findings and conclusions reached elsewhere in this decision.

At the hearing, and on brief, opponents objected to the procedure whereby handler member nominations are weighted on the basis of the volume of fruit handled by the respective handlers. This is the procedure for nominating handlers to the Shippers Advisory Committee under Order No. 905 and under the presently proposed order Interior District members of that committee would become the handler members of the administrative committee under the proposed order. In this connection, these opponents sought to introduce exhibits showing the certified vote in 1968 for present members of the Shippers Advisory Committee under Order No. 905 and the certified nomination vote for proposed members of that committee to take office August 1, 1969. These exhibits were refused on the grounds that the names of the existing committeemen were a matter of record in the proceeding and that, as of the date of the hearing, the names of nominees would not necessarily represent the Shippers Advisory Committee to be selected by the Secretary under Order No. 905 for the term of office beginning August 1, 1969. The rejection of these exhibits by the Hearing Examiner is affirmed.

It seems evident that under Order No. 905, and under the Interior Grapefruit Order (Order No. 913), as well as under the order here being proposed that the volume of handling will be an important factor in the nomination of handler (but not producer) members of the administrative committees. There is nothing inherently unlawful in such an arrangement and if this results in some handlers having representatives on the committee from year to year, this likewise is not unlawful.

It is not unlawful, arbitrary or capricious to give proper weight, in the selection by the industry of nominees for handler members, to the volume of fruit handled by the voting handlers. There is nothing in the Constitution or in the act which would compel the selection of committee members on a one-person, one-vote basis, as contended by opponents. Section 8c(7)(C) of the act does not restrict the Secretary in this fashion and, in fact, gives him wide discretion in the nature of the agency or agencies to be employed by him to administer an order and how that agency will be established. It is also to be noted that the act (section 8c (8) and (9)) expressly recognizes that the volume of the commodity handled is to be a controlling factor on the important question of whether a marketing order is to be issued and made effective with or without a marketing agreement.

Opponents' contention that under Order No. 905 cooperatives may bloc vote their individual members in making nominations for membership on the Growers Administrative Committee and Shippers Advisory Committee, is inaccurate. There is no such provision in Order No. 905 for bloc voting by cooperatives. If the cooperative is a handler, its nomination for membership on the Shippers Advisory Committee (but that committee only) is weighted on the basis of the volume of fruit handled the same as any other handler.

Opponents contention that the order will unlawfully discriminate in favor of handlers with large volumes of fruit likewise is without merit. All handlers, large or small, will be subject to regulation based upon their handlings of fruit in the representative period as authorized by section 8c(6)(C) of the act.

Opponents contend that they were denied opportunity by the Hearing Examiner for certain cross-examination and that this constituted prejudicial error. This contention is overruled. Under the Administrative Procedure Act and the aforesaid rules of practice of the Department, cross-examination is permitted "to the extent required for a full and true disclosure of the facts." A review of the record discloses that in all material respects the Hearing Examiner permitted adequate cross-examination with respect to the substantive facts pertinent to the hearing within the scope of this standard for cross-examination. It is not uncommon in quasi-legislative hearings of this kind, or in congressional hearings, for witnesses to testify from prepared statements. In making such a statement, the witness thereby represents that it is his testimony and he may be subject to cross-examination, where appropriate, with respect to the substantive content of his testimony. In the present proceeding, the Hearing Examiner clearly permitted such cross-examination and his refusal to permit examination of witnesses with respect to whether other persons assisted in the preparation of such statements was not prejudicial error.

Opponents also contend that there was insufficient notice of the public hearing held in this matter. This contention is without merit and is overruled. All interested persons, including the opponents, were provided lawful notice of the public hearing in this proceeding as required by the act, the rules of practice (7 CFR 900.1 et seq.), and the Administrative Procedure Act. Complete notice of this hearing was duly published in the FEDERAL REGISTER on June 3, 1969, having been duly filed with the Division of the Federal Register on June 2, 1969, in accordance with FEDERAL REGISTER regulations (Exh. 2–A, 34 F.R. 8705). This constituted legal notice of hearing as provided by law. Moreover, on June 2, 1969, a press release was issued to news media in the area proposed to be subject to regulation (Exh. No. 4). In addition, as soon as practicable following reprinting of the hearing notice, reprints were mailed to all persons known to be interested (Exh. No. 5).

Prior to the hearing, a request was submitted by opponents for the issuance of subpoenas addressed to numerous persons for the production of records and for their personal appearance of the desired witnesses.

The Agricultural Marketing Agreement Act of 1937, as amended, and the relevant rules of practice and procedure issued thereunder pertaining to the promulgation and amendment of marketing agreements and orders, do not provide for the issuance of such subpoenas. The request, therefore, was properly denied and Opponents' Exhibit No. 1 was properly refused. It should be noted in this connection that these proceedings are rule-making proceedings and not quasi-judicial in nature. There is no denial of due process in such circumstances.

Opponents' objections to the proposed order on constitutional grounds also are overruled. The act and orders authorized by it have been found by the courts to be fully constitutional.

Each point included in the brief was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or reach such conclusions are denied on the basis of the facts found and stated in connection with the decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of oranges, grown in the Interior District in Florida, in the same manner as, and are applicable only to persons in the

respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of oranges grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of oranges grown in the Interior District, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Oranges Grown in the Interior District in Florida" and "Order Regulating the Handling of Oranges Grown in the Interior District in Florida" which have been decided upon as the appropriate and detailed means of affecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules or 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 August 1, 1969 through July 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Interior District in Florida in the production of oranges for market to ascertain whether such producers favor the issuance of said annexed order.

Minard F. Miller and George B. Dever, Jr., 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 severally or jointly.

The procedure applicable to the 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 such referendum shall contain a summary describing the terms and conditions of the annexed 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 the referendum agent or any appointee.

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

Dated: July 21, 1970.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] *Regulating the Handling of Oranges Grown in the Interior District in Florida*

AUTHORITY: The provisions of this part 914 issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 914.0 Findings and determinations.

(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 Lakeland, Fla., June 24–27, 1969, upon a proposed marketing agreement and a proposed marketing order regulating the handling of oranges grown in the Interior District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) This order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of oranges grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which hearings have been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no difference in the production and marketing of oranges grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of oranges grown in the Interior District in Florida as defined in this order, 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 oranges grown in the said Interior District shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 914.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretobefore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 914.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended

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

and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (secs. 1–19, 48 Stat., 31, as amended; 7 U.S.C. 601–674).

§ 914.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 914.4 Oranges.

"Oranges" means all varieties of Citrus sinensis, Osbeck, grown in the Interior District of Florida but not oranges of the so-called kid glove type such as Temple, Murcott Honey and King oranges.

§ 914.5 Early and midseason type oranges.

"Early and midseason type oranges" means all oranges except late type oranges.

§ 914.6 Late type oranges.

"Late type oranges" means Valencia oranges, and Lue Gim Gong and similar late maturing oranges of the Valencia type.

§ 914.7 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of oranges grown in the Interior District in Florida and who has proprietary interest in the oranges so produced.

§ 914.8 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting oranges owned by another person) who, as owner, agent, or otherwise, handles oranges in fresh form, or causes oranges to be so handled.

§ 914.9 Handle or ship.

"Handle" or "ship" means to sell or transport oranges, or in any other way to place oranges in the current of the commerce between the regulation area and any point outside thereof in the 48 contiguous States, or the District of Columbia, of the United States, Canada, or Mexico, or cause oranges to be sold, transported, or placed in such commerce.

§ 914.10 Standard packed box.

"Standard packed box" means a unit of measure equivalent to one and three-fifths (1⅗) U.S. bushels of oranges, whether in bulk or in any container.

§ 914.11 Week or full week.

"Week" or "full week" means a 7-day period beginning with Monday.

§ 914.12 Fiscal period.

"Fiscal period" means the period of time from August 1 of any year until July 31 of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

§ 914.13 Committee.

"Committee" means the Interior Orange Marketing Committee.

§ 914.14 Regulation area.

"Regulation area" means that portion of the State of Florida, which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ 914.15 Interior district or district.

"Interior district" or "district" means the production area, comprised of the following areas in the State of Florida: The counties of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Hernando, Pasco, Lake, Orange, Osceola, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, Suwannee, Polk, Hardee, Sarasota, Monroe, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Dade, Broward, and County Commissioner's Districts One, Two, and Three of Volusia County and shall include the portions of the counties of Brevard, Indian River, Martin, and Palm Beach except as particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of sec. 23, T. 14 S., R. 31 E.; thence continue south to the southwest corner of sec. 35, T. 14 S., R. 31 E.; thence east to the northwest corner of T. 18 S., R. 32 E.; thence south to the southwest corner of T. 17 S., R. 32 E.; thence east to the northwest corner of T. 18 S., R. 33 E.; thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Hellen Blazes to the range line between Rs. 35 E. and 36 E.; thence south to the south line of Brevard County; thence east to the line between Rs. 36 E. and 37 E.; thence south to the southwest corner of St. Lucie County; thence east to the line between Rs. 39 E. and 40 E.; thence south to the south line of Martin County, thence east to the line between Rs. 40 E. and 41 E.; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

§ 914.20 Establishment and membership.

There is hereby established an Interior Orange Marketing Committee. The members and alternate members of such committee shall be those members and alternate members of the Growers Administrative Committee and Shippers Advisory Committee selected under Order No. 905 (Part 905 of this chapter), whose residence and principal place of business are in the Interior district: *Provide*, That in the event the membership of such committees is not selected as aforesaid, the Secretary may select the members and alternate members of the Interior Orange Marketing Committee until such time as a method for the selection of the membership of such committee is prescribed in the provisions of this part.

§ 914.21 Inability of members to serve.

An alternate for a member of the committee shall act in the place and stead of such member in his absence, or in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

§ 914.22 Powers of the Interior Orange Marketing Committee.

The committee, in addition to the power to administer the terms and provisions of this part, as provided in this part, shall have the power (a) to make, only to the extent specifically permitted by the provisions contained in this part, administrative rules and regulations; (b) to receive, investigate, and report to the Secretary complaints of violations of this part; and (c) to recommend to the Secretary amendments to this part.

§ 914.23 Duties of the Interior Orange Marketing Committee.

It shall be the duty of the committee: (a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable; (b) to keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary; (c) to act as intermediary between the Secretary and producers and handlers; (d) to furnish the Secretary with such available information as he may request; (e) to appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees; (f) to cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports; (g) to prepare and issue a monthly statement of financial operations of the committee; and (h) to provide an adequate system for determining the total crop of oranges and to make such determinations as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part.

§ 914.24 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this part.

§ 914.25 Procedure of committee.

(a) Except as provided in paragraphs (b) and (c) of this section, a majority of the members shall constitute a quorum

and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulation to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraph (c) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulation for any week following 3 or more weeks of continuous regulations. The requirement of this paragraph shall not apply to recommendations to amend an existing regulation.

(d) The vote of each member cast for or against any recommendation made pursuant to this part, shall be duly recorded. Each member must vote in person.

(e) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(f) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

§ 914.26 Funds.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this part.

(b) The Secretary may, at any time, require the committee and is members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignment and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

EXPENSES AND ASSESSMENTS

§ 914.30 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 914.31.

§ 914.31 Assessments.

(a) Each handler who first handles oranges shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of oranges shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of oranges so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee handlers may make advance payment of assessments.

§ 914.32 Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one-half one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

§ 914.40 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information: (1) The estimated available crop of oranges, including estimated quality; (2) the estimated utilization of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments of oranges during the ensuing season; (4) the available supplies of competitive deciduous fruits in all producing areas of the United States; (5) level and trend in consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report and each revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 914.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week: *Provided,* That such volume regulations shall not be recommended for more than an aggregate of 12 weeks during any fiscal period.

(b) In making its recommendations the committee shall give due consideration to the following factors:

(1) Market prices for oranges;

(2) Supply of oranges on track at, and en route to, the principal markets;

(3) Supply, maturity, and condition of oranges in the production area;

(4) Market prices and supplies of citrus fruit from competitive producing areas, and supplies of other competitive fruits;

(5) Trend and level of consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 914.42, has fixed the quantity of oranges which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 914.42 Issuance of volume regulations.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulations during each fiscal period shall not in the aggregate exceed 12 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of oranges is in excess of the parity price specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

§ 914.43 **Prorate bases.**

(a) Each person who desires to handle oranges shall submit to the committee, at such time and in such manner as may be designated by the committee and upon forms made available by it, a written application for a prorate base or bases and for allotments as provided in this section and §§ 914.44 and 914.45.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base or bases for each handler who has made application in accordance with the provisions of this section.

(e) The prorate base for each handler of early and midseason type oranges shall be computed as follows: Add together the handler's shipments of early and midseason type oranges in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and divide the total by a divisor computed by adding together the number of elapsed weeks of the current season and 32 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. For purposes of this paragraph, "representative period" means the three previous seasons together with the current season; the term "season" means the 32-week period beginning with the first full week in September; and the term "current season" means the period beginning with the first full week in September of the current fiscal period through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records of all handlers are available to the committee the term "current season" shall extend through the third full week preceding the week of regulations.

(f) The prorate base for each handler of late type oranges shall be computed as follows: Add together the handler's shipments of late type oranges in the current season and his shipments of such oranges in the immediately preceding seasons, if any, within the representative period, in which he shipped such oranges and divide the total by a divisor computed by adding together the number of weeks elapsed in the current season and 21 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped such oranges. For purposes of this paragraph "representative period" means the three previous seasons together with the current season; the term "season" means the 21-week period beginning with the first full week in February; and the term "current season" means the period beginning with the first full week in February of the current fiscal period through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records of all handlers are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

§ 914.44 **Allotments.**

(a) Whenever the Secretary has fixed the quantity of oranges which may be handled during any week, the committee shall calculate the quantity of oranges which may be handled during such week by each person who has applied for and received a prorate base.

(b) The allotment of each person shall be computed as follows:

(1) The quantity of early and midseason oranges to be allocated for the week as determined pursuant to § 914.45 shall be multiplied by a percentage obtained by dividing the prorate base of the handler computer pursuant to § 914.43 (e) by the aggregate total of the prorate bases of all handlers so computed.

(2) The quantity of late type oranges to be allocated for the week as determined pursuant to § 914.45 shall be multiplied by a percentage obtained by dividing the prorate base of the handler computed pursuant to § 914.43(f) by the aggregate total of the prorate bases of all handlers so computed.

(3) The total of the quantities computed for the handler in accordance with subparagraphs (1) and (2) of this paragraph shall be the allotment of such handler. Such allotment may be used to ship oranges during the week without regard to type. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

§ 914.45 **Allocating fixed quantity.**

In recognition of the differences in maturity as between early and midseason type oranges and late type oranges the total quantity of oranges fixed by the Secretary which may be handled during any week shall be allocated between the two types of oranges.

(a) Such allocation shall reflect the respective average proportions of both types of oranges that were shipped during a specified week in the previous three fiscal periods, as prescribed in rules and regulations, approved by the Secretary, formulated in accordance with paragraph (b) of this section, subject to adjustment to reflect as nearly as may be the respective proportions as estimated by the committee of the two types of oranges shipped by all handlers in the second week preceding the one for which the committee recommends the Secretary fix such total quantity of oranges: *Provided,* That data from the third preceding week shall be used for such adjustment if sufficient data is not available from the second week: *And provided further,* That during that portion of a fiscal period that begins with the first full week in January and ends with the first full week in May, the allocation to either type of oranges during any week thereof shall be not less than 5 percent of the total quantity of oranges fixed by the Secretary for such week.

(b) Such rules and regulations shall be based on the weekly shipments of, and shall set forth the average percentage of, the total shipments of each type of oranges, in the previous three fiscal periods, and shall describe the manner in which the shipment data of a specified week in the current season shall be applied to arrive at an appropriate division of allotment between the two types of oranges.

§ 914.46 **Overshipment.**

During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of oranges equivalent to 10 percent of such allotment or 500 boxes, whichever is greater: *Provided,* That the Secretary, on the basis of a recommendation of the committee or other available information, may set such amount at any figure not less than 500 boxes and not more than 1,000 boxes. Handlers may overship (a) during such week the entire 500 boxes or other amount not in excess of 1,000 boxes as may be set by the Secretary, or (b) during two or more consecutive weekly periods when regulations are in effect, any portion of such 500 boxes or other amount set by the Secretary until the accumulated overshipments reach the applicable maximum number of boxes permitted to be overshipped. The quantity of oranges so overshipped when regulations are in effect shall be deducted from such person's allotment for the week following the one in which the total permitted overshipment is reached or for the week in which such person makes no shipments of oranges. If such person's allotment for such week is an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided,* That any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

§ 914.47 **Undershipments.**

If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to § 914.42, in an amount less than the total allotment available to him for such week, he may handle during the next succeeding week a quantity of oranges, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided,* That the committee, with the approval of the

Secretary, may increase or decrease such percentage.

§ 914.48 Allotment loans or transfers.

(a) A person to whom allotments have been issued may lend or transfer all or part of such allotments to other persons to whom allotments have also been issued. Each party to any such loan or transfer agreement shall, prior to completion of the agreement, notify the committee of the proposed loan or transfer and the applicable date of repayment, if any, and obtain the committee's approval of the agreement.

(b) The committee may act on behalf of persons desiring to arrange allotment loans or participate in the transfer of allotment. In each case the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to notifying the committee and obtaining committee approval.

§ 914.49 Inspection and certification.

Whenever the handling of oranges is regulated pursuant to § 914.42, each handler who handles any oranges shall, prior to the handling of any lot of oranges, cause such lot to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

§ 914.50 Reports and records.

(a) Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part. Each handler shall maintain for such period of time as the committee shall prescribe, with the approval of the Secretary, such records of oranges handled as may be necessary to verify reports required to be submitted pursuant to this section.

(b) Whenever a handler ships oranges from the Interior district which were not grown in that district, he shall make a notation on the copy of the manifest of such shipments to be furnished to the Federal-State Inspection Service clearly indicating that the oranges contained in the shipment were not grown in the Interior district.

(c) Prior to shipping any lot of oranges, the handler shall furnish the committee with written information showing the destination of such oranges. Such information may be in the form of (1) a notation on the shipping manifest, (2) a notation on the inspection certificate when based upon information furnished the Federal or Federal-State Inspection Service by the handler with written authority to so mark the certificate, or (3) a report filed with the committee by the handler. The destination may be stated as a point or points outside of the regulation area. The manner in which such information is to be furnished, shall be prescribed by the committee with the Secretary's approval.

MISCELLANEOUS PROVISIONS

§ 914.55 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of § 914.42 through § 914.49 and the regulations issued thereunder, ship oranges for the following purposes:

(a) To a charitable institution for consumption by such institution;

(b) To a relief agency for distribution by such agency;

(c) To a commercial processor for conversion by such processor into canned or frozen products or into a beverage base;

(d) By parcel post; and

(e) In such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent oranges handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules and regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle oranges pursuant to this section, and that such application be accompanied by a certification by the intended purchaser or receiver that the oranges will not be used for any purpose not authorized by the application approved pursuant to this section.

§ 914.56 Compliance.

Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 914.42 is in effect, unless such oranges are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such oranges under the provisions of this part; and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

§ 914.57 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 914.58 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 914.59

§ 914.59 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of oranges: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such oranges produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 914.60 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 914.31, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers to the extent practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, property, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed

upon the members of said committee and upon the said joint trustees.

§ 914.61 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 914.62 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 914.63 Derogation.

Nothing contained in this part, is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 914.64 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 914.65 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

[F.R. Doc. 70-9568; Filed, July 23, 1970; 8:49 a.m.]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Handling

Notice was published in the FEDERAL REGISTER issue of August 8, 1969 (34 F.R. 12891), that the Department was giving consideration to a proposed amendment of the rules and regulations (Subpart—Rules and Regulations; §§ 932.108–161) then in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice of proposed amendment included proposals to (1) provide a definition of "canned ripe olives of the tree-ripened type," (2) clarify the committee's responsibility to assure that such olives comply with "tree ripe" specifications, and (3) establish a procedure under which small lots of olives may be combined prior to size grading to facilitate efficient handling and inspection at the processing plants.

During the period provided in said notice for the submission of written data, views, or arguments on said proposals, no such material was received relating to the proposal in item (3) and it was executed as an amendment of § 932.151 upon publication in the FEDERAL REGISTER on October 2, 1969 (34 F.R. 15339).

During said period, views and arguments were submitted objecting to the establishment of the proposals outlined in the foregoing items (1) and (2). Questions were raised as to the adequacy of a specification which deals primarily with the color of the processed product and limited examination for compliance therewith. It was, therefore, concluded that additional study and consideration should be given the tree ripe olive proposals before taking further action. Consistent therewith, the period for filing written data, views, or arguments was extended until June 1, 1970. The specific text of these proposals appears in the August 8, 1969, issue of the FEDERAL REGISTER (34 F.R. 12891) and the extension of the period for filing written data, views, or arguments appears in the October 2, 1969, issue of the FEDERAL REGISTER (34 F.R. 15339).

During the extended period provided in said notice for submitting written data, views, or arguments in connection with said proposal, the Olive Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof, and C. C. Graber Co., Ontario, Calif. (through its attorneys), each submitted recommendations and considerations with respect to modifications of the proposals in items (1) and (2), which items correspond to a new § 932.109 and amendment of § 932.152 through addition thereto of a new paragraph (e). The recommendations were similar as were the considerations with respect thereto.

The proposal, hereinafter set forth, is a revision of that contained in the prior notice, as extended, and reflects the recommended modifications; and notice is hereby given that the Department is giving consideration to the revised proposal.

The revised proposal follows:

1. Add a new § 932.109 *Canned ripe olives of the tree-ripened type* to read as follows:

§ 932.109 Canned ripe olives of the tree-ripened type.

(a) "Canned ripe olives of the tree-ripened type" means packaged olives, not oxidized in processing, that are prepared from olives of advanced maturity which, at the time of delivery to the handler:

(1) Range in color from pinkish red, with some greenish cast, to black; and

(2) Have not more than 10 percent, by count, of "off-color" olives ("Off-color" means those olives whose greenish cast covers more than 50 percent of the surface of the individual olives).

(b) The provisions of this section shall be applicable only during the crop year ending August 31, 1971.

2. Amend the provisions of § 932.152 *Outgoing regulations* by adding a new paragraph (e) to read as follows:

§ 932.152 Outgoing regulations.

* * * * *

(e) *Examination of tree-ripened type olives for compliance.* (1) Handlers receiving olives intended for canning as tree-ripened type shall, at time of delivery to the handler, notify the committee or the Inspection Service of all such lots intended for tree-ripened use, which shall then be subject to examination by the committee, or by the Inspection Service if so designated, to assure that such olives comply with the specifications of § 932.109. Each handler shall keep separate, apart, and identified those lots of natural condition olives received for use as tree-ripened type olives. Such separation and identity shall be maintained throughout the processing and canning of such olives.

(2) The provisions of this paragraph shall be applicable only during the crop year ending August 31, 1971.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 20th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 20, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-9545; Filed, July 23, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

BARLEY FROM FRANCE

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 16.24(b) of the Customs Regulations (19 CFR 16.24 (b)) which appears to indicate that certain payments or bestowals granted by France on the exportation of barley constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments or bestowals apply. The available information indicates that the approximate amount of the payments or bestowals is $0.90 per bushel.

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

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

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

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 21, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-9583; Filed, July 23, 1970; 8:50 a.m.]

MOLASSES FROM FRANCE

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 16.24(b) of the Customs Regulations (19 CFR 16.24 (b)) which appears to indicate that certain payments or bestowals made by the Government of France on the exportation of molasses constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the refunds apply. The available information indicates that the approximate amount of the payment or bestowal is $0.55 per 100 kilograms.

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

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

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

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 21, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-9582; Filed, July 23, 1970; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 16013, M 16014]

TOWN SITES OF LANDUSKY AND ZORTMAN, MONT.

Sale of Town Lots

JULY 17, 1970.

1. *Statutory authority.* The lots in the town sites of Landusky and Zortman will be disposed of under sections 2382 to 2386, U.S. Revised Statutes (43 U.S.C. 713-717). The Land Office Manager is authorized to conduct the sale under section 2.9(r) of Order No. 701 of the Director of the Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), as amended. The townsite plat of Landusky was accepted October 17, 1967, and the townsite plat of Zortman was accepted August 9, 1967.

2. *Lots, areas, and minimum prices.* The lots, area, and the appraised minimum price are shown below:

LANDUSKY, MONT.

	Area, square feet	Minimum price
Block 2:		
Lot 1	24,471	$230
Lot 3	19,488	225
Lot 4	16,490	225
Lot 7	16,490	225
Lot 14	27,891	230
Lot 15	31,490	230
Block 3:		
Lot 1	6,478	175
Lot 2	7,812	175
Lot 3	11,379	175
Lot 5	14,187	225
Lot 7	11,513	175
Lot 8	11,477	175
Lot 12	12,994	175
Lot 14	25,987	220
Lot 15	25,987	220
Lot 17	25,987	220
Block 5:		
Lot 1	26,664	240
Lot 2	27,667	240
Block 6:		
Lot 1	31,009	270
Lot 2	32,422	270
Lot 3	20,032	240
Lot 4	30,110	240
Block 7:		
Lot 5	25,636	230
Block 9:		
Lot 1	33,000	230
Lot 2	33,000	230
Lot 3	32,940	230
Lot 4	32,999	230
Lot 5	32,976	230
Lots 6 and 8 (as one unit)	72,675	350

ZORTMAN, MONT.

Block 4:		
Lot 4	17,287	230
Lot 5	17,306	230
Lot 8	6,905	175
Block 6:		
Lot 1	29,483	270
Lot 4	13,715	175
Lot 7	6,728	175
Block 8:		
Lot 1	27,967	230
Lot 2	33,764	270
Lot 5	22,671	230
Lot 7	17,066	225
Block 10:		
Lot 1	29,962	270
Lot 2	29,962	270
Block 12:		
Lot 2	18,038	175
Lot 3	24,700	225
Lot 6	37,061	225
Lot 7	31,900	225
Lot 8	47,371	225
Block 13:		
Lot 1	20,235	240
Lot 2	31,796	240
Lot 3	40,130	270
Lot 4	48,463	270
Lot 5	32,312	240

3. *Public sale.* The above lots will be offered for sale by the Land Office Manager, or his representative, at public auction to the highest bidder at the county courthouse, Malta, Mont., on September 11, 1970, beginning at 10 a.m.

4. *Payment.* For each lot, payment in the amount of the minimum appraised price must be made by cash, postal money order, or certified check. The difference

between the minimum appraised price and the high bid price can be submitted in cash or by check. Full payment must be made at the time of sale to the officer conducting the sale.

5. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail, nor at any time or place other than that fixed by these regulations. Eligible purchasers are (1) any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser; or (3) any corporation organized under the laws of the United States, or any State thereof, authorized to hold title to real property in Montana. An agent must be prepared to establish his authority to act for his principal by presentation of a power of attorney and also to establish the eligibility of his principal.

6. *Number of lots.* A successful bidder at public auction will be restricted to the purchase of one lot.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Improvements.* Successful purchasers, prior to issuance of a patent, will be required to furnish proof that they have made settlement for any authorized improvements placed on the lots. A listing of those lots which have such authorized improvements may be obtained from the Bureau of Land Management District Office, Malta, Mont., or the Land Office in Billings, Mont. Owners of unauthorized improvements, who do not purchase the lots on which the improvements are located, will be allowed ninety (90) days from the date of sale within which to remove their improvements.

9. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale, will be available for purchase at their appraised price from the Manager, Land Office, Billings, Mont.

10. *Reservations.* Patents for the lots, when issued, will contain a reservation of coal, in accordance with the Act of June 22, 1910 (36 Stat. 583); a reservation of right of way for ditches and canals, in accordance with the Act of August 30, 1890 (26 Stat. 391); and any rights-of-way of record.

11. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will, in any way, hinder or impede the sale. Any person so offending will be prosecuted under 18 U.S.C. 1860.

12. *Information.* Both town sites are located in the Little Rocky Mountains approximately 20 air miles north of the Missouri River. Zortman is located approximately 55 miles southwest of Malta, Mont. Access is by 7 miles of graveled county road from U.S. Highway No. 191. Landusky is located 3 miles directly west of Zortman. Access is by 3 miles of graveled county road from Montana State Highway No. 376. Additional information may be obtained from the District Manager, Bureau of Land Management, Box B, Malta, Mont.

KENNETH J. SIRE,
Acting Land Office Manager.

[F.R. Doc. 70-9528; Filed, July 23, 1970; 8:46 a.m.]

National Park Service

DIABLO EAST SITE, AMISTAD RECREATION AREA

Notice of Intention to Negotiate a Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Marine Recreation, Inc., authorizing it to provide concession facilities and services for the public at Diablo East Site, Amistad Recreation Area, for a period of twenty (20) years from January 1, 1971, through December 31, 1990.

The foregoing concessioner has performed its obligations under the existing concession authorization to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of a contract or permit and in the negotiation of a new contract or permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: July 15, 1970.

THOMAS FLYNN,
Assistant Director,
National Park Service.

[F.R. Doc. 70-9531; Filed, July 23, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-135; Various NDA's]

NEW-DRUG APPLICATIONS

Notice of Withdrawal of Approval

A notice of opportunity for hearing was published in the FEDERAL REGISTER of February 6, 1970, extending to each holder of a "deemed approved" new-drug application listed herein, and to any interested person who might be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under the provision of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of such applications and all approved amendments and supplements thereto.

The objective of this action is to close a large number of new-drug files that have been inactive for several years. Some of the drugs involved may be suitable for classification as not new drugs or no longer new drugs, depending upon composition and labeling claims. Withdrawal of approval of these applications is not for the purpose of classifying the products as new drugs or of applying the efficacy provisions of the act to drugs of the same composition marketed by other firms.

Neither the applicants listed below nor any interested person who might be adversely affected have filed a written appearance of election within 30 days as provided by said notice for the new-drug applications listed herein. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for hearing. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355) and delegated to the Commissioner (21 CFR 2.120), approval of all new-drug applications listed below, including all amendments and supplements thereto, is hereby withdrawn on the grounds that the applicants have repeatedly failed to make required reports under section 505(j) of the Act (21 U.S.C. 355(j)) and § 130.35 (a), (b), (e), and (f) of the new-drug regulations (21 CFR 130.35).

4-H Co., 3433 Liberty Heights Avenue, Baltimore, Md.
NDA 1-596, 4-H Household Cough Syrup.

A & M Moss Co., Box 684, Ocala, Fla.
NDA 1-062, Curich Powder.

Abmo Eye Drop Co., 508-9 Omaha Loan & Building Association, Omaha, Nebr.
NDA 0-773, ABMO Eye Drops.

Aciform Sales Corp., 520 North Michigan Avenue, Chicago, Ill.
NDA's:
0-060, Aciform 1 Injection.
0-061, Aciform 2 Injection.
0-848, Norozan-Lyss Ointment.
0-849, Lorisan-Lyss Ointment.
1-127, Sanasan-Lyss Ointment.
1-128, Pactil-Lyss Tablets.

Aciquick Ointment Co., Martinsburgh, W. Va.
NDA 3-535, Aciquick Ointment.

Acme Products Co., Post Office Drawer 390, West Frankfurt, Ill.
NDA 1-124, X-Pel Ointment.

Adams Co., The, Land Title Building, 100 South Broad Street, Philadelphia, Pa.
NDA 9-930, Relaxerpine Tablets.

Adams Pharmacal Co., 838 Malcolm Avenue, Los Angeles, Calif.
NDA's:
0-680, Ritol Ointment.
4-972, Rytex Ointment.

Adams Pharmacy (Wilbur Coble Adams), 314 Laurel Street, Conway, S.C.
NDA 3-159, Alkareka Liquid.

Addisone, Arthur S., 815 South Negley Avenue, Pittsburgh, Pa.
NDA 2-049, Salphytox Ointment.
Adson-Intrasol Labs, Inc., Now known as Bio-Intrasol Labs., Inc., 209 West 26th Street, New York, N.Y.
NDA 4-613, Stilbestrol in Sesame Oil Injection 0.5 and 1.0 mg./cc.
Agar Products, Freeda, 110 East 41st Street, New York, N.Y.
NDA 3-397, Fortrun Capsules.
Aiellos Pedo-Vale Co., 139 South Main Street, Archbald, Pa.
NDA 0-407, Aiellos Pedo-Vale Liquid.
Ajem Drug Co., 508 55th Street, Oakland, Calif.
NDA 12-018, Formula-12 Tablets (phenylpropanolamine 75 mg.).
Akatos, Inc., 114 Liberty Street, New York, N.Y.
NDA's:
0-451, Demotube A Ointment.
0-452, Demotube B Ointment.
Akshun Co., 509 Fifth Avenue, New York, N.Y.
NDA 0-578, Akshun Rectal Ointment.
Albin, Fred L., 1116 East Monument Street, Colorado Springs, Colo.
NDA 0-470, Kolorok Powder.
Algaeloin Corp., 140 Front Street, New York, N.Y.
NDA 5-197, Fasta Lotion.
Algene Labs., 3810 West 13th Street, Chicago, Ill.
NDA 2-052, Algene Ointment.
Al-Jax Chemical Co., Second and Broadway, Semour, Ind.
NDA 1-456, Aljene Powder.
Alka-Algae Corp., Medical Dental Building, Portland, Oreg.
NDA 1-171, Alka-Algae Tablets.
Alkalax Co., First National Bank Building, Colorado Springs, Colo.
NDA 3-330, Alkalax Tablets.
Allan & Co., Inc., now known as Allan Pharmaceuticals, 3719 North 14th Street, St. Louis, Mo.
NDA 7-425, Allan's Anti-Hista Tablets (pyrilamine maleate 25 mg.).
Allen Labs, 67 Irving Place, Brooklyn, N.Y.
NDA's:
1-457 Medipax Vaginal Tampon w/Metaphen Suppos.
1-458, Medipax Vaginal Tampon w/Merthiolate Suppos.
3-623, Metaphen Vaginal Suppositories.
3-624, Merthiolate Vaginal Suppositories.
3-810, Medipax Tampons w/Acetarsone Tablets and Suppositories.
Allergan Pharmaceuticals, Inc., 1000 South Grand Avenue, Santa Ana, Calif.
NDA 7-900, Allergan Nasal Drops.
Allergy & Medical Products Co., Post Office Box 1399, Cincinnati, Ohio.
NDA's:
5-367, Controlex Inhalant.
7-781, Al-Med-In Plus Tablets.
Allfoods Labs., 671 Downing Street, Denver, Colo.
NDA 0-342, MCM Tablets.
Allied Biochemical Labs., San Francisco, Calif.
NDA 9-936, Rautension Tablets, 50 mg. and 100 mg.
Allied-Davy Products Co., 16th and Pierce Street, Chattanooga, Tenn.
NDA 7-303, Pyrilamine Maleate Tablets 25 mg.
Allied Pharmacal Co., 1735 East 12th Street, Cleveland, Ohio.
NDA's:
2-437, A.A.A. Tablets.
2-727, Ruvena Oil Ointment.
3-152, Laxative Pills (Posophyllin, Aloes, Etc.).
7-200, Histonex Tablets.
7-775, Histonex Plus Tablets (Hista-Kol).
7-793, Histonex Cough Syrup.
Almotone Chemical Co., 1010 East Costilla Street, Colorado Springs, Colo.
NDA's:
0-531, Fagras Botane Liquid.
0-532, Oreton-F Ointment.
0-533, Fagras Salve.
Aiol Products, Inc., Carmel, N.Y.
NDA 7-539, Poison Ivy Aiol Liquid.
Alphaden, 154 East Erie Street, Chicago, Ill.
NDA 4-532, Trycogen Powder and Suppositories.
Altman, Edward M., 235 Benefit Street, Providence, R.I.
NDA 1-423, Prevence Baby Powder.
American Bandage Corp., 1701 North Damen Drive, Chicago, Ill.
NDA 5-087, A.B.C. Gauzband Dressing.
American Biochemical Corp., 1133 Venice Boulevard, Los Angeles, Calif.
NDA's:
9-491, Cortisone Acetate Injection, 25 mg./cc.
10-919, Concevim-12 Injection.
American Chemical Co., 433 East Erie Street, Chicago, Ill.
NDA 3-638, Sulfathiazole Tablets.
American Chemicals, Indianapolis, Ind.
NDA 3-950, Amphetamine Sulfate (batch).
American Cyanamid Co., Pearl River, N.Y.
NDA 3-912, Sulfaguanidine Powder.
American Cystoscope Makers, Inc., 1241 Lafayette Avenue, Bronx, N.Y.
NDA 5-912, Urolocide Solution and Tincture, 0.1%.
American Disinfecting Co., 902 West Main Street, Sedalia, Mo.
NDA 0-834, Stera-Futz Liquid.
American Electrochem Co., 509 Fifth Avenue, New York, N.Y.
NDA 0-025, Auralysin Liquid.
American Intercontinental Co., 254 West 31st Street, New York, N.Y.
NDA's:
4-587, Fertinic Tablets.
4-622, Pextrose w/Vitamins A, D, and B_1 Granules.
American Lecithin Co., Inc., Elmhurst, Long Island, N.Y.
NDA 3-932, Alco (Lexo) Cookies and Wafers.
American Ointment Co., New Castle, Pa.
NDA 0-353, Milk of Magnesia Tablets.
American Pharmacal Co., 425 Main Street, Poughkeepsie, N.Y.
NDA 3-650, Stomarol Liquid.
American Products Co. (Zanol Products Co.), 3265 Colerain Avenue, Cincinnati, Ohio.
NDA 0-949, Mouthwash Antiseptic #42.
American Quinine Co., 99 Hudson Street, New York, N.Y.
NDA 9-644, Reserpine Tablets.
American Roland Corp., New York 13, N.Y.
NDA's:
8-588, Isonicotinic Acid Hydrazide Tablets 50 & 100 mg.
8-803, Meparafynol Capsules.
Amfre Drug Co. (Amfre—Grant), 924 Rogers Avenue, Brooklyn, N.Y.
NDA's:
0-312, Simacol Solution.
2-355, Quidrin Solution and Injection.
2-356, Amfrin Tablets, 300 mg.
5-258, Ketobile Tablets, 250 mg.
Amick, W., 5260 12th Street, Seattle, Wash.
NDA 1-701, Imp Tago Ointment.
Amino Products Co., Division International Mineral & Chemical Corp., Chicago, Ill.
NDA's:
9-186, Betasymine Tablets.
9-187, Betasymine Emulsion.
Ammen Co., Ltd., Charles, Alexandria, La.
NDA 3-261, Ammen's Powder.
Amo Products Co., 18th Danforth Place, Massena, N.Y.
NDA 2-183, Amo Tablets.
Amsco Labs., Milledgeville, Ga.
NDA 12-355, Silicone Coated ACD (Heparin) Solution.
Anabolic Inc., 514 Riverdale Drive, Glendale, Calif.
NDA 3-002, Cilobana N-12 Capsules.
Anacin Co., The, 257 Cornelison Avenue, Jersey City, N.J.
NDA 4-275, Benefax Tablets (B Complex).
Analmine Co., Post Office Box 1430, Hollywood, Calif.
NDA 1-935 Analmine Capsules.
Anderson Food & Chemical Co., 938 Meridian Street, Anderson, Ind.
NDA 1-699, Cream of Whey Liquid.
Anderson-Stolz Corp., 1535 Walnut Street, Kansas City, Mo.
NDA 2-032 Aero-Klenz Solution.
Andrews-Goodykoontz Co., 412 Princeton Avenue, Bluefield, W. Va.
NDA 1-192, Ped Powder.
Andromachus Corp., 11 West 42d Street, New York, N.Y.
NDA's:
1-558, Vitamin Capsules (A. B, C, D, G).
1-559, Ampules Vitamin B_1 Injection.
1-561, Bes-Min Liquid.
1-562, Supervitamin Capsules.
1-563, Vitamin C Tablets.
1-564, B & Nicotinic Acid Tablet.
2-790, Herison Ointment.
Angelica Chemical Co., 1311 South Broad Street, Philadelphia, Pa.
NDA 1-305, Angelica Salts.
Anglo-American Drug Co., 47 Fulton Street, New York, N.Y.
NDA's:
2-374, Mrs. Winslow's Elixir.
2-375, Mrs. Winslow's Anodyne Tablets.
Anglo-French Drug Co., 1270 Broadway, New York, N.Y.
NDA's:
1-586, Enterosalicyl ECC.
4-158, Vi-Mi Capsules.
4-654, Neocaine Injection.
4-728, Hemobrom Tablets.
An-Rey Co., 742 South Hill Street, Los Angeles, Calif.
NDA's:
1-144, An-Rey #4 Tablets.
1-145, An-Rey #29 Tablets.
1-146, An-Rey #38 Tablets.
1-147, An-Rey #47 Tablets.
1-148, An-Rey #55 Tablets.
1-149, An-Rey #7 and #77 Tablets.
1-150, An-Rey #8 and #88 Tablets.
1-151, An-Rey #9 and #99 Tablets.
Antara Chemicals—Division General Aniline & Film Corp., New York, N.Y.
NDA 9-544, Sarcoside Dental Cream.
Approved Pharmacal Corp., 114 Gifford Street, Syracuse, N.Y.
NDA 7-754, Histacomp Tablets.
Approved Products Inc., 26 North Ninth Street, Philadelphia, Pa.
NDA 5-548, Approved Antiseptic Mouthwash.
Arcum Pharm. Corp., Post Office Box 267, Vienna, Va.
NDA 11-354, Arcum R-S Tablets (Reserpine).
Argus Labs., Inc., Joseph, 1050 Dorchester Avenue, Boston, Mass.
NDA 10-472, Argo-Serpine Sustained Release Capsules 0.25, 0.5, 0.75 mg.
Argyrios, D., 1325 Adams Street, Gary, Ind.
NDA 0-530, Enzo-Cal Liquid and Lotion.
Armand Co., 124 Des Moines Street, Des Moines, Iowa.
NDA's:
5-383, Alertin Solution.
5-388, Alertin Compound Solution.
5-433, Alertin Powder.
5-434, Tropic Breeze Lotion.
5-435, Alerton Cream.
Armour Labs., Post Office Box 511, Kankakee, Ill.
NDA's:
3-509, Thiamine HCl Injection.
3-775, Vitamin E Capsules.
8-186, Acthar Gel Injection, 20 and 40 U/cc.

Aro Products Co., 555 Salem Avenue, Dayton, Ohio.
NDA 1-852, Aro Ointment.
Artemisia Bitters Co., 139 Pine Avenue, Chicago, Ill.
NDA 0-264, Artemisia Bitters.
Asbon Co., 207 Bloomfield Avenue, Bloomfield, N.J.
NDA 0-123 Asbon's Lozenges.
Asmex Co., 308 White Horse Pike, Berlin, N.J.
NDA 3-427, Asmex Capsules.
Associated Dental Supply, 1802 Geary Street, San Francisco, Calif.
NDA 4-237, Painless Parker Mouthwash.
Associated Labs., Inc., 880 Broadway, New York, N.Y.
NDA 7-101, Onteen Tablets.
Athlake Labs., Inc., 107 North Franklin Street, Syracuse, N.Y.
NDA's:
0-613, Formula #256 Capsules.
1-223, Formula #257 Capsules.
1-224, Formula #258 Capsules.
2-106, Formula #260 Capsules.
2-107, Formula #261 Capsules.
2-108, Formula #262 Capsules.
Atha-Spray Co., 19 North Limestone Street, Springfield, Ohio.
NDA 1-315, Atha-Spray.
Athleeta Labs., 1158 Howard Street, San Francisco, Calif.
NDA 2-360, Breezo Scalp Ointment.
Athlene Labs., 205 Bussantz Building, Wichita, Kans.
NDA 2-662, Athazon Liquid.
Athletike Labs., 210 Eleanor Street, San Antonio, Tex.
NDA 0-710, Athletika Powder.
Athlex Co., 1809 Nueces Street, Austin, Tex.
NDA 2-850, Athlex Powder.
Atkinson, Harold L., 13650 Stevens Creek Canyon Road, Cupertino, Calif.
NDA 1-413, Atkinson's Anti-Bin Capsules.
Atlas Labs.—Hayes Labs., 236 West Exchange Street, Akron, Ohio.
NDA's:
1-353, Atlas Lubricant.
5-800, Atlas Chemical Prophylactic Kit Ointment.
Attwood, J. K., 1024 Park Street, Jacksonville, Fla.
NDA 5-629, Mercuriben 33 Mouthwash.
Aurox Co., 307 Fifth Avenue, New York, N.Y.
NDA 0-492, Aurox Drops.
Avedis Ointment Co., 649 Massachusetts Avenue, Cambridge, Mass.
NDA 4-744, Avedis Ointment.
Averitt, Herbert C., 1518 Mission Avenue, Spokane, Wash.
NDA 3-085, Ring-Go Liquid.
Awad Manufacturing Co., L. J., 576 East Dupont Street, Philadelphia, Pa.
NDA 0-093, Lejaw Liquid.
Ayolray Co., 58 West 91st Street, New York, N.Y.
NDA 0-716, Santophen Powder.
BB Labs., 1225 Venice Boulevard, Los Angeles, Calif.
NDA 1-576, BB Liquid.
B-K-T Products Corp., 308 Tootle Building, St. Joseph, Mo.
NDA 3-165, Bishop's Tablets.
B & W Pharmacal Co., Dayton, Ohio.
NDA's:
3-478, Methanate Tablets.
3-479, Emulsoid Mentholated Emulsion.
3-481, Septagil.
3-483, Analgene Liquid.
3-484, Pangone Liquid.
3-486, Vedene Liquid.
3-487, Beosol Liquid.
3-489, Glycosine Liquid.
3-490, Glycerophos w/Thiamine Chloride Elixir.
3-491, Ammoniated Mercury Suspension.
Babylon Pharm. Co., Inc., Babylon, N.Y.
NDA 7-889, Premens Tablets.
Bac-Mart Co., 224¼ South Beach Street, Daytona Beach, Fla.
NDA 2-027, Nine-O-Nine Solution.
Baker Chemical Co., J. T., 600 North Broad Street, Phillipsburg, N.J.
NDA's:
4-373, Sol-Aspirin Tablets.
8-421, Dextran Injection.
Baker & Co., S. F., Keokuk, Iowa.
NDA's:
1-396, Baker's Astringent.
1-583, Baker's Cream Balm.
1-584, Baker's Salve Balm.
1-585, Baker's Ointment.
3-422, Baker's Tonic Solution.
4-216, Baker's Ointment.
Baldus, Simon A., 2003 Lunt Avenue, Chicago, Ill.
NDA 3-295, Sims Ointment.
Baldwin Medicine, Inc., 2120 Pine Street, Texarkana, Tex.
NDA's:
1-099, Soudan Compound Liquid.
1-100, Baldwin's Soudan Corn Medicine.
1-101, Soudan Liniment.
1-102, Baldwin's Soudan Tablets.
Ball Drug Co., 538 Florida Street, Baton Rouge, La.
NDA's:
1-636, Balco Ointment.
1-638, Balco Tablets.
3-191, Ballco Tablets.
3-199, Ballco Inhalant Drops.
Ballard, Nicholas C., Marion County, St. Francis, Ky.
NDA 0-517, Nick's Rub Ointment.
Bard Pharmaceuticals, 99-101 Saw Mill River Road, Yonkers, N.Y.
NDA 10-033, Reserpine Tablets.
Bard Saratoga Laboratories, Inc., Saratoga Springs, N.Y.
NDA 10-295, Harvepine Tablets.
Barnes & Sons, S. O., 17250 South Main Street, Gardena, Calif.
NDA 10-047, Reserpine Tablets 0.25 mg.
Barre Drug Co., The, 3635 Woodland Avenue, Baltimore, Md.
NDA 12-120, Offat Capsules.
Barry Labs, 9100 Kercheval, Detroit, Mich.
NDA's:
10-225, Reserpine Injection.
10-722, Vitamin B_{12} for Injection.
Bassett, W. L., 20 Main Street, Norwood, N.Y.
NDA 1-232, Henry's Headache Powder.
Bates Co., L. W., 905 Eye Street, Modesto, Calif.
NDA 2-227, Bates Internal Formula.
Battle Creek Dietetic Co., 10-14-16 Court Street, Battle Creek, Mich.
NDA 7-229, Mihista Tablets.
Bay Springs Mineral Products Co., Mr. R. E. Hogan, Box 2034, Miami, Fla. (Also Salerfal Sales Agency Mineral Products.)
NDA 0-265, Oxiron Solution.
Bay State Labs., Inc., 25 Huntington Avenue, Boston, Mass.
NDA 4-633, Codoil Ointment.
Beamola Labs., 309-311 South Main Street, Lima, Ohio.
NDA 0-114, Licitrate Liquid.
Bel Clare Products Co., 118 North Alexandria, Los Angeles, Calif.
NDA's:
6-533, Bel Clare Foot Powder.
6-554, Bel Clare Fungicide Solution.
6-555, Bel Clare Deodorant Liquid.
Bell Mfg., George N., 1417 Cornell Avenue, Indianapolis, Ind.
NDA 9-475, Tablets Raupesine (Reserpine Tablets).
Bellak, George, 538 South 20th Street, Newark, N.J.
NDA's:
1-243, Bellakol Mild Laxative Tea.
1-244, Bellak's Bitter Mild Cathartic.
Benedict, Antonucil, 218 East Front Street, Youngstown, Ohio.
NDA 3-725, Salugene Liquid.
Ben-Foy Labs., Inc., 351 West Penn Avenue, Wernersville, Pa.
NDA 10-444, Zepine Injection.
Benjamin, F. A., 104 Main Street, Danville, Ill.
NDA 0-017, Grandma's Salve.
Benson Labs., Inc., Post Road, Madison, Conn.
NDA 7-195, Pyrahist Tablets.
Bergen Pharmacal Co., Inc., 354 Mercer Street, Jersey City, N.J.
NDA's:
7-123, Historal Tablets.
9-620, Rauwolfia Serpentina Tablets, 50 mg., and 100 mg.
9-688, Reserpine Tablets.
Beringer, Inc., George M., 1251 Sycamore Street, Camden, N.J.
NDA 1-061, Potassium Iodide and Sodium Bromide Compound Solution.
Berkeley Drug Co. (Now Alton Products, Inc.), 159 Norfolk Street, Dorchester, Mass.
NDA 7-398, Anistabs (Pyrilamine Maleate, 25 mg.).
Berolzheimer, Ruth, 600 South Michigan Avenue, Chicago, Ill.
NDA 3-065, Eyeglo Solution.
Betan Co., 400 Market Street, Chattanooga, Tenn.
NDA's:
2-425, Betan Capsules.
2-426, Betan Inhalant.
Bethel Clinic, 210 South Pine Street, Newton, Kans.
NDA 1-534, Medicinal Tablets.
Big Four Labs. (Big Four Mills Ltd.), 219 Marietta Street NW., Atlanta, Ga.
NDA's:
1-475, Shur-Lex Liquid.
1-476, Vinco Liquid.
1-477, Green Marsh Liquid.
1-621, Big Four Liniment Liquid.
1-697, Big Four Band Nasal Drops.
1-698, Big Four Liquid.
Bigelow-Clark, Inc., 360 Meacham Avenue, Elmont, N.Y.
NDA 0-951, Podosol Liquid.
Biochemical Research Labs., Inc., 1 East Walton Place, Chicago, Ill.
NDA 0-567, Ganassinis Hair Lotion.
Bioplastic Labs., 458 Broadway, New York, N.Y.
NDA 4-779, Rubicide Liquid 0.5%, 1.0%.
Bio-Prod Labs., Inc., 644 Pacific Street, Brooklyn, N.Y.
NDA 5-498, Formula 333 Capsules.
Bio-Ramo Drug Co. (Now known as Copanos, John, Inc.), 9 North Eutaw Street, Baltimore, Md.
NDA's:
7-019, Clareton-12 Injection, 10, 15, and 30 mgc./cc.
7-088, Rametin-12 Tablets.
Bioresearch, Inc., 415 Lexington Avenue, New York, N.Y.
NDA 8-075, Coromist Solution.
Biosante Chemical Specialties, 465 Lexington Avenue, New York, N.Y.
NDA's:
0-170, Byosan Tablets.
3-220, Opovitam Tablets.
Bio-Terapico Latino-Americano Risan (Cuba), San Lazaro 955 Bajos, Havana, Cuba.
NDA 1-335, Chirolgine Injection.
Bischoff Co., Inc., Ernst, Ivoryton, Conn. (Firm dissolved.)
NDA's:
1-870, Sulfanilamide Tablets.
1-978, Trisima Tablets.
5-339, Aquakay ECT and Injection.
5-704, Aquinone Bischoff Injection.
Bishop Labs., Inc., 80 Greenwich Street, New York, N.Y.
NDA's:
2-502, Be-Vin Complex Elixir.
4-671, Nitrallium Tablets.

Bisogno, Fedele, 299 Broadway, New York, N.Y.
NDA 5-173, Marvel Liquid.
Bi-Tone Corp., 107 Federal Street, Bluefield, W. Va.
NDA 0-814, Bi-Tone Tonic.
Blue Line Chemical Co., The, No. 302 South Broadway, St. Louis, Mo.
NDA's:
0-068, Carzanthine Tablets.
1-160, Private Formula for M. J. Buckley, M.D.
2-752, Sulfanilamide and Sodium Bicarbonate Tablets.
2-823. Ferrous Sulfate Tablets.
2-825, Ferrous Sulfate Elixir.
2-846, Sulfapyridine Tablets.
2-981, Oxycholin Tablets.
3-098, Stramonium Capsules.
3-197, Thiamine HCl Elixir.
4-200, Rotocide Lotion.
4-292, Thiamine HCl Tablets.
4-459, Diethylstilbestrol Tablets.
Bobo, J. H. (Mrs.), 322 North Cherry Street, Florence, Ala.
NDA 0-305, Bobo's BVCA Ointment.
Boehringer, C. H., & Sohn, Chemische Fabbik, Germany. Laboratories for Pharmaceutical Development, Inc. (Agents), New York, N.Y.
NDA 10-162, Reserpine Tablets.
Boericke & Runyon, Inc., 6327 Conlon Street, El Cerrito, Calif.
NDA's:
0-655, Special Formula #6803 Tablets (Nux Vomica, Belladonna, Bryonia, and Garlic).
0-656, Special Formula #6805 Tablets (Ignata, Quillata).
0-670, Special Formula Tablets for Dr. John D. Hubbard (Colocynth, Nux Vomica).
0-671, Special Formula Capsules for Dr. John D. Hubbard (Powered Ginger, $NaHCO_3$, Ext. Hyocyamus, Peppermint oil).
0-923, Special Formula Tablets for J. W. Gardam, M.D. (Ferrun Arsenicum, Strychnine Phosphate).
0-924, Special Formula Tablets for J. W. Gardam, M.D. (Causticum, Spongia, Etc.).
0-967, Special Formula Tablets (Opium, Camphor, Tannic Acid).
1-008, Special Formula Tablets (Calcium Iodide, Calcium Carbonate).
1-233, Potassium Chloride Tablets.
1-360, Special Formula Rx Capsules for R. W. Larer, M.D. (Strychnine, Nitroglycerine, Acetanilide, Etc.).
1-376, Special Formula Tablets for J. B. Comins, M.D. (Macrotin, Bryonia Alba, Etc.).
1-399, Special Rx Ointment for A. D. Guglielmelli, M.D. (Salicylic Acid, Oil of Cade).
1-793, B & R Tablets #326.
1-794, B & R Tablets #327.
1-795, B & R Tablets #328.
1-796, B & R Tablets #329.
1-888, B & R Tablets #331.
1-889, B & R Tablets #332.
1-890, B & R Tablets #333.
1-891, B & R Tablets #334.
1-925, Special Formula #6807 Tablets for I. N. Griscom, M.D. (Ethylmorphine HCl, Digitalis Extract, Strychnine HCl).
2-223, Homeopathic Special Formula Tablets (Aconitum, Napellus, Gelsemium, Belladonna).
2-233, Special Formula Tablets for A. E. Biddinger, M.D. (Sanguinaria, Lacheses, Amyl Nitrate, Sepia).
2-444, Special Formula Tablets for P. G. Attinson, M.D. (Macrotin, Bryonia, Alba, Hypericum Perforatum).
2-534, B & R Tablets #337.
3-099, Special Medicinal Syrup (Chloral Hydrate, NaBr. KBr, Cascara Sagrada).
3-135, B & R Tablets #338.
3-988, Estrogenic Substance Injection.
3-606, Special Combinaiton Tablets (sodium phosphate, NaCl, $NaHCO_3$, $KHCO_3$, lithium benzoate, pyridoxine HCl).
3-607, Special Combination Tablets (Tr. Cantharides, Oil of Santal, Pyridoxine HCl, Palmetto Berries).
4-018, Homeopathic Trituration tablets (Hydrastis Candensis).
1-926, B & R #335 Tablets.
1-927, B & R #336 Tablets.
Bomtex Co., 3540 Troost, Kansas City, Mo.
NDA 3-551, Bomtex Ointment.
Bonded Labs, Inc., Brooklyn, N.Y.
NDA's:
9-445, Rauwolfia Serpentina Tablets, 50 and 100 mg.
9-606, Rauwolfia-Veratrum Viride Tablets.
Booth Pharm. Co. (No longer in business), 164 South Central Avenue, Los Angeles, Calif.
NDA's:
1-624, Gastro-Jel Gel.
3-855, Cascaperls.
Borum Brothers (Now known as Salahist Labs), 1340 East Seventh Street, Los Angeles, Calif.
NDA 8-368, Salahist Capsules.
Boston Balm Co., Post Office Box 7 Brookline Branch, Boston, Mass.
NDA 1-685, Boston Balm Ointment.
Botan Pharmaceutical Co., Providence, R.I.
NDA 10-523, Kin Ointment.
Botanical Labs, Chicago, Ill.
NDA's:
0-727, Cross Capsules.
0-728, Cross Fluid.
0-729, Cross Tablets.
3-230, Mafoliata.
Boulder Colorado Sanitarium, Fourth and Mapleton, Boulder, Colo.
NDA 3-323, Glyk-O-Dene Liquid.
Bovinine Co., 8134 McCormack Boulevard, Chicago, Ill.
NDA 4-277, Panoplex, Capsules.
Boyd & Co., M. B., 1500 Northwest 27th Street, Oklahoma City, Okla.
NDA 3-095, Numocol Medicated Drops.
Boyett, C. G., Cleveland, Miss.
NDA 0-775, Boyett's Headache Powder.
B-Ramni Co., 333 Maple Avenue, Itasca, Ill.
NDA 2-722, B-Ramni Tablets.
Breon & Co., Inc. (George A.).
NDA 4-010, Becaplets with Ascorbic Acid and Biotin.
Bridge & Co., H. L., 214 Green Street, Tipton, Ind.
NDA 3-732, HE-AB Solution.
Bristol-Myers Co., New York, N.Y.
NDA's:
5-835, Elixir of Phenolphthalein Beta Diglucoside.
7-079, Resistab.
10-505, Sentry Fluoride Dentifrice.
Broad Research Labs., Inc., 39-41 West 38th Street, New York, N.Y.
NDA 4-735, Stilbestrol Batch.
Bronk-Aid Pharmacal Co., 1317 O Street, Lincoln, Nebr.
NDA 1-107, Bronk-Aid Liquid.
Bronner, Paul, 324 South Clark Street, or 5332 Cornell Avenue, Chicago, Ill.
NDA 2-557, Braxon Paste.
Brooklyn Scientific Products Co., Inc., 70 Fifth Avenue, New York, N.Y.
NDA 1-829, Trisilac Tablets.
Brooks, D. B., Haxtun, Colo.
NDA 2-159, Nuwa Hair Tonic Solution.
Brooks, Paul, 411 East Maumee Street, Angola, Ind.
NDA 2-689, Aggewa Salve.
Brouillet, Eleanor, 168 Main Street Gardener, Mass.
NDA 1-394, Ebrouillet's Ointment.
Brown, Angel P., Labs, 417½ Avenue, Endicott, N.Y.
NDA 3-694, Za-Hoy Ointment.
Brown, C. S., Cumby, Tex.
NDA 2-069, Dr. Brown's Fungus Ointment.
Brown Herb Co., Inc., 68 Murray Street, New York, N.Y.
NDA 1-461, Brown Herb Tablets.
Brown, John C., 1530 Acushnet Avenue, New Bedford, Mass.
NDA 0-398, Brown-Sol-In Spray.
Brown Specialty Co., 1209 Second Street, Perry, Iowa.
NDA 2-601, HY-ON Tablets.
Bruce Co., Robert, 58 Imperial Avenue, West Port, Conn.
NDA 0-309, Zincad Salicthol Ointment.
Bryan, J. H., Spencer, W. Va.
NDA's:
2-050, Vigor-Lax Liquid.
2-208, Herb Lax Powder.
Bryson & Serinis Manufacturing Chemists, 218 North Brown Street, Gloucester City, N.J.
NDA 2-351, Dermozoy Lotion.
Buckhold Bros., 215 East Third Street, the Dalles, Oreg.
ND A1-506, M-O Cough Drops.
Buckman Labs., Inc., 1256 North McLean, Memphis, Tenn.
NDA 7-833, Buderma Ointment.
Buckner, W. T., Dr., Shelbyville, Ky.
NDA 2-592, Allergol Solution.
Buckthorpe Co., Tom C., Van Buren, Mo.
NDA 0-459.
Buford, Fred, M.D., 1434 Q Street NW., Washington, D.C.
NDA 0-162, Buford's Liniment Ointment.
Bullock-Walker Manufacturing Co., Division Blistex, Inc., 75 East Wacher Drive, Chicago, Ill.
NDA 4-965, Sulfathiazole Ointment 5%.
Burbot Liver Products Co., Baudette, Minn.
NDA 1-658, Vio Cal Wafers.
Burch, Thomas B., Sour Lake, Tex.
NDA 0-168, Formula 12 Liquid.
Burco Products Co., Platte City, Mo.
NDA 0-148, Burco Cold Tablets.
Burnbalm Labs., 270 Northwest Eighth Street, Boca Raton, Fla.
NDA 0-797, Burnbalm Cream.
Burnell, Rex James, 616 East Boston Street, Yale, Okla.
NDA 3-001, Burnell's Pylo Ointment.
Burnham Soluble Iodine Co., 30 Lexington Avenue, Auburndale, Mass.
NDA's:
4-005, Glyochloride.
5-035, Glyco—Chloride Capsules.
5-135, Glyco—Iodine Capsules.
5-861, Bursoline Tablets.
7-115, Lugol Capsules.
Burp Co., 2360 Northwest Glisan Street, Portland, Oreg.
NDA 0-739, Burp's Tablets.
Burrough Brothers Manufacturing Co., 123 Market Place, Baltimore, Md.
NDA 2-378, Sulfapyridine Tablets 0.5 gm.
Burt, Clement P., 2905 Louisiana Street, Houston, Tex.
NDA 2-920, Happy Home Liniment Solution.
Burtnett Drug Co., 1720 West Douglas Avenue, Wichita, Kans.
NDA 0-981, VPS Cough Syrup.
Burton—Levin Foundation, Inc., 211 West Monument Avenue, Baltimore, Md.
NDA 0-067, Ca-Ma-Sil Powder.
Butler Products Co., Box 571, Hamilton, Ohio.
NDA 1-383, Vita-Septic.
By's of California (Broemmel), 1235 Sutter Street, San Francisco, Calif.
NDA 1-695, Tri-B-Les Liquid.
CCA Products Co., 1000 Merrick Street, Detroit, Mich.
NDA 3-360, Permatene Oil Liquid.

Caine Co., S. Roy, 720 West 170th Street, New York, N.Y.
NDA 8-875, Calgitex Alginate Wood Dressing.
C.J.D. Chemical Co., 1301 Massachusetts Avenue NW., Washington, D.C.
NDA 3-228, Pulvis C.J.D. Astringent Compound Powder.
Calagel Co., Arnold J. Luehmann, Stewartsville, Minn.
NDA 3-829, Calagel Gel.
Calces Corp., 4134 University Way, Seattle, Wash.
NDA 3-655, Natural Calces Solution Injection.
Calco Chemical Division of American Cyanamid Co., Bound Brook, N.J.
NDA 4-626, Calcium or Sodium Pantothenate.
Calide Co., 2588 Grove Street, Oakland, Calif.
NDA 1-648, Escalon Solution.
Campanella, Carmello D., 3656A Shenandoah Street, St. Louis, Mo.
NDA 4-285, Alulin Powder.
Campbell & Co., 405 Washington Street, Karcher Hotel Building, Waukegan, Ill.
NDA 3-373, Campbell Powder.
Canada Balsam Prdoucts Co., Ltd., 23 Scott Street, Toronto, Ontario, Canada.
NDA 0-862, Nurub Ointment.
Canadian Radium & Uranium Corp., 630 Fifth Avenue, New York, N.Y.
NDA's:
5-889, Radon Ointment.
5-924, Alphatron Radon Ointment.
6-568, Alphatron.
Canright-Canright Corp., E. H., 1701 West Glenoaks Boulevard, Glendale, Calif.
NDA 10-272, Eiserpine-Prab Tablets.
Caphenin Chemical Co., Waverly, Iowa.
NDA's:
2-192, Phenobarbital, Atropine Papain Charcoal Tablets.
2-581, Sulfanilamide and Sodium Bicarbonate Tablets.
3-408, Thiamine HCl Tablets 3 mg.
Capital Medicine Co., 9½ South Perry Street, Montgomery, Ala.
NDA 3-018, ABXX Decoction of Willow and Cherry Liquid.
Carbide & Carbon Chemical Co. (Product now made by Union Carbide Consumer Products Co.), 270 Park Avenue, New York, N.Y.
NDA 6-424 and 6-12, Insect Repellant w/ Sun Screen.
Carbisulphoil Co., 2917 Swiss Avenue, Dallas, Tex.
NDA 0-632, Foilie Ointment.
Carborose Co., 9023 Third Avenue, Brooklyn, N.Y.
NDA 4-860, Carborose Liquid.
Carey Labs., Inc., Hutchinson, Kans.
NDA 1-430, Medisalt Powder.
Carls Liniment Co., 1402 West Colorado Avenue, Colorado Springs, Colo.
NDA 3-547, Carl's Liniment.
Carolina Medicine Co., Asheboro, N.C.
NDA's:
0-056, Ease-It Solution.
0-057, Lip Ease Solution.
0-058, Woodley's Suburban Lotion.
0-059, Woodley's Hair Tonic Lotion.
0-271, Tee Ease.
Carrtone Labs., Inc., 4936 Veterans Memorial Highway, Metairie, La.
NDA 11-720, Carr-Serp Tablets 0.25, 0.5 mg.
Carvoline Co., Peanut Products Co., Tuskegee, Ala.
NDA 0-467, Peanut Massaging Oil.
Casco Co., 312 South Court Street, Marion, Ill.
NDA 7-194. Casco Antihistamine Tablets.
Caspe Saul, 170 West 73d Street, New York, N.Y.
NDA 9-371, Cicatrase.
Castill Chemical Co., 1307 North Calvert Street, Baltimore, Md.
NDA 1-858, Retolor Liquid.
Ceebo Manufacturing Co., Inc., 1317 North Kings Highway, St. Louis, Mo.
NDA's:
3-649, Charm-Ay Ointment, Liquid, Shampoo.
3-822, Ceebo Liquid.
Cerbini & Co., 68 First Street, New Rochelle, N.Y.
NDA 8-325, Cerbartrol Injection.
Cervusin Labs., 119-01 Rockaway Boulevard, South Ozone Park, N.Y.
NDA 10-268, Reserpine Tablets 0.1, 0.25, 0.5, 0.1 mg.
Chaf-O Co., 330 North Wells, Chicago, Ill.
NDA 3-676, Chaf-O Ointment.
Chalybeate Manufacturing Co., Inc., 5918 San Pablo Avenue, Oakland, Calif.
NDA 1-060, Ferro Ferri Sulfas Solution and Tincture.
Cole Drug Co., Charles W. (Out of business.)
NDA 7-460, Co-Histen Tablets.
Charleyhorse Co., 245 West 38th Street, New York, N.Y.
NDA 2-098, Charleyhorse Liniment Ointment.
Chemcult Labs., 2026 West End Avenue, Nashville, Tenn.
NDA 4-312, Panto Drops Solution.
Chemical Manufacturing and Distributing Co., Sixth and Bushkill Drive, Easton, Pa.
NDA 6-263, Target Handi-Terge Solution.
Chemical Specialties Co., Inc., 22 East 40th Street, New York, N.Y.
NDA 8-488, Neodrol Suspension for Injection 50 mg./cc.
Chemo-Puro Manufacturing Co., Long Island City, N.Y.
NDA's:
8-050, Sodium Gentisate Tablets and Powder.
8-510, Hexamethonium Chloride 250 mg. Tablets.
Cheplin Biological Labs., Inc., 401 West Taylor Street, Syracuse, N.Y.
NDA 2-741, Cheplin's Estrogenic Substance Injection 2,000, 5,000, 10,000, 20,000 IU/cc.
Chicago Dietetic Supply House, 1750 West Van Buren Street, Chicago, Ill.
NDA 7-075, Celiu-K Salt Granules.
Chicago Pharmacal Co., Inc., Division Conal Pharm Inc., 5547 North Ravenswood Avenue, Chicago, Ill.
NDA 1-358, Special Formula Sodium Sulphocyanate for Dr. Roth.
Child-Dent Corp., 1109 Commerce Building, Rochester, N.Y.
NDA 9-797, Child-Dent Toothpaste.
Chimax Products, 9503 Roosevelt Avenue, Jackson Heights, Long Island, N.Y.
NDA 1-325, Hydra Cream.
Chlorine Products Co., Newark, Calif.
NDA 5-382, Hydrogen Peroxide Solution 3%.
Chrisalty Labs., Inc. 49 Dickerson Street, Newark, N.J.
NDA 5-386, Typotin Tablets.
Christie, James, and Albion, Charles M., 52-62 Haverhill Street, Brockton, Mass.
NDA 6-091, Chal Yon Solution.
Christmann, Ben F., 4959 Cote Brilliante Avenue, St. Louis, Mo.
NDA 1-017, Sunshine Corn and Callous Ointment.
Chunn Co., Thomas H., Walter Reed Hospital, Washington, D.C.
NDA 4-411, Servise Formula #114 Liquid.
Cincinnati Chemical Works, Inc., 1743 Cleneay Avenue, Norwood, Ohio.
NDA 4-717, Sulfathiazole Batch.
Citadel Color and Chemical Corp., 154 Nassau Street, New York, N.Y.
NDA 8-587, Tubercit Tablets 50 mg.
Citrus Research Labs., 409 East 47th Street, New York, N.Y.
NDA 4-539, C-Plex Tablets and Powder.
Clark, Mary W., 76 Steuben Street, East Orange, N.J.
NDA 2-037, Clark's Cough Mixture Liquid.
Clark, Peffer and Brown, Inc. (Out of business), Claremont Road, Carlisle, Pa.
NDA 11-096, CPIRON Tablets.
Clark, Russell B., M.D., 1022 Argyle Street, Chicago, Ill.
NDA 3-352, Actali Capsules.
Clay Adams Co., 44 East 23d Street, New York, N.Y.
NDA 5-438, Sealskin Dressing Plastic Adhesive.
Cleveland Colloids Co., 13023 Cedar Road, Cleveland, Ohio.
NDA 3-385, Nu-Tro-Gel Solution.
Clo-Fil Products, Inc., Box 158, Canal Street Station, New York, N.Y.
NDA 2-070, Clo-Fil Tablets.
Clover Labs., 817 Perdido Street, New Orleans, La.
NDA's:
0-283, Clover Stomach Tablets.
0-284, Clover Pile Ointment.
0-406, Clover SF Solution.
1-422, Otalagia Solution.
1-454, Clover's Nu-Frit-Co Mixture.
Coast Chemical Co., Inc., 8745 Sunset Boulevard, Los Angeles, Calif.
NDA 11-005, Cobalamine 1,000 mcg./cc.
Coe Labs, Inc., Chicago, Ill.
NDA 8-413, Hemolox Powder.
Coffin-Redington Co., 301 Folsom Street, San Francisco, Calif.
NDA's:
0-691, Vita-Phos Liquid.
2-118, Coreco Iso Fed Drops.
2-119, Coreco Milk of Magnesia Tablets.
Cokers Drug Manufacturing Co., Post Office Box 3002, Houston, Tex.
NDA 2-377, Coker's Dermo Ointment.
Colby, Albert P., 1155 Chelsea Avenue, Memphis, Tenn.
NDA's:
3-242, Colby's Palamento Liniment.
4-371, Palamento Ointment.
Cole Chemical Co., 3715-31 Laclede Avenue, St. Louis, Mo.
NDA's:
4-020, Aminoacetic Acid Tablets 15 gr.
4-716, Econ Capsules.
8-590, Retozide Tablets 50 and 100 mg.
Coleman, M. T., 726 Snelling Avenue, St. Paul, Minn.
NDA 2-128, Coleman's Ointment.
Collette and Markle, 3 Flint Street, Eureka, Springs, Ark.
NDA's:
1-552, Common Horse Sense for Piles Salve.
1-553, Common Horse Sense for Pyorrhea Bucc. Solution.
1-554, Common Horse Sense for Rupture.
Collins Co., Thomas E., San Francisco, Calif.
NDA's:
2-160, Mokara Tablets and Powder.
2-485, Peptolin Tablets (Eupepsis Tablets).
3-184, Heartburn Tablets.
Columbia Products Corp., 221-49 McKibben Street, Brooklyn, N.Y.
NDA 0-746, Sanford's Eye Peps Lotion.
The Columbus Pharmacal Co., Columbus, Ohio.
NDA 11-032, Raurescin.
Commercial Solvents Corp., 260 Madison Avenue, New York, N.Y.
NDA's:
6-501, Choline Bicarbonate Syrup.
6-624, Metabarin Suspension.
6-995, Glucurone Tablets.
8-008, Expandex.
10-339, Dextran 12% w/v salt free injection.
Commonwealth Research Labs., 103 College Avenue SE., Grand Rapids, Mich.
NDA 1-639, Pru-Jel.
Compton, B. C., Decatur, Ala.
NDA 1-663, Compton's Healing Oil Suspension.

Conadwell Labs., Inc., 270 Broadway, New York, N.Y.
NDA 2–580, Sunviro Formula #4 Elixir.
Conant, G. H., 2076 Massachusetts Avenue, North Cambridge, Mass.
NDA 10–320, Rauwolfcon Tablets.
Conover Distributing Co., 3653 Northeast Sandy, Portland, Oreg.
NDA 4–143, Kons Solution.
Cook Co., Inc., W. H., 223 Coffman Street, Watertown, N.Y.
NDA's:
1–354, Thycitol Syrup.
1–355, Benbutane Ointment.
2–101, W. H. Coo's Tycol Syrup.
Consolidated Chemical Co., Elm and Winslow, Cleveland, Ohio.
NDA's:
5–246, B-R-N Ointment.
5–862, A-K-X Ointment.
Consolidated Midland Corp., 195 East Main Street, Brewster, N.Y.
NDA 7–321, Tuberculocide Sodium.
Continental Chemical Co., 12065 82d Avenue, North Largo, Fla.
NDA 6–133, Benzium 0.1% and 6.4%.
Continental Distributing Co., 26 Que Street NW., Washington, D.C.
NDA 0–171, Glisensun Ointment.
Continental Pharmacal Co., 1400 West 25th Street, Cleveland, Ohio.
NDA 7–129, PSL Solution.
Cook and Eppele, 8124 Wade Park, Cleveland, Ohio.
NDA 2–080, Kepp Solution.
Cook, Thomas W., 1230 West Eighth Street, Des Moines, Iowa.
NDA 0–611, Hatex Drops.
Cooper, G. R., M.D., 215 Southwestern Life Building, Dallas, Tex.
NDA 1–887, Dr. Cooper's Mineral Salts Compound Powder.
Correa, George, 7 Clive Street, Jamaica Plain, Mass.
NDA 5–644, Flo-Gum Tablets.
Cortisol Co., 209 State Street, Binghamton, N.Y.
NDA 2–382, Cortisol Solution.
Cosmetest Inc., 16–22 Ash Street, Brooklyn, N.Y.
NDA 7–213, Antihistamine Tablets (pyrilamine maleate) 25 mg.
Cosmetic Co., 803 Sumner Street, South Boston, Mass.
NDA 4–658, Ivy-Glo Solution.
Cosmos Chemical Corp., 625 Broadway, New York, N.Y.
NDA's:
8–595, Isoniazid Cosmos Tablets 50 and 100 mg.
9–365, Raupersin Tablets 50 and 100 mg.
Cosylor, Inc., 100 West Chicago Avenue, Chicago, Ill.
NDA 12—045, Pealette Capsules (phenylpropanolamine HCl 75 mg.).
Cotterman, A. I. (Mr.), Nuco Products, West Union, Ohio.
NDA 0–447, Nucone Drops.
Coughlan Co., G. N., 29 Spring Street, West Orange, N.J.
NDA 7–642, Spandy Solution.
Cowley Pharm. Inc., 65 Southbridge Street, Auburn, Mass.
NDA's:
7–251, Cowley Antihistamine Tablets 25 mg. (pyrilamine maleate).
7–332, PASA and Sodium PASA Tablets (salamin).
9–202, Rauwoserp Tablets 50 and 100 mg.
9–653, Reserpine Tablets 0.1, 0.25, 0.5, 1.0 mg.
Crawford Food, Inc., 2775 West Broadway, Eagle Rock, Calif.
NDA 3–818, Sevren Solution.
Crawford, G. Wray, Dr., 2262 Magnolia Avenue, Long Beach, Calif.
NDA 3–430, Hydro-Gene Tablets.
Crookes Labs., Union and Liberty Streets, Mineola, N.Y.
NDA 8–984, Raupena.
Crosby, George H., 910 Fidelity Building, Duluth, Minn.
NDA 2–573, Tropical Balm Liquid.
Crowe Chemical Co., 6 East 10th Street, Tulsa, Okla.
NDA's:
0–310, S Suspensoid #4 Emulsion.
2–768, Caster Oil Emulsion.
2–769, WP Emulsion #8.
2–770, WP Emulsion #9.
2–771, Calomel Suspensoid Emulsion.
Croydon Labs., Inc., Post Office No. 2163, Midcity, Philadelphia, Pa.
NDA 0–019, Lan-O-Derm Ointment.
Crump, Armistead C., Dr., 555 Park Avenue, New York, N.Y.
NDA 0–100, Dr. A. C. Crump's Tablets for Ulcers of the Stomach and Duodenum.
Crystal Pharmacal Co., 222 South Elmwood Avenue, Oak Park, Ill.
NDA's:
2–135, Crystal Headache Powder.
2–429 Hall's Green Cold Capsules.
Crystal Soap and Chemical Co., Inc., 8th Street and Moyers Road, Lansdale, Pa.
NDA 9–387, Crystal (CS–190) Liquid.
Cudahay Packing Co., 22d and Broadway, Wichita, Kans.
NDA 9–201, Hyaluronidase Injection.
Cugil Labs., Inc., Post Office Box 281, Palo Alto, Calif.
NDA 8–921, Cugilex Tables 3 and 6 mg., Cugilex Suppositories Vaginal and Rectal 3 and 5 mg.
Cummings, Inc., Ed., Cummings Building, Flint, Mich.
NDA 1–665, Thujoil Solution.
Curital, Inc., 303 West 42d Street, New York, N.Y.
NDA 0–811, Soothay.
Curtis, Co., A. W., 454 Farnsworth Street, Detroit, Mich.
NDA 1–130, Curtis Rubbing Oil Liquid.
D & B Labs, 15 Hayes Street, Norwich, N.Y.
NDA 1–610 D & B Ideal Germicide Solution.
D–W Products Inc. (now known as H. V. Waggener Distributing Co.), 4645 East 23d Avenue, Denver, Colo.
NDA's:
0–564, Ferri-Heptol with Vitamin B_1.
0–565, Ferri-Heptol with Vitamin B_1 and Cod Liver Oil.
Dakowicz, Bernard, 11325 Moran Street, Detroit, Mich.
NDA 1–810, Facial Ointment (Skin Remedy).
Dalar Medical Labs., Inc., 41 Union Square, New York, N.Y.
NDA 2–182, Crimic Ointment.
Daly—Herring Co., Post Office Box 428, Neuse Road, Kingston, N.C.
NDA 7–741 Pinee Antihistamine Tablets.
Dampf, John, 2957 North Fourth Street, Philadelphia, Pa.
NDA 0–666, Dampf's 20th Century Discovery Ointment.
Dand-R-Off Pharmacal Co. (now Saffo Pharmacal), 139 101st Street, Jamaica, N.Y.
NDA 1–856, Saffro Hair Lotion.
Dandrug Co., 4109 Amos Avenue, Baltimore, Md.
NDA 6–473, Sulfodandrug Solution.
Daniels & Co., Robert, 1280 Randall Avenue, Bronx, N.Y.
NDA 11–904, Sylphe Capsules.
Danforth, 5299 Fountain Avenue, Hollywood, Calif.
NDA 3–140, Estrohormone Cream.
Darby, E. H., Box 169, Florence, Ala.
NDA 1–867, Famous Old South Laxative.
Daro Industries, Inc., 19 West Randolph Building, Chicago, Ill.
NDA 8–916, Acaid Ointment.
Dart Labs., 519 12th Street, Red Wing, Minn.
NDA 2–781, Dartconc Solution.
Darworth, Inc., 660 Hopmeadow Street, Simsbury, Conn.
NDA 5–131, Kopertox.
David Research Labs., 1022 David Whitney Building, Detroit, Mich.
NDA 0–888, Chaysol Solution.
Davis Drug Co., Inc., 601 Harrison Avenue, Leadville, Colo.
NDA 1–172, Canfield's Preparation Liquid.
Davis & Pitann, Ltd. (Not in drug registration).
NDA 2–126, Salvus Dermal Sutures.
Davis Emergency Equipment Co., Inc., 45 Hallock Street, Newark, N.J.
NDA's:
10–658, Isodine Antiseptic Solution.
10–659, Isodine Applicators and Swabs Dre.
Davis Pharmacal Co., Miami, Fla.
NDA 1–597, Otamma Ointment.
Davison Chemical Corp., 20 Hopkins Place, Baltimore, Md.
NDA 0–628, Sylox Powder.
Davison, G. M., 320 Cypress Street, North Little Rock, Ark.
NDA 3–302, Digitalis Tablets.
Day Chemical Co., Inc., 480 Washington Street, Newark, N.J.
NDA's:
5–029, Sulfathiazole Ointment, 5%.
5–782, V-Tox Lotion (Fennex Lotion).
Decyl Pharmacal Co., Princeton, N.J.
NDA 6–699, Decild Capsules.
De Feet Co., 197 Park Avenue, Wilkes-Barre, Pa.
NDA 3–461, De-Feet Powder.
Deknatel and Son, Inc., J. A., 96–20 222d Street, Queens Village, N.Y.
NDA 2–303, Deknatel Surgical Nylon.
De La Mota, Francisco Espaillat, 507 West 130th Street, New York, N.Y.
NDA's:
1–291, Eureka Hair Tonic Liquid.
1–609, Eureka After Shave Lotion.
Delavau Co., Inc., J. W. S., 2116–26 Nicholas Street, Philadelphia, Pa.
NDA 10–502, Reserpine Tablets 0.1, 0.25; 0.5, 1.0 mg.
Deltalon Specialities, 7640 South Eggelston Avenue, Chicago, Ill.
NDA 6–591, Endopoints DCO.
Demmel Co., E. K., 303 Fourth Avenue, New York, N.Y.
NDA 0–311, Cruricast Bandages Dressing.
Denne Labs., Drawer 701, Abbeville, La.
NDA 1–591, Inertest Tablets.
Dentalac Co., 8 Arcade Building, Little Rock, Ark.
NDA 1–294, Dentalac Mouthwash.
Denthol Co., 3820 Scott Street, San Francisco, Calif.
NDA 0–867, Denthol Mouthwash.
De Pree Co., 130 Central Avenue, Holland, Mich.
NDA 7–342, De Pree Antihistamine Tablets (pyrilamine Maleate 25 mg.).
Derington, L. L., 225 West Walnut, Enid, Okla.
NDA 1–088, Derington's Compound Liquid.
Dermal Products Co., 523 Mills Building, Topeka, Kans.
NDA 4–471, Derma-Protex Ointment.
Dermatol Chemical Co., Inc., 3747 College Avenue, Indianapolis, Ind.
NDA 1–642, Cala Corn Solution.
Dewey Products Co. (TNF Muir Drug Labs, Inc.), 532 Cottage Grove SE., Grand Rapids, Mich.
NDA's:
0–220, Kalin Antacid Tablets.
7–147, Orkutt Antihistamine Tablets.
7–823, Histop Antihistamine Syrup.
8–079, Histop Compound Tablets.
DeWolf Co., C. H., 35 Dodge Avenue, East Haven, Conn.
NDA 3–496, Exl Ointment.
Dickinson Co., E. E., 40–46 North Main Street, Essex, Conn.
NDA 1–739, Dixatone Liquid.

Dickman, I. S., 15 West 38th Street, New York, N.Y.
NDA 0–184, Vital Vitamins Tablet.
Dicol Chemical Co., 20 West 22d Street, New York, N.Y.
NDA's:
2–578, Dicol Ease Burn Ointment.
2–621, Dicol S Cream.
Diefenbach Labs., 80 Hamilton Street, Rochester, N.Y.
NDA 1–090, Kreso-Tol Solution.
Dietetic Research Labs., Inc., YNF U.S. Vitamin and Pharmaceutical Corp., 800 Second Avenue, New York, N.Y.
NDA's:
0–106, M.V.M. Diet Supplement Perles.
0–428, Hypervitam w/minerals Capsules.
Ditetic Supplements, Inc., 816 West Fifth Street, Los Angles, Calif.
NDA 1–284, Fe-Cu-Phyll Tablets.
Dietz Co., Inc., Charles H., First and Pine Streets, St. Louis, Mo.
NDA's:
1–427, Calsamate Solution.
5–280, Aeron Tabelts.
7–124, Pyranisamine Maleate Tablets 25 mg.
7–788, Pyrilamine Compound Tablets.
Difco Labs., 920 Henry Street, Detroit, Mich.
NDA's:
2–514, Chorionic Gonadatropin Injection (5000 IU/cc.).
2–515, Chorionic Gonadotropin Injection (1000 IU/cc.).
4–408, Stilbestrol Bulk.
Diketan Labs. (out of business), Culver City, Calif.
NDA's:
7–314, Pyrilamine Maleate 25 mg. Tablets.
9–641, Elserpine Tablets 0.25 mg.
11–203, Rescinnamine Tablets.
Dill Co., Washington and McKinley Avenues, Morristown, Pa.
NDA's:
7–489, Antihistamine Tablets 25 mg. (pyrilamine maleate).
7–854, Dil-Hist Tablets.
Dilling, Mary E., 2743 Curtis Street, Denver, Colo.
NDA 2–231, Visco Ointment (Eczemol Ointment).
Dimaio, Antonio, 148 Elm Street, Bradford, Pa.
NDA 0–069, Miracolo Hair Tonic Emulsion.
Direct Sales Co. (not in drug registration). (Direct Laboratories is listed in Drug Registration Book at 277 Genesee Street, Buffalo, N.Y.)
NDA's:
2–366, Vitamin B_1 Thiamin Chloride.
3–335, Magnesium Trisilicate.
3–336, Theophylline and Ethylenediamine Tablets.
3–346, Estrogenic Substance in Oil.
3–347, Theobromine and Phenobarbital Tablets.
3–403, Aminophylline and Phenobarbital.
3–404, Theobromine with Sodium Salicylate.
3–405, Theophylline and Ethylenediamine 3 gr. Tablets.
3–424, Elixir Thiamin Chloride.
3–611, Theophylline and Ethylenediamine Ampules.
3–675, Brewer's Yeast Tablets 7½ gr.
3–924, Nicotinic Acid.
3–925, Ascorbic Acid.
3–926, Nicotinamide 50 mg.
4–794, Stilbestrol Tablets.
Dixie Medicine Corp., 401 East Trade Street, Charlotte, N.C.
NDA 3–319, DMC Inhalant.
Dolge Co., C. B., West Ferry Lane, Westport, Conn.
NDA's:
0–292, Alta-CO Powder.
1–444, White Alta-CO Powder Bulk.
Dome Chemicals, Inc., 125 West End Avenue, New York, N.Y.
NDA 3–151, Domung Ointment.
Donahue, Nellie B., 12 Hudson Street, Ossining, N.Y.
NDA 1–227, Spar-Don.
Donley-Evans & Co., 6026 Enright Avenue, St. Louis, Mo.
NDA's:
0–868, Gluco-Sulfanilamide Solution.
5–759, Gluco-Sulfathiazole Liquid.
5–760, Gluco-Sulfamerazine Liquid.
5–761, Gluco Sulfadiazine Liquid.
6–455, Glucosulfas Liquid.
Dorsey Co., Smith, Division Wander Co., 233 South 10th Street, Lincoln, Nebr.
NDA's:
4–268, Rx 1896 for Corn States Serum Co., Omaha, Nebr.
4–269, Rx 1897 for Corn States Serum Co., Omaha, Nebr.
4–270, Rx 1898 for Corn States Serum Co., Omaha, Nebr.
3–552, Sulfathiazole Tablets.
Dorton Co., 154 East Erie Street, Chicago, Ill.
NDA 5–247, Pre-Eez.
Dott Pormenti Spa, Vincent A. Kleinfeld, Agent, Law Office of Bernstein, Kleinfeld, and Alper, 1725 I Street NW., Washington, D.C.
NDA 12–842, Nitrofurantoin USP Tablets, 100 mg.
Douglass Manufacturing Co., 2906 Portland Avenue, Minneapolis, Minn.
NDA 1–667 Sa-So-Na Solution.
Doyle, Theodore, 1380 Washington Street, San Francisco, Calif.
NDA 2–405 Wunder Foot Soap.
Dra-Sum Co., 72 Hickory Street, Chillicothe, Mo.
NDA 1–162, Regular Dra-Sum Ointment.
Drug Packaging, Inc. (Out of business), Pittsburgh, Pa.
NDA 7–534, Hanist Tablets.
Drugmaster, Inc., St. Louis, Mo.
NDA 7–135, Histapro (Anapro) Tablets.
Drug Products Co., 2632 Skillman Avenue, Long Island, N.Y.
NDA's:
0–641, Hyposol S Injection.
0–642, Vitamin B_1 Crystalline Injection.
1–287, Potassium Chloride Tablets.
2–985, Thiamine HCl Crystalline for Injection.
2–986, Hyposol S Nicotinamide Injection.
2–987, Nicotinamide Injection.
3–010, Hyposol S Menaquinone Injection.
3–011, Hyposol S Thiamidin Injection.
3–126, Pulvoids Mnquinone Capsules.
3–145, Pulvoida VI-B-Quad Capsules.
3–146, Pulvoids Chosal Tablets.
3–333, Vin-B-Complex Liquid.
4–184, Hyposol Formac Injection.
4–338, Stilbestrol Tablets.
4–339, Stilbestrol Injection.
4–537, Hyposol S Solution Thiamine HCl Injection.
4–625, Sulfarea Ointment.
4–631, Hexanitrol Tablets.
4–660, Hexanitrol w/Phenobarbital Tablets.
Drug & Proprietary Products, Robert O. Ellis Co., Owner, 1010 Fourth Avenue, Huntington, W. Va.
NDA's:
2–626, Atoxa Mouthwash.
2–702, Nipasol Liquid.
Duke Labs., Inc., Duke Place, South Norwalk, Conn.
NDA 5–532, Elastoplast Dressing.
DuMont Pharmacal Co., Inc., 2048–2056 Abigail Street, Philadelphia, Pa.
NDA's:
9–730, Reserpine Tablets 0.1, 0.25, 0.5, 1, 2, 5 mg.
10–082, Hexamethonium Chloride Tablets 250 mg.
11–099, Reserpine Elixir.
11–101, Rauwolfia Serpentina Tablets 50 and 100 mg.
Dunwody & Sons, Inc., R. G., 235 Forsyth Street SW., Atlanta, Ga.
NDA 0–962, Duleet Liquid.
Durex Products Inc., 684 Broadway, New York, N.Y.
NDA's:
5–568, Methakol Jel.
5–600, Lactikol B Jel.
5–601, Lactikol Cream.
Dynogen Co., 3936 Locust Street, Kansas City, Mo.
NDA 1–236, Dynogen Powder.
Eagle Products Co., Box 162, Chattanooga, Tenn.
NDA's:
7–309, Pyrilamine Maleate Tablets 25 mg.
7–332, Eagle's Antihistaminic Analgesic Compound Tablets.
Easaprods, Ltd., 708 Temple Building, 62 Richmond Street, West Toronto, Canada.
NDA 0–144, Easafoot Powder.
Eastern Chemical Co., 318–320 Littleton Avenue, Newark, N.J.
NDA 4–946, Fleet Foot Ointment.
Eastern Labs., 302 South Central Avenue, Baltimore, Md.
NDA 1–611, Methenz Tablets.
Eastern Pharmacal Co., 100 Broadway, San Antonio, Tex.
NDA 5–328, Sulfa-Nico Tablets.
Eaton Laboratories, Norwich, N.Y.
NDA 9–827, Tricofuron.
Ebco Products, Pasadena, Calif.
NDA 10–111, Cortodon Powder.
Eckler, Gardner L., 27½ Exchange Place, Atlanta, Ga.
NDA 1–310, Pop Eckler's Majik Foot Powder.
Eddy Herb Co., Dr., 2462 North 24th Street, Milwaukee, Wis.
NDA's:
0–945, Dr. Eddy's Herb Tablets.
1–377, Dr. Eddy's Gas Tablets.
1–378, Dr. Eddy's Ant-Acid Powder.
Edgewater Radioisotope Center (The Edgewater Hospital, Inc.) Chicago, Ill.
NDA 9–595, Sodium Radio-iodide (I^{131}).
Edmondson, Edward Everett, M.D., Canon City, Colo.
NDA 2–473, Aqcuzin Compound Solution.
Edom Labs, Inc., 95–39 40th Road, Elmhurst, N.J.
NDA 10–147, Tranquilin Liquid 0.25 mg./5cc.
Elder Co., Paul B., Post Office Box 31, Bryan, Ohio.
NDA's:
0–774, Strych-tails Compound Tablets.
1–043, Rafilyn Sugar Coated Tablets (green).
7–770, Phenacamine Tablets (A.P.C. w/pyranisamine maleate).
7–798, Palleate Tablets.
El Modelo Medicine and Drug Co., 2221 Perez Street, San Antonio, Tex.
NDA 1–049, Rinatin.
Elo Products Co., Box 1720, Little Rock, Ark.
NDA 0–735, Elo Liquid.
Emblidge, Norman, 859 Washington Avenue, Rochester, N.Y.
NDA 2–866, Ne Me Liquid.
Empire Chemical Co., Inc., 2560 Tara Lane, Brunswick, Ga.
NDA's:
5–908, Thiouracil Tablets.
7–136, Pyranisamine Tablets.
7–818, Pyranisamine Maleate A.P.C. Tablets.
Empree, Paul J., 792 Geary Street, San Francisco, Calif.
NDA 2–011, Empree's Hair and Scalp Prep. Sol.
Emulsol Corp., 59 East Madison Street, Chicago, Ill.
NDA 5–374, Emulsept Solution.

Ennis Coffee Co., 115 Independence Avenue, Kansas City, Mo.
NDA 2-836, Salas Granules.
Eno Ltd., J. C. (Beecham Products, Inc.), New York, N.Y.
NDA's:
0-585 Eno, New Formula.
4-579 Lucozade Solution.
Erie Labs., TNF Allied Pharmacal Co., 4419 Perkins Avenue, Cleveland, Ohio.
NDA 2-349, Analgesic Liquid (methyl salicylate, salicylic acid, benzoic acid) Topical.
Erspamer, A. C., Tacoma, Wash.
NDA's:
2-234, Ridagerm Cream.
3-357, Erspamer's Cough Remedy Syrup.
Essential Products, 360 North Michigan Avenue, Chicago, Ill.
NDA 3-693, Axter Tablets.
Ethical Pharmacal Co., San Antonio, Tex.
NDA 10-419, Raucap Time Disintegrating Capsules 0.25, 0.5, 0.75 mg.
E-Vac Co., 3955 Brunswick Avenue, Los Angeles, Calif.
NDA 1-944, E-Vac.
Evans, Milton C., Route 1, Box 74, Roland, Ark.
NDA's:
1-473, Eagle Brand Kwia Pain Liniment.
1-474, Evans Famous Salve.
Evron Co., 7475 North Rogers Avenue, Chicago, Ill.
NDA's:
4-642, Evron Vaginal Jelly.
9-258, Isonicotinic Acid Hydrazide Tabs.
9-259, Hexamethonium Chloride Tablets.
Ewert, John S., Dolton, S. Dak.
NDA 0-293, The Ewert Salve.
Faber & Co., Anton, 1287 East 79th Street, Cleveland, Ohio.
NDA 0-920, Faber's Calfo-Salve.
Falcon Chemical Co. (Out of business), Pittsburgh, Pa.
NDA 2-511, Pekal Suspension.
Faraday Labs., Inc., 223 High Street, Newark, N.J.
NDA 9-876, Reserpine Tablets.
Faram Co., 221 West Ninth Street, Erie, Pa.
NDA 2-764, Sportbalm Ointment.
Farmochimica Cutolo-Calosi, Joseph C. Anselmi, Agent, 2 Broadway, New York, N.Y.
NDA 12-425, Meprobamate Tablets, 400 mg.
Farnham and Weeks Labs., James Thomas Weeks, 123 McTyere Avenue, Jackson, Miss.
NDA 6-011, Trich-O-Stat Solution.
Farris Products, Inc., Cambridge, Mass.
NDA 4-324, Algaederm Solution.
Fellows Medical Manufacturing Co., Inc., 1354 West Lafayette Boulevard, Detroit, Mich.
NDA's:
1-850, Bejen Elixir (Vitamin B). 1-918, B-Qua Elixir.
4-140, Liqua Phedra Drops.
4-141, Vitamin B Complex Solution.
Fermex Labs., R. C. Blackie, Owner, West Springfield, Mass.
NDA 1-842, Fermex Antacid Capsules.
Ferromin Co., Alfred A. Pfeiffer, President, 145 Main Street, Monroe, N.Y.
NDA 1-868, Viberon B Capsules.
Ferron Drug Co., 1 Thomas Street, New York, N.Y.
NDA 3-591, Ferron Tablets.
Fesler Co., Inc., George C. V., 912 South Donough, Montgomery, Ala.
NDA 2-033, Hydrocol Powder.
Fidelity Medical Supply Co., 213 South Main Street, Dayton, Ohio.
NDA's:
2-031, Ceebee Medicaps Capsules.
2-396, Polethesin (Trithesin) Rectal suppositories.
2-550, Sodium Pentobarbital Capsules.
3-865, Estrogenic Hormones IM Injection.
4-928, Sulfathiazole-Urea Ointment.
5-222, Stilbestrol Injection.
Fillauer Surgical Supplies, 930 East Third Street, Chattanooga, Tenn.
NDA 3-456, Morkazo Ointment.
Finaf Labs., 901 Pennsylvania Avenue, St. Albans, W. Va.
NDA 1-828, Finaf Solution.
Fine Chemicals of Canada, Ltd., 124 Pharmacy Avenue, Toronto, Ontario, Canada.
NDA 10-544, Reserpine Tablets 0.25 mg.
First Texas Chemical Manufacturing Co., Dallas, Tex.
NDA 0-276, Private Formula Tablets containing: Brewer's yeast, phenolphthalein, sodium glycocholate, sodium taurocholate.
Fite, Robert H., 11 Claremont Drive, Short Hills, N.J.
NDA 4-250, Walkex Solution.
Fitzgerald, Clarence, 2461 Jefferson Street, Gary, Ind.
NDA 2-908, Caribbean Liniment Solution.
Fitzpatrick, W. B., Dr., 433 Thompson Avenue, Excelsior Springs, Mo.
NDA 1-004, Derma-Coat Salve.
Fitzsimmons Products, 16 East 18th Street, New York, N.Y.
NDA 0-950, Podinol Liquid.
Fjeldstad Medicine Co., 3451 Cedar Avenue, Minneapolis, Minn.
NDA 0-248, Mesaba Oil.
Fleetfoot Co., 227 West 18th Street, Kansas City, Mo.
NDA 2-843, Fleetfoot Foot Powder.
Flint Eaton Division Baxter Labs., 6301 Lincoln Avenue, Morton Grove, Ill.
NDA 0-934, Calcium Mandelate Tablets.
Flodas Chem Labs., 215 East 12th Street, New York, N.Y.
NDA 0-626, Flodas Ear Drops.
Fluordent Inc., 312 Balter Building, New Orleans, La.
NDA's:
5-679, Desensito Toothpaste.
5-771, Flene Tooth Powder.
5-788, Flene Dental Topical Solution.
Foley and Co., Chicago, Ill.
NDA's:
3-737, Vita-Bilds Cap.
3-869, S-Kape Lotion.
7-380, Pyrilamine Maleate 25 mg. tablets.
Foot-King Co., Robert M. King, 3622 West 32d Street, Minneapolis, Minn.
NDA 1-594 Foot King Ointment.
Foot-Rem Labs, 801 World Herald Building, Omaha, Nebr.
NDA 2-750, Foot-Rem Powder.
Forrest Labs., Inc., 2025 Fifth Avenue, New York, N.Y.
NDA 0-547, BiLaticol Tablets.
Foster, N.C., Post Office Box 763, Hendersonville, N.C.
NDA 2-480, Car Bor Tann Ointment.
Foster, Jr., William, 52 Groshon Avenue, Yonkers, N.Y.
NDA 0-982, Foster's Pile Remedy Capsules.
Fox-Paw Products, 3124 Hirsch Place NW., Canton, Ohio.
NDA 2-079, Fox Paw Powder.
Fox Supply Co., St. Charles, Ill.
NDA 2-994, Mus-L Eaz Ointment.
Frankay Laboratories, Nutley, N.J.
NDA 10-518, Theopheral Reserpine Caps.
Franklin Chavett and Co., 612 North Michigan Avenue, Chicago, Ill.
NDA 1-675, Cascaperls Liquid.
Frankline Pharamaceutical Co., Division of Wynn Pharmacal, 5051 Lancaster, Philadelphia, Pa.
NDA 11-941, Slim Time Capsules.
Fredenburgh Hecht Co., 7 Hawthorne Lane, Concord, Mass.
NDA 8-061, PH Hair Prep Liquid.
Freese, Herman W., 235 South Avenue 51, Los Angeles, Calif.
NDA 1-157, Freeses Eez-U Powder.
Frosst Co., Charles E., 101 Richmond Trust Building, Richmond, Va.
NDA's:
1-077, Neo Chemical Tonic.
3-231, Neusorb Suspension.
3-233, Neusorb w/Mineral Oil Suspension.
4-061, Diestrene ECT 0.1, 0.25, 0.5, 1.0 mg./Tab.
Diestrene inj. 0.5, 1.0 mg.
Diestrene vag. sup. 0.5 mg.
4-144, Vermilet Tablets.
4-174, Ostoforte Capsules.
7-172, Danilone Tablets 50 mg.
Fulcom Labs Inc., % Endo Laboratories, 84-40 101st Street, Richmond Hill, N.Y.
NDA 2-015, Fulcom Tablets.
Fuld Brothers, Inc., 702 South Wolfe Street, Baltimore, Md.
NDA's:
0-425, Anti-Fect Disinfectant & Treatment for Athletes Foot Solution.
4-315, Anti-Fect Powder.
Furst-McNess Co., 120 East Clark Street, Freeport, Ill.
NDA 7-230, McNess Antihistamine Tablets (pyrilamine).
G & G Pharmacal Co., Inc. (out of business), Now known as Gilroy May Co., Inc., 1725 South Michigan Street, South Bend, Ind.
NDA 12-016, Pyrilamine Maleate Capsules, 75 mg.
G & W Co., Lovington Station, Des Moines, Iowa.
NDA 0-349, Kao Cream.
Gaebl, William L., 30 West Pennsylvania Avenue, Towson, Md.
NDA's:
5-660, Amfluor Fluoride Tablets.
6-299, Amfluor Fluoride Solution.
6-300, Amfluor Fluoride Toothpaste.
Gale Co., 918 Grandview Avenue, Duluth, Minn.
NDA 1-938, Gale Ointment.
Games Chemical Works, 611 Broad Street, Carlstadt, N.J.
NDA's:
3-009, Nicotinic Acid Amide Bulk for Mfg. use only.
4-720, Ascorvite (coselite) Ampoules.
4-721, Ascorvite (foselite) Dragees.
4-722, Thiavite (boselite) Ampoules.
Gar Co., 105 Bryant Street, Malden, Mass.
NDA 3-012, Gar Solution.
Garde Drug Co., 171 West Jefferson Street, Philadelphia, Pa.
NDA 10-946, Reserpine Elixir.
Garlex Co., 92 West 174th Street, New York, N.Y.
NDA 2-321, Garlex Brand Tablets of Anhydrous Garlic Tab.
Garrick, Lillian, 1140½ North Gardner, Hollywood, Calif.
NDA 3-245, Trim Solution.
Gates Medicine Co., Charleston, W. Va.
NDA's:
1-820, White Ribbon Remedy Powder.
1-821, White Ribbon Remedy Aromatic Powder.
1-885, Iron-O-Vita Liquid.
Gebauer Chemical Co., 9408-10 St. Catherine Avenue, Cleveland, Ohio.
NDA 3-763, Gebauer's Astringent Spray.
Gee Chemical Co., T. Gerald Magner, 175 West Jackson Boulevard, Chicago, Ill.
NDA 1-884, Gee Powder.
Gelatin Products Co., Division R. P. Scherer Corp., 9425 Grinnell Avenue, Detroit, Mich.
NDA's:
4-115, D1-Calcium Pantothenate Batch.
4-657, Tocopherol Concentrate Cap.
4-832, Stilbestrol ECC.
4-913, Deacin Caps.
Gena Labs, Inc., 1341 Plowman, Dallas, Tex.
NDA 3-192, Merc-O-Dine Liquid.
General and Marine Labs, Now known as the Alvagel Laboratories, Miami, Fla.
NDA 5-967, Alvagel Ointment.

General Cosmetics Corp., 612 North Michigan Avenue, Chicago, Ill.
NDA 9–844, Medicspray Transparent Spray Bandage.
General Products Labs., Columbus, Ohio.
NDA's:
0–969, Zonex Ointment.
0–970, Z–Rin Liquid.
Gens, Adolph-Heiligol Importers, 3504 31st Avenue, Astoria, Long Island, N.Y.
NDA 1–416, Sulphur Bath
Gerson Stewart Corp., Cleveland, Ohio.
NDA's:
9–063, 2% Actamer in 40% Surgical Soap.
1% Actamer in 40% Surgical Soap.
1% Actamer in 20% Surgical Soap.
0.3% Actamer in 15% Surgical Soap.
Gerst, David Dr., 915 West End Avenue, New York, N.Y.
NDA 2–380, Vericoaid or Varico Powder.
Giant Chemical Corp., 2 East Second Street, Coudersport, Pa.
NDA 0–661, Respanol Liquid.
Gill, Richard C. (deceased), Now known as Menlo Pharmaceuticals, Mr. Jack Robertson, 717 Keating Building, Menlo Park, Calif.
NDA 7–022, Solution d-Tubocurarine Cl.
Gish-Kerney, N. A., 342 Madison Avenue, New York, N.Y.
NDA 4–310, Hemoton Liquid.
Givaudan-Delawanna, Inc., 321 West 44th Street, New York, N.Y.
NDA 5–192, Racemic Menthol Bulk.
Glassman, Jacob A., 3930 Gladys Avenue, Chicago, Ill.
NDA 2–153, Aspirin-Saccharin Compound Tablets.
Glaxo Labs., Ltd., Grennford, Middlesex, England.
NDA 4–939, Stilbestrol Bulk.
Glenn Products Co., Box 25, Rockaway Park, N.Y.
NDA's:
2–117, Glenn Kaps, Capsules.
2–247, Glenn Skin Aid.
2–962, Glenn Formula 158 Capsules.
3–179, Glenn Scalp Lotion for Dry Hair.
3–180, Glenn Scalp Lotion for Oily Hair.
4–527, Glenn Nu-Tra Powder.
Glidden Co. (Soya Products Division), 1825 North Laramie Avenue, Chicago, Ill.
NDA 8–179, Cortisone Acetate Tablets, 25 mg.
Golden Peacock Inc., 206 West Blythe Street, Paris, Tenn.
NDA 8–212, Pyriiocaine Cream.
Goodling, D. W., Richfield, Pa.
NDA 0–873, Keystone Cold Ointment.
Goodman Chemical Co., M. C., Winston-Salem, N.C.
NDA 4–046, Ready Headache Powder.
Goodwin Labs., Inc., N.C., 90 Prince Street, New York, N.Y.
NDA 4–743, Tobene Ointment.
Gordon, John H., 53 West Harriet, Altadena, Calif.
NDA 1–034, Erb-All Capsules.
Goshorn Co., H. R., 1020 McGee Street, Kansas City, Kans.
NDA 1–813, Dr. Goshorn's Golden Eagle Ointment.
Gotham Pharmacal Co., Inc., 1840 McDonald Avenue, Brooklyn, N.Y.
NDA 10–778, Antinem Fortis-50 Inj.
Antinem-100 Inj.
Antinem-1,000 Inj.
Gotham Pharmacal Co., Wilton, Conn.
NDA 4–302, Bertrex.
Gould, Verna, 5009 South Zenith, Minneapolis, Minn.
NDA 1–801, Mertric Ointment.
Gould, William L., M.D., Albany, N.Y.
NDA 5–817, Flavettes Tablets.
Gould Witch Hazel Co. TNF E. E. Dickinson, Old South Building, Boston, Mass.
NDA 0–940, GO–CO Ointment.
Gourielli Apothecary Inc., 16 East 55th Street, New York, N.Y.
NDA's:
4–497, Sulfo-Collodio Hair Cleanser Shampoo.
4–498, Sulfo-Collodio Hair Lotion.
4–499, Sulfo-Collodio Bath Lotion.
4–500, Sulfo-Collodio Cream.
4–501, Sulfo-Deoderant Lotion.
Champoo.
Graham, H. L., 9302 Lake Highland Drive, Dallas, Tex.
NDA's:
3–237, Plant Oleoresins-Patch Testing Solution.
3–774, Rhusresin Solution.
Grant Chemical Co. (Now Amfre-Grant), 924 Rogers Avenue, Brooklyn, N.Y.
NDA's:
0–165, Theobromine, Calcium Gluconate Powder.
0–246, Theobromine, Calcium Gluconate, Phenobarbital ECT.
3–423, Corogrant Solution.
3–987, Beophylline ECT.
6–496, DES Tablets, 0.25 mg.
7–168, Grantsal Tablets.
9–154, Granbloc 250 mg.
Gray Pharmaceutical Co., Inc., Newton, Mass.
NDA 10–549, Glutavene.
Great Christopher Co., 5245 North 47th Street, Milwaukee, Wis.
NDA's:
1–175, Kings Ointment.
1–602, Kimo Tablets.
3–401, Great Christopher Athletes Foot Salve.
Grey, Thomas W., Box 1224, Pittsburgh, Pa.
NDA 1–293, Gray's Linement.
Grimm, Valentine, 186 East 93d Street, New York, N.Y.
NDA's:
0–154, Dojco Tonic.
0–456, Grimm's Iodcoegg Liquid.
2–057, Grimm's Eggsoycol Powder.
Gross Lab, 17316 Archdale Avenue, Cleveland, Ohio.
NDA 3–711, Imuno Nasal Spray.
Grove Laboratories, Inc., The (Bristol Myers Products), 8877 LaDue Road, St. Louis, Mo.
NDA's:
7–077, Grove's Antihistamine Tablets.
7–699, Bromo-Quinine Tablets with Antihistamine.
7–700, 4-Way Cold Tablets with Antihistamine.
Guadaloupe Bissoneaux, 1771 Madison Avenue, New York, N.Y.
NDA 1–924, Loupe Hair Oil Liquid.
Gudebrod Brothers Silk Co., Inc., Old Reading Pike, Stowe, Pa.
NDA 4–902, Champion Nylon Sutures.
Gurian Lab, Inc., 324 Broome Street, New York, N.Y.
NDA 4–473, Gurian's Preparation Solution.
H & B Drug and Prod. Co., Indian Trail, N.C.
NDA 1–359, Ichy-Tutsy Salve.
Haack Bros. Manufacturing Pharmacist, Haack Laboratories, Inc., 3217 Northwest Yeon Avenue Box 3286, Portland, Oreg.
NDA's:
1–580 B.C.N. Tablets.
1–949 Nima Tablets.
2–478 Sulfapyridine.
2–479 B.C.N. with G.
2–658 Thyroid Tablets 1 gr.
4–464 B.C.N.
Haack Laboratories, Inc., 3217 Northwest Yeon Avenue Box 3286, Portland, Oreg.
NDA 6–436, Urethane USP Enteric Coated.
Haffner, Carl F., 720 West Chestnut Street, Bloomington, Ill.
NDA 2–322, Haffner's Osma Prep Solution.
Haist & Co., Henry C., 3135 Main Street, Kansas City, Mo.
NDA 1–505, Aspirin Compound Tablets.
Halberstadt and Co., 2307 Third Avenue, Terre Haute, Ind.
NDA 6–375, Blitz Medicated Oil.
Halo-San Labs, 6777 Hollywood Boulevard, Los Angeles, Calif.
NDA 1–812, Halo-San Powder.
Hampshire and Co. Ltd., F. W., Perry Goodell, Agent, Post Office Box 948, Springfield, Mass.
NDA 1–373, Snowfire Tablets.
Hampton Drug Co., Hampton, S.C.
NDA 2–156, F Ton Foot Solution.
Hanford Manufacturing Co., G. C., 304 Oneida Street, Syracuse, N.Y.
NDA 7–154, Hanford's Antihistamine Tablets 24 mg.
Hannon Medicines Inc., Storm Avenue, Brookhaven, Miss.
NDA 1–245, Hannons Rub Liquid.
Harrower Labs, Inc., St. Louis, Mo.
NDA's:
2–430, Compestrin in Oil Injection.
2–489, Sulfapyridine Tablets.
2–656, Compestrin Oral Capsules.
2–967, Apestrin Injection.
3–474, Plurizyme Tablets.
3–646, Estrothyrin Tablets.
3–647, Menocrin-E Tablets.
3–648, Cortothyrin Capsules.
3–876, Homatrocin Solution Injection.
3–877, Bilicholan Tablets.
3–878, Citropectin with Magnesium Trisilicate Caps.
4–374, Synthestrin Tablets.
4–375, Synthestrin Injection.
Hart Drug Co., 35 Southwest Second Street, Miami, Fla.
NDA's:
0–042, Iso Efemist Solution.
0–219, Zinc Chloride, Alcohol, Formaldehyde Solution.
0–928, Ephenate elixir.
0–999, Unguentum Livvral Emulsion.
1–687, Thiron Tablets.
2–157, Elixir Betaferrum.
2–884, Scabenzate Lotion.
3–809, Thiazoint Ointment.
4–099, Sulfapyridine Tablets.
4–100, Sulfathiazole Tablets.
4–509, Thiazinic Cream.
5–216, Otozole Drops.
5–418, Sulfa-Urea-Glycol Solution.
Hartmen, Eugenia, 4031 Central Street, Kansas City, Mo.
NDA 3–298, Cozo Drops.
J. F. Hartz Co., 1529 Broadway, Detroit, Mich.
NDA's:
4–573, Tablets Stilbestrol.
4–574, Sterile Solution Stilbestrol.
5–199, Tablets of Para Aminobenzoic Acid.
6–068, Desoxyephedrine HCl Tabs.
G. F. Harvey Co., Inc., 9 Wells Street, Saratoga Springs, N.Y.
NDA's:
231, Karula (Granules).
2–706, Estrogenic Substance Harvey.
3–599, Sulfapyridine.
9–740, Corticotrophin (ACTH) Lyophilized.
Harvey Co., Inc., G. F., 99–101 Sawmill River Road, Yonkers, N.Y.
NDA 5–391, Analbis Suppositories.
Harvey Labs., 428–30 South 13th Street, Philadelpha, Pa.
NDA's:
5–988, Dolamin Injection.
2–434, Thio-C Drops.
2–978, Bepiex (Benaplex) Elixir.
3–493, Benaplex Capsules.
4–412, Stilbestrol Injection.
7–053, Ion B (crystalline synthetic Vit. B_{12}) Injection.
8–844, Zonazid Injection.
9–082, Harvadase.
10–748 Reserpine Tablets 0.25, 0.5, 1.0 mg.

Harvin Co., 56 West 45th Street, New York, N.Y. (Now part of United States Nature Prod. Corp.)
NDA 1-839, Orotune Drops.
Hathaway Allied Products, 2024 Westgate Avenue, Los Angeles, Calif.
NDA 8-456, Hemalgin Ointment.
Haug Drug Co. (now Madland Labs.), 4905 North 31st Street, Milwaukee, Wis.
NDA 8-782, Premtal Improved Tablets.
NDA 5-119, Sulfathiazole Cream 5%.
Hawley, Adelaide J., 6513 Hollywood Boulevard, Hollywood, Calif.
NDA's:
0-805, LaKen Jel.
0-807, LaKen Powder.
0-808, LaKen Cleansing Douche Powder.
Hayes, Walter M., 18231 Santa Barbara, Detroit, Mich.
NDA 2-732, Ex-It Liquid.
Hay-X Co., 1715 15th Street, Denver, Colo.
NDA 1-840, Davex Tablets.
Heacox, Charles C., Dulzura, Calif. Also: C. C. Heacox, 724 Seventh Avenue, San Diego, Calif.
NDA 2-889, Heacox Ban Solution.
Hed Pharm Inc., 2 Hamilton Avenue, New Rochelle, N.Y.
NDA 8-371, Hedulin Tablets, 50 mg.
Heifan Labs Inc., 11024 Magnolia Boulevard, North Hollywood, Calif.
NDA 5-248, Cactogen Injection.
Heinecke, Frederick G., Chamber of Commerce Building, Alexandria, Minn.
NDA 0-095, Heinecke's Foundation Tonic Liquid.
Heitink, Harry A., Eddyville, Iowa.
NDA 1-872, H-Line Liniment.
Heliogen Products Inc., 35-10 Astoria Boulevard, Queens, N.Y.
NDA 8-267, Heliogen Tablets.
Heneph Corp., New York, N.Y.
NDA 3-915, Hepps.
Hennen Products, Riley Law Building, Wheeling, W.Va.
NDA's:
0-515, Hennen's Dentifrice Powder.
0-521, Hennen's Saline Powder.
0-748, Hennen's Mouth Solution.
0-766, Viogreen.
0-839, Hennen's Skin Cream.
0-840, Hennen's Hand Lotion.
1-280, Hennen's Ointment.
1-484, Hennen's All Weather Skin Ointment.
1-485, Hennen Antacid Tablets.
2-062, Hennen's Foot Powder.
2-093, Hennen's Hair and Scalp Lotion.
Herbosan Co., 263 Claremont Avenue, Verona, N.J.
NDA 0-985, Herbosan Liquid.
Herschner Pharmaceutical Co., Frederick, 411-415 South Wells Street, Chicago, Ill.
NDA 7-472, VI-VI-Bx Tablets (Pyrilamine Maleate 25 mg.).
Hertneck and Geer, 1334 West Lawrence, Los Angeles, Calif.
NDA 1-649, Minshower Powder.
Hess, M. H., Jr., 130 East 72d Street, New York, N.Y.
NDA 5-718, Dermax Cream.
Hetman and Co., 3615 Harding Avenue, Chicago, Ill.
NDA 3-739, Dr. Hetman's Powder.
E. W. Heun Co., St. Louis, Mo.
NDA 6-942, Spasmolyn.
Hewitt, Edward R., 127 East 21st Street, New York, N.Y.
NDA 1-265, Vitamin Tribasic Ca Phosphate (Hewitt Formula).
Hexagon Labs Labs., Inc., 3536 Peartree Avenue, Bronx, N.Y.
NDA's:
2-056, Iso-Nasol Solution.
7-969, Magent Tablets.
8-516, Hexamethonium Chloride Tablets 250 mg.
Hilbert, W. B., Curtis, Nebr.
NDA 1-761, Hilbertnox, Miss.
Hill Labs., 742 East 20th Street, Houston, Tex.
NDA 1-549, Biff Ointment.
Hillcrest Labs., 33 Commerce Street, Spring Valley, N.Y.
NDA 0-395, Sabetal (topical).
Hillman Pharmaceutical Co., 185 North Wabash, Chicago, Ill.
NDA 3-170, Hillman's D-Compound Capsules.
Hillyard Sales Co., Attention: Robert B. Hillyard, St. Joseph, Mo.
NDA 3-682, Hillyard's Concentrate Disinfectant Solution.
Hiskey and Co., George Nye, 9113 Commercial Avenue, Chicago, Ill.
NDA's:
1-768, Rose Drops Capsulets Cap.
1-769, Pheno-Calene Tablets.
1-770, Gyacol Blue Cap.
1-771, Speckled Capsulets Capsules.
Histex Corp., 604 North Wells Street, Chicago, Ill.
NDA 2-254, Histeen Tablets.
Histosan Inc., New York, N.Y.
NDA's:
0-267, Chiniofon Tablets and Powder.
0-514, Aminophylline Tablets 1.5 gr.
Hogbin, Ida, 229 West 112th Street, New York, N.Y.
NDA 3-096, Saravent Ointment.
Hogshead Chemical Co., Norfolk, Va.
NDA 4-214, Rub-It-On Ointment.
Holcomb Manufacturing Co., J. I., Indianapolis, Ind.
NDA 3-933, Holcomb's Foot-Bath Fungicide Lotion.
Holdens Ointment, Inc., 147 Delaware Street, Tonawanda, N.Y.
NDA 0-052, Holden's Ointment.
Holland-Rantos Co., Inc., 393 Seventh Avenue, New York, N.Y.
NDA's:
3-033, Koro Jel.
5-088, Nylmerate Tincture.
Hollingshead Corp., R. M., 16th and Mickle Street, Camden, N.J.
NDA 2-778, Loyd's Solution of Medicinal Oils.
Holtgren, Richard W., 7369 West Colfax, Lakewood, Colo.
NDA 2-655, Duz Liquid.
Hooper, Carroll I., Paris, Maine.
NDA 0-662, Hooper's Salve.
Hoosier Pharm. Co. (now known as Dabney Pharmacal Co., Inc.), 315 North Capitol Avenue, Indianapolis, Ind.
NDA's:
4-879, Solution Thiamine HCl.
4-881, Stilbestrol Injection.
Hoover Mfg. Pharm. Inc., George D., 209 East Locust Street, Des Moines, Iowa.
NDA 1-491, Hoover's Improved Preparation Liquid.
Hopkins and Co., J. L., New York, N.Y.
NDA 0-699, Blosser's Pen-E-Fume Powder.
Hopkins and Hopkins Pharmaceutical Co. (now Reed Pharmacal), 5622 Wyndale Avenue, Philadelphia, Pa.
NDA's:
7-089, Pyrilamine Maleate tablets 25 mg. (Hopkincol).
8-487, Isoniazid tablets.
9-824, Reserpine tablets.
Horley, George H., 14 Caroline Avenue, Trenton, N.J.
NDA 0-877, Athleam Powder.
Horner, Inc., Frank W., 91 Willow Street, Lynn, Mass.
NDA's:
0-297, Trisorbol Powder.
2-456, Motuol Liquid.
5-346, Zetol Paste.
5-470, Lokol Drops.
5-576, Hexestrol Tablets.
Horton & Converse, 621 West Pico Street, Los Angeles, Calif.
NDA's:
2-483, Sulfapyridine Tablets 0.5 gm.
4-341, Alpha Tocopherol Tablets.
5-157, Stilbestrol Compressed Tablets, Enteric Coated Tablets, Inj.
7-526, Histapacq Tablets.
Hosford, Faye E., 103 Poplar Avenue, Buffalo, N.Y.
NDA 2-523, Faye's Foot Powder.
Hospital Liquids Inc., 843 West Adams Street, Chicago, Ill. (Above firm bought out by: American Sterilizer Co., Erie, Pa.)
NDA's:
3-248, Physiologic NaCl Sol With Alcohol 5% and Dextrose 5%.
3-249, Physiologic NaCl Sol with Alcohol 10% and Dextrose 5%.
5-406, Suspensoid Vehicle.
5-407, Sulfathiazole Spc. Emi.
5-408, Sulfathiazole Emi. 5%.
5-409, Croleum/Sulfur Emi.
5-410, Croleum Emi.
5-411, Croleum Suspension.
Houchins, John C. (Dr. John and Co.), Welch, W. Va.
NDA 0-756, Doctor John's Dental Asepticize Solution.
Household Remedy Co., 2257 West Madison Street, Chicago, Ill.
NDA's:
2-154, Polaxo Liquid.
2-155, Koleto Ointment.
House of Hollywood Inc., 5971 East Third, Los Angeles, Calif.
NDA 5-729, Sulfa-Aid Dressing.
Howe, William H., 122 Jewett Street, Lowell, Mass.
NDA 2-624, Lady Ashton Foot Ease Cream.
Hoy, Salb & Co., Inc., 559 North Capitol Avenue, Indianapolis, Ind.
NDA's:
1-064, Epinephrine in Oil Injection.
1-065, Nidomil Tablets.
1-066, Sulfanilamide Tablets 2.5 gr.
1-067, Sulfanilamide Tablets 5 gr.
1-069, Kenene Solution.
1-070, Peptorex Elixir.
1-072, Bromokal Solution.
1-073, Sedone Elixir.
1-074, Pangene (Otalgia Drops)
1-075, Neatol Solution.
1-076, Vedos Liquid.
1-535, Hulgatone Liquid.
1-536, Genitex Liquid.
1-537, Nusomine Liquid.
1-538, Cadin Liquid.
Huber, C. J., D.D.S., 1105 Minor Avenue, Seattle, Wash.
NDA 2-661, Aleveobtundo Liquid.
Hudson Prod. Co., Jersey City, N.J.
NDA 10-570, Ointment-H Ointment.
Hufeland Products Co., 718 Harrison Street, San Francisco, Calif.
NDA 1-723, Hufeland Stomach Bitters.
Hughes Co., K. A., 22 Yeoman Street, Roxbury, Mass.
NDA 2-936, Tropikool Spray.
Humphreys Medicine Co., Inc., 63 Meadow Road, Rutherford, N.J.
NDA 7-751, Humphreys 60 Antihistamine Tablets.
Huntington Labs., Huntington, Ind.
NDA's:
3-189, Derma-San Powder.
3-532, Podi-San Solution.
6-797, Germa-Medica-Antiseptic Soap.
9-240, Degrem w/actamer Liquid Soap.
9-297, Germa-Medica w/bithionol Soap.
Hurless Labs., 1117 Kammer Avenue, Cincinnati, Ohio.
NDA 0-886, Glyco-Thiamin Liquid.
Hutt Prod. Co., Lone Lack, Mo.
NDA 2-372, Zeft Antiseptic Mouthwash.
Hutton, George P., 2677 West Ninth Street, Los Angeles, Calif.
NDA 1-437, Bron-AS Tablets.

Hyma Chem Labs., Buckhannon, W. Va.
NDA 4-340, Paraform Procaine Paste.
Illinois Herb Co., 815 North Pulaski Road, Chicago, Ill.
NDA 2-491, #42 I.H.C. Rectal Ointment.
Imperial Foundation Corp., 235 West Galena Street, Milwaukee, Wis.
NDA 1-018, Sun-D.
Indian Labs., Corp., 601 Iturbide Street, Post Office Box 514, Laredo, Tex.
NDA's:
0-644, Prieto Tonic Liquid.
1-368, Mexican Indian Liniment Liquid.
1-369, Prieto Laxative Salts with Spearmint Flavor.
1-897, Prieto's Laxative Pills.
Ingersoll, William Brown, 1220 16th Street NW., Washington, D.C.
NDA 1-135, T-20 Solution.
Injectables Research Corp., 2340 East Logan, Decatur, Ill.
NDA's:
6-253, Pennisol Injection.
6-487, Penni-Morph Injection.
Institute of Applied Biology, 144 East 90th Street, New York, N.Y.
NDA 8-946, Butadol Injection and Oral Solution.
Interchemical Corp., Route 17 and Berry Avenue, Carlstadt, N.J.
NDA 6-150, Elamine I. C. Lyophilized and Elamine with Dextrose.
Intermedico Corp., 21 Hudson Street, New York, N.Y.
NDA's:
8-514, Comison Tablets.
8-831, Hexamethonium Cl Tablets, 250 mg.
8-888, Pamison Tablets.
9-271, Rauwolfia Serpentina Tablets, 50 and 100 mg.
9-614, Rauwolfia-Veratrum Viride Tablets.
International Biochem Corp. (now known as Intro Biochemical Corp.), 6114 Seventh Avenue, Brooklyn, N.Y.
NDA 8-258, Biohepulin Injection.
International Hormones, Inc., 87 Bethpage Road, Hicksville, N.Y.
NDA 7-867, Adrenosal Injection.
International Latex Corp., Dover, Del.
NDA's:
6-350, Playtex Baby Oil & Kooleez Baby Oil.
6-351, Playtex Baby Powder & Kooleez Baby Powder.
6-352, Playtex Baby Cream & Kooleez Baby Cream.
International Mineral & Chemical Corp., 20 North Wacker Drive, Chicago, Ill.
NDA's:
8-378, TPN Tablets.
9-961, TPN Suspension.
10-242, Betasyamine Effervescent Powder.
International Pharm Co., 411 South Wells Street, Chicago, Ill.
NDA 12-661, Pyrilamine Maleate Capsules, 75 mg.
Interstate Labs., 6490 Bay Street, Emeryville, Calif.
NDA's:
0-605, Oculine Dressing, Salve, Drops and Solution.
2-063, Thiabic Wafers.
4-427, Liquideze Liquid.
Invenex Pharmaceuticals, 2176 Palou Avenue, San Francisco, Calif.
NDA's:
8-992, ACTH Injection.
8-834, Hydrocortisone Acetate Ophth. Susp.
Ions Exchange and Chemical Corp., 48 Leonard Street, New York, N.Y.
NDA's:
9-353, Agosan H-6 Liquid Disinfectant.
9-354, Agosan Y-4 Liquid Disinfectant.
9-355, Agosan H-6 Liquid Soap.
9-356, Agosan Y-4 Liquid Soap.
Irvin, Jess Wilson, 840 West Fourth Street, Winston-Salem, N.C.
NDA 4-086, Sulfan Ointment.
Irving Wise and Co., 47 Ann Street, New York, N.Y.
NDA 5-706, Alucet Syrup.
Italian Drug Importing Co., Inc., 225 Lafayette Street, New York, N.Y.
NDA 7-274, Pasidi Tablets.
Ivoryton Pharmacal Co., Ivoryton, Conn.
NDA 1-166, Sulfanilamide Tablets, 5 gr.
J. D. Pharmacal Co., Inc. (Name changed to Mid-Atlantic Pharmacal Co., Inc)., Post Office Box 117, 519 West Seventh Street, Richmond, Va.
NDA 10-480, Serpal Tablets.
J and R Chemical Co., Mr. O. K. Richardson, 339 Bridge Street, Elkin, N.C.
NDA 4-093, Pink Flag Liquid.
Jackson Mitchell Pharmaceuticals, 38-68 State Street, Santa Barbara, Calif.
NDA's:
7-742, Soldemul Solution.
8-246, Methanabol Tablets.
Jackson, Stephen, M.D., 43 Missouri Avenue NW., Washington, D.C.
NDA 9-151, Orthomin Weidner.
Jamieson, C. E., Co., 1962-1980 Trombly Avenue, Detroit, Mich.
NDA's:
0-209, Magnephylline Tablets 100 mg.
0-401, Vitamin Tablets.
0-402, Mineral Tablets.
0-491, Phenobarbital and Hyosciamus Tablets.
0-540, Mosby's Compound Liquid.
0-907, Walter's Antacid Tablets.
1-163, Dellamo DAO Tablets.
1-195, Ferri-B-Compound Tablets.
1-196, Ephedrea w/chlorobutanol Solution.
1-197, Ephedrose Nasal Solution.
1-725, Aminophylline 1½ gr., and phenobarbital ¼ gr. Tablets.
2-095, Sulfanilamide and Sodium Bicarbonate Tablets.
2-458, KI-THEO-TAL Tablets.
2-787, Atropine Sulfate and Ephedrine HCl Tablets.
3-286, Phenobarbital and Atropine Sulfate Tablets.
3-503, Thenophen B Tablets.
3-899, Aminophylline (1½ gr.) and phenobarbital (½ gr.) (Rx #2) Tablets.
3-909, Aminophylline Compound "COR" Tablets.
4-000, Aminophylline Tablets 3 gr.
4-276, Sulfathiazole Tablets 0.5 gm.
Jamieson Pharm. Co., 7924 Riopelle Street, Detroit, Mich.
NDA's:
7-178, Jahist Capsules.
7-716, Jahist New Improved Capsules.
Janssen Labs, 1419 North Osage Street, Sedalia, Mo.
NDA 1-785, Janssen's Exposure Ointment.
Jason Pharm. Co., 114-144 Gifford Street, Syracuse, N.Y.
NDA 12-039, Jet Weydex Caps.
Jennings, Anne Stetler, Rural Delivery 1 Box 158, Clarks Summit, Pa.
NDA 1-617, Anne's Soothing Salve.
Jests Inc., TNF Ex-Lax, Inc., 423 Atlantic Avenue, Brooklyn, N.Y.
NDA 0-365, Jest Tablets.
Jettas Prod., Inc., 200 Maryland Avenue, Wilmington, Del.
NDA 0-242, Jettas Pile Relief Ointment.
Johnson and Co., J. A., 171 King Street East, Toronto, Ontario, Canada.
NDA 2-674, Absorbo Solution.
Johnston's Vitamin Products, 5105 York Boulevard, Los Angeles, Calif.
NDA 7-138, "J" Antihistamine Tablets (pyrilamine maleate, 25 mg.).
Jonas Corp., F., 50 West 44th Street, New York, N.Y.
NDA 1-814, Pancreotest Powder for Injection.
Jones, Jefferson Green, 1900 South 10th Street Boulevard, Dallas, Tex.
NDA 0-462, Wart Wrecker-Mole Mover Liquid.
Jones, Warren W., 508 Hastings Street, Pittsburgh, Pa.
NDA 1-347, Jones 1-Plus-1 Liquid.
Jordan, Rodrigo, M.D., San Julio 356 South Suarex, Habana, Cuba.
NDA 0-290, Cuajani Jordan Liquid.
Jordan Inc., Thomas, 404 St. Charles Street, New Orleans, La.
NDA 8-264, Triode Tablets 5, 20, 40 mg.
Josett Drug Co., 1 Okley Road, Wateroon, Mass.
NDA 2-609, Josette's Magic Deodorant Powder.
Jovan Labs., 95 Liberty Street, New York, N.Y.
NDA's:
2-497, Klotoleum Injection.
2-498, Klotochol Tablets.
3-434, DRB Emulsion Vials.
3-858, Klotone Tablets.
5-084, Kexovan Tablets.
Joy Products, 323 West Sixth Street, Los Angeles, Calif.
NDA 3-275, Banicet Tablets.
Justi and Sons Inc., H. D., 32d and Spring Garden Street, Philadelphia, Pa.
NDA 7-613, DMF Mouthwash.
K and S Remedy Co., 835 York Avenue SW., Atlanta, Ga.
NDA 1-006, A-1 Headache Powder.
Kald Products Co., 204 Euclid Avenue, Albert Lea, Minn.
NDA 4-299, KD Athlete's Foot Solution.
Kalusoff Ltd., Post Office Box 844, Springfield, Ill.
NDA 7-964, Hospital FGDS 10% Solution (Disinfectant).
Kanox Co., Post Office Box 244, Garden Grove, Calif.
NDA 1-571, Red Bali Poultice Plaster.
Kasar Manufacturing Co., 7313 North Harlem Avenue, Chicago, Ill.
NDA 9-855, Reserpine Tablets 0.1, 0.25, 0.5, 1, 2, 3, 4, 5 mg.
Katwalk Products, 310 Calhoun Building, Minneapolis, Minn.
NDA 2-348, Foot Sage Cream.
Kay Pharmacal Co., 1312 North Utica, Post Office Box 50375, Tulsa, Okla.
NDA's:
10-604, Theosyl Injection.
11-718, Rausertina, 50, 100, 150 mg. Tablets.
Kay Specialty Co., 77 Broadway, Denver, Colo.
NDA's:
0-253, Eugenol Compound.
0-254, Dental Glycerite Liquid.
0-255, Kay Ammoniacal Silver Nitrate Solution.
0-256, Kay Cleaning Paste PAS.
0-257, Cavoline-Solvent Liquid.
0-258, Cavoline.
0-259, Neo Paste PAS.
0-260, Surg-O-Cream.
0-261, Coag-O-Cream.
0-262, K-Tabs Tablets.
0-263, Topo-Theia Solution.
Kelco Co., Box 782, San Diego, Calif.
NDA 1-694, Kelgin Solution.
Kelgy Labs TNF Morgan Products Corp., 160 East 127th Street, New York, N.Y.
NDA 6-808, Tricholysin Powder.
Kelly's Labs., John W. Wheatley, Box 1125, Vernon, Tex.
NDA 1-258, Wheatley's Compound Liquid.
Kendall Co., Walpole, Mass.
NDA 4-474, Radiopaque Dressings.

Lewis Manufacturing Co., Division Kendall Co., Walpole, Mass.
NDA 0–698, Insultoic Membrane Dressing.
Kenndy Labs., 2200 North Colorado, Philadelphia, Pa.
NDA 1–823, Kenodone.
Kenosharx Lab., Kenosha Prescription Laboratory, 625 57th Street, Kenosha, Wis.
NDA 0–278, Dantol Capsules.
Kenton Pharmacal Co., Inc., 423–425 Greenup Street, Covington, Ky.
NDA's:
4–828, AM Solution.
8–140, Histeen Tablets.
Kerrigan, Sara, 3 Tyson Place, Bergenfield, N.J.
NDA 3–139, Car-Vas Ointment.
Ke-Vo Products, 707 Union Street, Terminal Sales Building, Seattle, Wash.
NDA's:
2–965, Korn-Ique Liquid.
2–966, Korn-Ique Cream.
Kilgore Co., Inc., Charles, Yonkers, N.Y.
NDA 6–966, Nosalt Granules.
Kimball Co., C. M., 131 State Street, Boston, Mass.
NDA 0–099, Red Cap Germicide Spray.
King, A. C., Route 3, Box 179, Benton, Ark.
NDA's:
2–548, King's Liniment Ointment.
2–549, King's 49 Salve.
King and Lang, Inc., Box 496, South Norwalk, Conn.
NDA 1–185, IVQ Poison Ivy Specific Liquid.
King Drug Co., Post Office Box 1925, Montgomery, Ala.
NDA 6–093, KNS Liquid.
King, Stanley M., 9 East Central, Miami, Okla.
NDA 2–782, Nox-A-Tone (King's Unique Ointment).
King's Goat Milk Labs. (Now King Organic Food Prods., Inc.), 415 Lexington Avenue, New York, N.Y.
NDA's:
1–248, King's Goat Milk Capsules.
1–250, King's Goat Milk, Garlic and Parsley Capsules.
Kinnison and Son Inc., 513 Felix Street, St. Joseph, Mo.
NDA 1–238, Lodo Tablets.
Kinosan Labs., Dr. Emilio Michelotti, 7221 17th Avenue, Brooklyn, N.Y.
NDA 3–243, Kinosan Solution.
Kirk Co., C. F. (Now Kirk Labs.), Worcester, Mass.
NDA's:
0–785, Rectocaine Suppositories.
7–196, Hemamin Tablets.
9–069, Cortisone Acetate Tablets 25 mg.
Kirk Co., C. F., New York, N.Y.
NDA 10–688, Hemomin-C.
Klee, O. W., 221 East 39th Street, Kansas City, Mo.
NDA 2–951, Foot-Rem Solution.
Klein, Samuel, 144 Hedden Terrace, Newark, N.J.
NDA 6–834, Subsalt Granules.
Klingensmith, James A., Marigold Products Co., Post Office Box A 75, Norvelt, Pa.
NDA 0–151, Mor-O-Gold Salve.
Knoll & Co., Inc., H. G., 511 East 72d Street, New York, N.Y.
NDA's:
3–285, Thiabrit Solution.
4–255, Complebarb Liquid.
3–979, Knollist Solution.
Knox Co., 1400 Cahuenga Boulevard, Los Angeles, Calif.
NDA 1–420, Amosan Powder.
Koch, Leo E. H., 519 Elm Street, Ontario, Calif.
NDA 2–448, El-Ko Powder.
Kohler, Ferdinand C., D.D.S., 216 North Union Avenue, Havre De Grace, Md.
NDA 5–354, Sorgos Dressing.
Koken Companies, Inc., 1932 North Broadway, St. Louis, Mo.
NDA 4–683, KDX Solution.
Krank Co., A. J., 1885 University Avenue, St. Paul, Minn.
NDA 2–001, Medicated Cream (camphor & sulfur).
Kreider, Jakob, 6408 Glenwood Avenue, Chicago, Ill.
NDA 2–042, Calum Solution (Swelstop Solution).
Kreis Labs., 158 South Rodeo Drive, Beverly Hills, Calif.
NDA 7–308, Pyrilamine Maleate Tablets 25 mg.
Kuhne Health Labs., Chicago, Ill.
NDA's:
0–546, Bio Food X (Kuhne X Powder).
0–621, Bio Food A (Kuhne's A Tonic).
0–622, Bio Food B (Kuhne's B Tonic).
0–623, Kuhne C Liquid.
Kunze and Beyersdorf Inc. (Now known as E. E. Kunze, Inc.), 1035 South Fifth Street, Milwaukee, Wis.
NDA 2–270, K-B Unction Ointment.
Kwell Co., 941 West Bay, Jacksonville, Fla.
NDA 0–744, Kwell Tablets.
L and H Labs., 1042 Holden Avenue, Detroit, Mich.
NDA 2–909, Circugen Ointment.
L and M Labs. Ltd., Sulton, Nebr.
NDA 0–550, Leak Oil Ointment.
Laboratories for Pharmaceutical Development, Inc., Yonkers, N.Y.
NDA 10–022, Reserpine Tablets.
Laboratorio Orlando Rango, Del Norte De Espana, S.A., Masnou, Barcelona, Spain, American agent: Thrift Drug Co., 16th and Mary Streets, Pittsburgh, Pa.
NDA 1–683, Boreno Liquid.
Labratest, Inc., 2302 49th Avenue, Long Island City, N.Y.
NDA 1–089, Sun Sooth Lotion.
Labs of Ojena, 7869 Melrose Avenue, Hollywood, Calif.
NDA 0–603, Holdit Cream.
Lackey, M. A., M.D., 507 North Main Street, High Point, N.C.
NDA 5–363, P-T-6 Solution.
Laclede Labs., Inc., St. Louis, Mo. (Bought out by: Peter, Strong and Co., 415 Lexington Avenue, New York, N.Y.)
NDA 6–511, Topi-Flur Cream.
Lafayette Pharmacal Inc., 15th and Ball Streets, Lafayette, Ind.
NDA 9–516, Pantopaque Injection.
Laisure, Victor, Dr., 3073 West Seventh Street, Los Angeles, Calif.
NDA 1–689, Leasurease Lotion.
Lake, Lloyd E., M.D., Kela Tooth Powder Co., Allen Building, Henderson, Tex.
NDA 0–663, Kela Tooth Powder.
Lamaunn, T. B., M.D., 105 East Third Street, Tulsa, Okla.
NDA 3–935, H-K Cones Suppositories.
Lambert, Frank A., The Sulfo-Styptic Co., 424½ Washington Street, Steubenville, Ohio.
NDA 6–058, Sulfo Styptic Powder.
Landon, Lewis C., c/o Landon and Co., Los Angeles, Calif.
NDA 5–143, Streptolin Tablets.
Lannett Co., 9000 State Road, Philadelphia, Pa.
NDA's:
7–014, Undecylenic Acid Capsules.
8–598, Laniazid Tablets 50 mg.
10–124, Serpalan Tablets 0.1, 0.25, 1.0 mg.
Lanteen Med Labs.. Inc., (Bought out by Sterling Drug), 2020 Greenwood Street, Evanston, Ill.
NDA 8–045, Lanteen Antihistamine Cough Syrup.
Lanworth Co. (Now Kaldak Co.), Lansing, Mich.
NDA 0–230, Kaldak Powder.
Larre Labs., Inc./Division Gynecic Labs., Inc., 474 Nepperhan Avenue, Yonkers, N.Y.
NDA 6–089, Jellak Jel.
Larson, M. S., D.D.S. (Drexel Co.), 216 Strong Building, Beloit, Wis.
NDA 0–014, D-Rx-L Salve.
Lascoff and Son, J. Leon, 1209 Lexington Avenue, New York, N.Y.
NDA 2–299, Vinous Decoction of Bulgarian Belladonna Root Liquid.
Lathrop, Donald C., 2750 Reservoir Street, Los Angeles, Calif.
NDA 6–474, Ionex Capsules.
La Verne Chemical Co., 1328 Des Moines Boulevard, Des Moines, Iowa.
NDA's:
2–361, It 77 Liquid.
2–362, Citepsa.
Lavol Manufacturing Co., 552 Hayes Street, San Francisco, Calif.
NDA 2–751, Lavol Pine Oil Disinfectant Solution.
Lawrence, Irwin, 341 13th Street South, Wisconsin Rapids, Wis.
NDA 1–467, Irwin Cough Syrup.
Laxa Fruit Co., 240 East 175th Street, New York, N.Y.
NDA 1–331, Laxation Paste.
Lederle Labs., Division American Cyanamid Co., Pearl River, N.Y.
NDA 6–123, VI-Ferrin with Folvite Folic Acid.
Lee-Bert, Inc., 900 Lapeer Street, Saginaw, Mich.
NDA's:
5–969, Lan Lip Pomade Cream.
5–697, Quench Liquid.
5–698, Quench Ointment.
Leeming, Thomas, Division Charles Pfizer, 235 East 42d Street, New York, N.Y.
NDA 4–311, Ethiomine Liquid.
Lee-Wood Inc., Post Office Box 453, South Norwalk, Conn.
NDA 3–090, Cofen Liquid.
Leger Labs., 8910 35th Avenue, New York, N.Y.
NDA 2–129, Edmond's Ointment.
Lehn & Fink Products Corp., 316 North Limit Street, Lincoln, Ill.
NDA 1–463, Tussy Deoderant Cream.
Lenitor Lab, 26 Burnet Street, Maplewood, N.J.
NDA 0–854, Derma-Toze Powder (Nu-Feet).
Leons Labs., Dr., 364 Eighth Avenue, New York, N.Y.
NDA 2–000, Sarkobium.
Leota Co., 1223 Pond Street, Memphis, Tenn.
NDA 2–028, Leota's Laxative Liquid.
Lesch, E., M.D., 201 Union Building, New Castle, Ind.
NDA's:
1–790, Nodor Liquid.
2–225 Rodon Douche.
Leslie Labs., 704 Market Street, Shawnee, Okla.
NDA's:
3–782, Air Flo Drops.
3–783, Res Toe Solution.
Levenson, Jacob C., 25 East Main Street, Richmond, Va.
NDA 0–028, Lemisho Tablets.
Lewkens Labs., 127 Southwest 15th Street, Des Moines, Iowa.
NDA's:
0–601, Benosal Powder.
0–823, Epicaine-B Cream.
0–872, Epicaine-A Cream.
Lex Labs., 22 Linden Place, Flushing, N.Y.
NDA 4–400, Sulfathiazole Tablets and Sulfathiazole Monohydrate Powder Topical.
Liberson, Leon, Crescent Laboratories Inc., Shabakunk Parkway, Trenton, N.J.
NDA 7–070, Anathion Injection.
Liberty Vitamin Corp., 924 Rogers Avenue, Brooklyn, N.Y.
NDA 5–257, PABA Tablets 100 mg.
Lilly Dental Products Co., Welch, W. Va.
NDA 2–665, Armoriz Solution.
Limicol Products, 1014 Central Avenue, Cincinati, Ohio.
NDA 7–799, Limicol Tablets.
Lincoln Labs., Hickory Point Road, Box 1139, Decatur, Ill.
NDA 10–123, Reserpine Tablets.

Lipton Drug Sales Co., 2023 Prospect Avenue, Cleveland, Ohio.
NDA 9-804, Rauwolfia Serpentina Tablets.
Liska and Sons, Inc., Rudolph, 4534 West Grand Avenue, Chicago, Ill.
NDA 4-030, Gem Bitters Liquid.
Litle, Inc., T. J., 8415 East Jefferson Avenue, Detroit, Mich.
NDA 0-676, K-4 powder.
Lloyd Bros., Inc., 1385 Tennessee Avenue, Cincinnati, Ohio.
NDA's:
7-720, Khelloyd Tablets.
8-182, Khelloyd with Phenobarbital Tablets.
10-235, Cobaloyd Tablets.
7-051, Histal (pyrilamine maleate) Tablets, 50 mg.
7-684, Co-Bromin Tablets.
Lockhart, P. O., Gary-Lockhart Drug Co., Perry, Fla.
NDA 1-036, Ben-Silic Compound Solution.
Loeb Dietetic Food Co., Inc., 4378 Broadway, New York, N.Y.
NDA 6-954, Stedasalt powder.
Logan Labs., Inc., 4256 North Crawford Avenue, Chicago, Ill.
NDA 0-364, Pellisan Powder.
Lord Baltimore Labs., 2821 East Fifth Street, Dayton, Ohio.
NDA 2-819, Taylor's Old Fashioned Cough Syrup.
Lor-Manza Inc., Berkeley, Calif.
NDA's:
4-530, Lor-Manza Lotion.
5-483, Manza-Tan Lotion (Lor-A-Li Lotion).
Loseff Lab, 310 South Michigan Boulevard, Chicago, Ill.
NDA 2-500, Cal-Coloid Ointment.
Louison's Pharm., 10 South 11th Avenue, Post Office Box 304, Evansville, Ind.
NDA's:
12-062, Loucarbate Tablets.
12-063, Loucarbate with SPC Capsules.
Loumen Drug Co., Division Saffran and Edelman Pharmacy, Brooklyn, N.Y.
NDA 11-943, Rx 553 Cold SRC (Pyrilamine maleate 75 mg.).
Lovins Labs (Julius Lovins), Denver, Colo.
NDA 0-454, Dencolo Mouth Wash.
Lowe, Charles W., 435 Columbia Road, Dorchester, Mass.
NDA 0-180, Tap Ointment.
Lubkin, Samuel, 5 North Wabash Avenue, Chicago, Ill.
NDA 5-090, Dr. Lubkin's Ideal Pocket Treatment.
Lucerne Labs., Salt Lake City, Utah.
NDA 1-657, Fungi Fiend Solution.
Luffy, Mathew, St. Louis, Mo.
NDA 2-954, Math Luffy's Pile Treatment Salve.
Luna Products, Mr. Andrew Sinatra, 2200 Fulton Street, Brooklyn, N.Y.
NDA 2-683, Sulphur Baths Powder.
Lura-Glo Labs., 1504 32d Street, Oakland, Calif.
NDA 5-612, Formula 4 Solution.
Lustgarten, Division of Wynn Pharmacal, Lancaster and 51st Street, Philadelphia, Pa.
NDA 9-840, Texamethonium Chloride Tablets 125 and 250 mg.
Lutol Co., 7617 West State Street, Milwaukee, Wis.
NDA 0-726, Lutol Vaginal Suppositories.
McAleece, Rose, Mrs., 465 West Third Street, Dubuque, Iowa.
NDA 0-055, Herbal Ointment.
McBridge Co., Columbus, Ohio.
NDA 3-627, Estrogenic Substances Injection.
McCarthy, J. J. and Ruskoski, John B., General Delivery, Orlando, Fla.
NDA 2-799, McCarthy's Cold Remedy Salve.
McClain Labs., Box 389, Morgantown, W. Va.
NDA 1-267, Theodore's Formula 48 Liquid.
McClure, E. L., 235 Kleberg Place, Corpus Christie, Tex.
NDA 2-025, Burnsol Solution.
McClusky Products, Dr., 106½ Cass Street, Woodstock, Ill.
NDA's:
0-249, Lip-Fix Ointment.
0-512, Ada-Burn Ointment.
McCollum Labs., 135 East 157th Street, Post Office Box 375, Gardena, Calif.
NDA's:
0-606, Vitamin B Complex Tablets.
3-057, Isotone Tablets.
3-059, A&D Tablets.
3-060, Garlic and Parsley with Vitamin D Tablets.
3-061, Isomar Tablets.
McCormick and Co., Inc., 414 Light Street, Baltimore, Md.
NDA 6-380, Scablcide McCormick Solution.
H. L. McCrary, M.D., Royston, Ga.
NDA 1-361, L. G. Laxative.
McDargh, Robert E, Rural Delivery 3, Box 33, Bellevue, Pa.
NDA's:
2-641, McDargh's Special Liquid.
2-643, Happy Lax Liquid.
2-989, Powdered Herbs Powder.
McGovern Products Co., 683 Berkeley Road, Columbus, Ohio.
NDA's:
2-998, Shur-Eze Foot Balm.
2-999, Shur-Eze Corn and Callous Remover Ointment.
3-000, Shur-Eze Foot Powder.
McIntyre Research Foundation (Canada), 25 King Street West, Toronto, Canada.
NDA 6-237, McIntyre Powder.
McKesson & Robbins, Inc., Bridgeport, Conn.
NDA's:
4-586, A-200 Pyrinate.
7-139, McKesson's Antihistamine Tablets.
McLintock Co., Duncan C., 591 Main Street, Hackensack, N.J.
NDA 7-006, Polyestol Bandage.
McMullen Products Co., 3503 West 58th Place, Los Angeles, Calif.
NDA 0-234, X-IT Liquid.
McNeil Labs., Camp Hill Road, Fort Washington, Pa.
NDA's:
1-906, Vitamin A Capsules 20,000 Units.
3-621, Butisol-Hyoscine Tablets.
8-626, Hesaline Chloride Inj. 50 mg./cc.
M and H Labs, Inc., 317 Commercial Building, Tulsa, Okla.
NDA 2-728, Derrick Throat Gargle and Mouthwash.
M S Prod. Inc., 1901 Southwest Ninth Street, Miami, Fla.
NDA 0-175, M S Antacid Tablets.
Macallister Labs., 9213 Wade Park Avenue, Cleveland, Ohio.
NDA's:
0-510, Al-U-CRM (aluminum hydroxide gel).
2-173, Phenedrine Solution.
3-202, Phenylmercuricnitrate Ointment.
4-791, Sulfathiazole Ointment.
Macdonald, C. E., 208 South Detroit Avenue, Tulsa, Okla.
NDA 2-218, Corn Doctor.
Macdonald, Eugene S., Palma Sola, Bradenton, Fla.
NDA 4-367, Chiggerun Ointment.
Macy & Co., Inc., R. H., 34th Street and Broadway, New York, N.Y.
NDA's:
1-718, Mineral Oil Emulsion.
1-719, Malt Extract with Extract Cascara Sagrada.
1-720, Chantrey Special Ointment for the scalp.
2-867, Macy's Elixir Thiamine HCl.
2-868, Macy's Sulphur Cream.
2-869, Macy's Athletic Liniment Solution.
3-157, Mineral Oil Emulsion and Phenolphthalein.
4-430, Macy's Mint Flavored Oleo Vitamin A and D Liquid.
4-488, Clo Emulsion.
4-765, Macy's Antiseptic Exposure Cream.
4-766, Macy's Oleochondra Emulsion.
7-140, Macy's Antihistamine Tablets.
Maetone Distributors Inc., 1860 Broadway, New York, N.Y.
NDA 1-857, Maytone Liquid.
Magic Chemical Co., 370 Turk Street, San Francisco, Calif.
NDA 3-267, Magic Brand Fungicide Solution.
Makers of Kal, Inc., 256 North New Hampshire, Los Angeles, Calif.
NDA 6-890, Saltee Flavored Granules.
Makris and Son, Hartford, Conn.
NDA 4-431, Erysipelas Compound Solution.
Mands, Michael, 142 West 42d Street, New York, N.Y.
NDA 2-837, Florasol Powder.
Manhattan Drug Co., Inc./TNF Nyal Co., 155 Saw Mill River Road, Yonkers, N.Y.
NDA 7-169, Neohist Tablets.
Mann and Co., Frederick, 8123 Jones Road, Cleveland, Ohio.
NDA's:
6-262, Nes-Cystine Tabs.
6-336, Tyrocreme.
Mann and Co., Walter N., 811 Prospect Street, Indianapolis, Ind.
NDA 3-190, Tercol Liquid.
Manos Cosmetic Co., Seattle, Wash.
NDA 4-220, Manos Hair Oil.
Mansfield, Charles W., 2811 B Street, San Diego, Calif.
NDA 4-187, Old Timer Powder.
Mantos, Gust D., 936 Mission Street, San Francisco, Calif.
NDA 1-106, Mantos Liquid.
Marcelius, Ada, 241 West 103d Street, New York, N.Y.
NDA 4-207, Toplax.
Marlin Bitters Co., 916½ Third Avenue, Seattle, Wash.
NDA 2-228, Marlin's Laxative Bitters.
Marlo Products Co., Cleveland, Ohio, and Pittsburgh, Pa.
NDA's:
7-208, Maranhist Tablets.
7-761, APC-Pyrilamine Maleate Capsules.
Marsden Sales, c/o Mr. George C. Adams, Post Office Box 1364, Huntington, W. Va.
NDA 1-263, Marsden's Food Cap.
Marshall and Bell, 476 Peachtree Street NE., Atlanta, Ga.
NDA 3-114, Elixir Quinthia M & B.
Marvan Products, 11 Park Avenue, Keansburg, N.J.
NDA 0-922, Marvan Salve.
Mar-Vena Medicine Co., Mack Building, Denver, Colo.
NDA 1-951, Mar-Vena Liquid.
Marxvach, A., Post Office Box 518, San Juan, P.R.
NDA's:
0-244, Norma-Nil Sup. (rectal).
1-445, Alfos-OM Injection.
1-466, Gripotilol Injection.

Masil Co., Shenandoah, Iowa.
NDA 0–987, Masil Tablets.
Mason Drug Co., 22 Thayer Street, Boston, Mass.
NDA 2–566, Kerodin.
Mason, Larry, 409 East 75th Terrace North, Kansas City, Mo.
NDA 9–508, Rauwolfia Serpentina Tablets.
Mason Medicine Co., W. J.; Wesser, N.C.
NDA's:
2–151, Mason's Compound.
2–152, Pallagra Medicine.
Massachusetts Pharm. Corp., Lowell, Mass.
NDA 4–585, I-Plus-Peroxide Solution.
Master Products Co., Moorestown, N.J.
NDA 3–747, Foot Master Balm Ointment.
Mathis Chemical Co., 183 Chestnut Hill Avenue, Brighton, Mass.
NDA's:
2–149, Mathis Tablets.
2–501, Mg-Aspirin Tablets.
May, Thomas B., 5822 East Washington, Indianapolis, Ind.
NDA 1–999, Caperol Solution.
Maryland, Inc., 1026 Oakmont Avenue, Drawer 3345, Greensboro, N.C.
NDA 4–424, Sulfathiazole Tablets and Powder 7.7 gr.
M Dee Products Inc., Los Angeles, Calif.
NDA 4–528, Nix Tablets.
M-Dex Corp., 3636 Beverly Boulevard, Los Angeles, Calif.
NDA 2–070, M-Dex Ointment.
Medical Arts Supply Co., 706–08–10 Fourth Avenue, Huntington, W. Va.
NDA's:
1–230, Coca-Brom Improved Liquid.
1–405, Fedramint Solution.
1–406, Vita Phos Liquid.
1–666, Yellow Sulfanilamide and Sod. Bicarbonate Tablets.
2–120, BBP Ointment.
2–710, Masco Revil Gelets Capsules (liver, iron and B_1).
2–711, Gelets Masco Vitamin Capsules.
2–743, Vitamin A and D Fish Liver Oil Capsules.
3–055, Sodium Phenobarbital Elixir.
3–512, Micosi A Ointment.
3–513, Micosi B Ointment.
9–178, Surginol Surgical Soap.
Medical Center Labs., 205 West Seventh Street, Coffeyville, Kans.
NDA 2–122, Chigs Dressing.
Medical Chemicals, Baltimore, Md.
NDA 4–959, Unguentum Iso-Par.
Medical Products Institute, Cincinnati, Ohio.
NDA 2–844, Filtovapor Cold Tablets.
Medical Research Labs, Raumain Building, Lake Charles, La.
NDA's:
3–277, Athletes' Foot Balm Ointment.
4–468, Dr. Ducotes Foot Lotion.
Medical Services Co., 2098 Warrensville Center Road, South Euclid, Ohio.
NDA 10–694, Reserpine Tablets 0.1, 0.25, 0.5, 1.0 mg.
Medical Specialties Co., 226 North 15th Street, Philadelphia, Pa.
NDA 10–692, Reserpine Tablets 0.1, 0.25, 0.5, 1.0 mg.
Medical Tea Co. of California, Los Angeles, Calif.
NDA's:
0–629, Cleo Tea Liquid.
0–630, Cento Tea (Aesculapius).
Medicao Chemical Corp. of America, 15 East 40th Street, New York, N.Y.
NDA's:
1–805, Effo-Brom Tablets.
1–806, Effo-Sal Tablets.
1–807, Effo-Barbibrom Tablets.
2–942, Effo-Conval Tablets.
5–801, Anthalian Capsules.
6–431, Anthaphylline Capsules.
6–631, Anthephedrine Capsules.
Medicus Distributors, 1926 Eye Street NW., Washington, D.C.
NDA 0–251, Medicus Tablets.
Medident Pharm., 108 East 79th Street, New York City, N.Y.
NDA 5–536, Calciflor Tablets.
Melinson Distributing Co., A. O., 923 North Franklin, Philadelphia, Pa,
NDA 0–694, A O Solution.
Melvin Co., Inc. (out of business), South Pasadena, Calif.
NDA 2–745, Dozets Tablets.
Mendez, Angel M., Post Office Box 1456, San Juan, P.R.
NDA 0–077, Quinarsine Injection.
Menlo Park Labs, Main Street, East Woodstock, Conn.
NDA 12–679, Cetril Aerosol Skin Antiseptic and Cleanser.
Menlo Pharms Inc., Palo Alto, Calif.
NDA 10–370, Cugilex sublingual pellets tab., 3 and 6 mg.
Merck Sharp & Dohme, Division Merck & Co., Inc., Attention: Charles E. Childs, Jr., Rahway, N.J.
NDA's:
90, Dagenan.
1–642, Dagenan Sodium.
Merck & Co., Inc., Rahway, N.J.
NDA 4–076, Stilbestrol.
Merit Labs Co. (Merit), 2122 Nicholas Street, Philadelphia, Pa.
NDA 7–328, Pyrilamine Maleate Syrup.
Mennen Co., Hanover Avenue, Morristown, N.J.
NDA 0–082, Quinsana Powder.
Methanthin Co. (out of business), 441 West Wondsor Road, Glendale, Calif.
NDA 2–521, Nuchart's Antacid Solution.
Metro Medicine Co., 2510 South Boulevard, Houston, Tex.
NDA 11–249, Serbio Capsules.
Metropolitan Labs., Division Michigan Chemical Corp., 500 North Bankson Street, St. Louis, Mich.
NDA's:
4–328, Diethylstilbestrol Tablets and Ampules.
11–350, Vitamin B_{12} Concentrate.
Meyer and Co. (Now known as: Meyer Laboratories), 16361 Black Avenue, Detroit, Mich.
NDA's:
10–457, Reserpina Tablets, 0.1, 0.25, 0.5, 1, 2, 3, 4, and 5 mg.
10–462, Rauwolfia Serpentina Tablets 50, 100, 150 mg.
Meyers, A. S., 217–02 Jamaica Avenue, Queens Village, N.Y.
NDA 3–289, ASM Antiseptic Solution.
Midgley & Co. Midgley J. Lawson, applicant, 220 South William Street, South Bend, Ind.
NDA 0–329, Athamis Vaginal Suppositories.
Midland Chemical Co., 207 Board of Education Building, St. Louis, Mo.
NDA 0–846, Nipp Solution.
Midwest-Chemical Development Corp., Cleveland, Ohio.
NDA's:
7–573, Saltets Granules.
7–591, Histon Compound Tablets.
7–592, Histon Tablets.
7–811, A–P–C Pyrilamine Maleate Capsules.
Mifflin Chemical Co. (Now Mifflin, McCambridge Co.), 6400 Rhode Island Avenue, Riverdale, Md.
NDA 7–244, Pyrilamine Maleate Tabs., 25 mg.
Miley Medicine Co., John E. Miley, 714½ Barr Street, Fort Wayne, Ind.
NDA 0–373, Miley's Compound Treatment Capsules.
Milk Minerals Co., Inc., Chicago, Ill.
NDA 1–661, Milk Calcium Tablets.
Miller, Alice B., 1228 South Mariposa Avenue, Los Angeles, Calif.
NDA 2–721, Comfort Corn Salve.
Miller, C. C., Hydracon Products Co., 536 West Los Angeles Street, Baldwin Park, Calif.
NDA 2–590, Hydrocon Solution.
Miller, J. D., Route 3, Box 678, De Queen, Ark.
NDA 1–604, J. D. Miller Grand Salve.
Miller, Joseph W., Post Office Box 188, Skellytown, Tex.
NDA 2–826, Mewco Liquid.
Millers Products Co., Freemont, Nebr.
NDA 3–585, Millers Tablets (Mag. Oxide).
Mills Pharm. Co., 865 South East Street, Anaheim, Calif. (Also: St. Louis, Mo.).
NDA 11–611, Thyrobrom Tablets.
Mims Medicine Co., 525 Dillingham Street, Phenix City, Ala.
NDA 3–733, Mikosol Tincture.
Min-A-Rex, 383 Santa Ana, San Francisco, Calif.
NDA 3–469, Min-A-Rex Liquid.
Mineral Specialties, Inc., 3248 Mission Street, San Francisco, Calif.
NDA 1–789, Invigo Miss.
Min-Ral-Par Distributing Co., Denver, Colo.
NDA 4–107, Nature's Mineral Supplement Capsule.
Minson, Inc., Atlanta, Ga.
NDA 1–763, Tempo Tablets.
Miracle Mineral Baths, Title & Trust Building, Phoenix, Ariz.
NDA 4–343, Texas Mineral Crystals.
Mistretta and Co., Inc. (Out of business), 3340 M Street NW., Washington, D.C.
NDA 11–223, Sleek Timed Disintegrated Capsules.
Mitchell, Joseph F., Excel Manufacturing Co., 5414 West Huron Street, Chicago, Ill.
NDA 0–328, Fire Water Liquid.
Mitchum Co., The, 206 West Blythe Street, Paris, Tenn.
NDA's:
8–272, Pyril Tablets 25 mg.
8–300, Pyrilaca Tablets.
Mizzy, Inc., Clifton Forge, Va.
NDA's:
2–090, Hemodine solution.
9–348, Oracaine HCl Injection.
Modern Drugs, Inc., 4204–04 East New York Street, Indianapolis, Ind.
NDA's:
0–022, Efedrops.
0–044, Tannic Acid.
0–187, Sassafras Oil.
0–195, Ginger F. E.
0–196, Aloin.
0–197, Modern Tonic Tablets Capsicum.
0–199, Alkaline Laxative Rhubarb Elixir.
0–200, Waferlax.
0–201, Medicated Disc Lozenges.
0–202, Pepsin Lacated Elixir.
0–203, H & P Powders.
0–204, Astringent Powder.
0–205, Modern Steam Inhalant with Menthol.
0–206, Modern Cold Tablets.
0–207, Isopropyl Alcohol.
0–208, Vermifuge for large Round Worms.
0–222, Cafo-Phenol Liquid.
0–224, Anti-R-Co.
0–225, Prescription A Compound.
0–226, Composition Powder.
0–227, No-Ko Tablets.
0–228, Expectorant for Coughs.
0–229, Cascaralax.
0–286, Altraco.
0–287, Irene (Liquid).
0–288, Modern Iodal Tablets.
0–298, Tablets for Nasal Douche.
0–299, M. D. Powders.
0–300, R. O. Salve.

0–301, Uno.
0–302, Pet-Lax.
0–303, Relevo (Ointment).
0–330, Footex.
0–331, Modern Antacid Tablets.
0–332, Vaginal Wafers.
0–333, Modern Liquid Tonic Compound.
2–219, Comphorated Oil with Eucalyptol and Gualacol.
2–971, M–D Cold Tablets (without Laxative).
2–972, M–D Cold Tablets with Laxative.
4–194, Canfo-Phenyl.

Modern Drugs, Inc., Philippi, W. Va.
NDA's:
0–963, Modern Diuretic and Analgesic Tablets.
0–975, Modern Aspirin with Caffeine.

Modern Necessities Co., 737 West Randolph Street, Chicago, Ill.
NDA 4–260, Gaustape Dressing.

Moe-Nade Labs, 1545 Glenarm Street, Denver, Colo.
NDA 3–996, Moe-Nade Massage Bar D. F.

Monsanto Chemical Co., 1700 South Second Street, St. Louis, Mo.
NDA 4–719, Sulfathiazole (tablets?).

Mor Labs, Ltd., Paramount Building, Cedar Rapids, Iowa.
NDA 0–089, Mor Concentrated Mouthwash.

Moran Co., R. J., 9 Columbia Street, Cambridge, Mass.
NDA 10–083, Reserpine Tablets 0.25 mg.

Morgan, Adam, 172 South Boulevard, Pontiac, Mich.
NDA 2–564, Adam and Eve.

Morgan, Tom (Mrs.), Rockmart, Ga.
NDA 2–253, Kamson Liquid.

Morning Glory Co., 519 Maple Avenue, Takoma Park, Md.
NDA 0–397, Beechwood Creosote and Menthol Inhalant.

Morse Labs., 155 Waverly Place, New York, N.Y.
NDA's:
7–170, Pyranisamine Maleate Tablets.
10–384, Hydrocortisone Acetate Ointment.
0.5%, 0.1%, 0.25%.

Morten Labs., 9530 Alta Mira Drive, Dallas, Tex.
NDA's:
0–869, Chlo-Thanol Nose and Throat Drops.
0–870, Bell-Aspadrin Capsules.

Morton Manufacturing Corp., Lynchburg, Va.
NDA 6–278, Blair's Athlete's Foot Aid.

Mosher, Inc., L. A., 268 Spring Street NW., Atlanta, Ga.
NDA 0–217, Lantagen Liquid.

Mosley, Joseph G., Monette, Ark.
NDA 2–962, Mosley's Compound Elixir.

Muclavo Chemical Co., Los Angeles, Calif.
NDA 2–634, Muclavo Mouthwash and Gargle.

Multiproducts Drug Co., Inc., 3903 Jenifer Street NW., Washington, D.C.
NDA 5–968, Hysine Gum.

Murrell Labs, Norman, Okla.
NDA 6–163, Rx 7–11 Solution.

Mutual Pharmacal Co., 107 North Franklin Street, Syracuse, N.Y.
NDS's:
4–085, Sulfathiazole Tablets.
4–365, Estrogenic Substances Injection.
4–777, Stilbestrol Tablets.

Myers Drug Co., 5303 Hastings Street, Detroit, Mich.
NDA 4–036, Nyer's Laxative Liquid.

Myron Puff, Millerton, Dutchess County, N.Y.
NDA 0–132, Puff's Alkaline Pastilles.

Mysan Co., 2352 Ingleside Avenue, Post Office Box 2111, Macon, Ga.
NDA 7–216, Hista-Mysan Tablets.

Narodetzki, Andre N, Paris, France.
NDA 1–572, Spark (Elixir).

National Biochem. Co., 612 North Vermont Avenue, Los Angeles, Calif.
NDA 0–272, VI-KA-MIN Compound Tablets.

The National Drug Co., Haines and McCallum Streets, Philadelphia, Pa.
NDA 6–223, Resinat Capsules.

The National Drug Co., 4663 Stenton Avenue, Philadelphia, Pa.
NDA 8–166, Ammivin Injectable.

National Drug Laboratories, Inc., Chicago, Ill.
NDA 11–634, Silhouettes Timed Disintegration Capsules.

National Oil Products Co., Harrison, N.J.
NDA 4–334, Calcium Pantothenate Dextrotatory.

National Synthetics Inc. (Now Bell-Craig Inc.), 270 Lafayette Street, New York, N.Y.
NDA's:
5–395, Dikol Tablets.
5–853, Neodikol Capsules.
6–016, Monophen Tablets.
7–107, Monophen Capsules.

National Titanium Alloy Mfg., Division National Lead Co., Bridge Station, Niagara Falls, N.Y.
NDA 7–467, T A M Poison Ivy Salve.

Natural Health Products, Baltimore, Md.
NDA 0–810, Garlic and Parsley Pellets ECT.

Naysol Co., 29 Sassafras Street, Providence, R.I.
NDA's:
0–804, Snifol Nose Aid Drops.
1–555, Snifol Nose Drops.

Neiwert, Albert, 194 Avon Avenue, Newark, N.J.
NDA 3–301, Scalp Conditioner Ointment.

Neoco Corp., 1000 North Highland Avenue, Los Angeles, Calif.
NDA 9–541, Vertigon Tablets.

Neolene Co., Ferndale, Mich.
NDA 1–372, Neolene Drops.

The Nevlo Co., San Antonio, Tex.
NDA 0–910, Nevlo Tablets.

Nicholas Products Labs., Ltd., A & G Nicholas Inc., 1 Park Avenue, New York, N.Y.
NDA 10–273, Megimide Injection.

Nicolar, Joseph F., 5812 Lexington Avenue, Hollywood, Calif.
NDA's:
1–094, WA-LE-GU Balm (Iroquois Indian Balm for Athletes Foot).
1–095, WA-LE-GU Balm (Iroquois Indian Balm for Hemorrhoids).

Nikander, Werner, 411 Holland Street, Hancock, Mich.
NDA 2–567, Nikander's Cough Medicine Syrup (Nikander's Cough Balsam Syrup).

Ni-Late Manufacturing Co., Inc., Post Office Box 1518 Northwest, Atlanta, Ga.
NDA 0–039, Epsom Salt Soda Tablets (Mag. sufate, Sodium Bicarb.)

Nisbet Co., W. B., Los Angeles, Calif.
NDA's:
2–008, Tebsin Powder.
2–708, Tebsin Tablets.

Nixon's Labs., 1801 Old Shell Road, Mobile, Ala.
NDA 0–038, Hak Liquid.

Nonspi Co., Standard Labs, Division Warner Lambert, 201 Tabor Road, Morris Plains, N.J.
NDA 0–614, Nonspi Cream.

Normal Pharmacal Co., 1101 Broadway, Oakland, Calif.
NDA, 11–473, Reserp-Sules Capsules.

North Coast Chemical and Soap Works, Seattle, Wash.
NDA 9–287, Cocoa-Borax Powdered Hand Soap with Bithionol.

North Highlands Drug Co., 1433 18th Street, Birmingham, Ala.
NDA 1433, Postman's Joy Solution.

Norwich Pharmacal Co., 17 Eaton Avenue, Norwich, N.Y.
NDA 8–549, Butazolidin Tablets 100 and 200 mg.

Novo Pharmacal Corp., 559 North Capital Avenue, Indianapolis, Ind.
NDA's:
2–647, Salikol (Napikol) Liquid.
2–648, Novodine Liquid.
2–649, Sedacol (Aprikol) Liquid.
2–650, Novosol Liquid.
2–651, Cherazine Liquid.
2–652, Novine (Elixir).
2–653, Amorex Liquid.

Novy, Frank, 3935 West 26th Street, Chicago, Ill.
NDA's:
5–476, Petrolin Drops.
5–477, Petrolin Salve.

Nowland Co., George H., 23 West Pearl Street, Cincinnati, Ohio.
NDA's:
5–476, Petrolin Drops.
5–477, Petrolin Salve.

Noyes Co., P. J., 101 Main Street, Lancaster, N.H.
NDA's:
0–319, Aspirin Tablets 10 gr.
0–519, Ipecac Tablets ½ gr.
1–260, Potassium Chloride Tablets.
1–489, Special Formula Tablets for Norman E. Cobb, M.D. containing: Phenobarbital ¼ gr., Veratrum Virides, Nitroglycerin.
1–490, Same as 1–489 except Phenobarbital content is ½ gr.
2–413, Sodium Phenobarbital and Sodium Bromide Elixir.
2–733, Magnesium Trisilicate Tablets 7.5 gr.
4–396, Beta-Prime Tablets 1, 5, 10 mg.
4–397, Beta-Prime Elixir.
8–230, Alayans Suspension.
9–954, Reserpine Tablets 0.1, 0.25, 1.0 mg.

Nuclear Corporation of America, St. Louis, Mo.
NDA 11–428, Sodium Iodid 131 Therapy Capsule.

Nu-Life Products Co., St. Joseph, Mo.
NDA's:
4–175, Nu-Life Foot Rub Liquid.
4–176, Smith's Scalp Rub or Shampoo.

Nupres Laboratories, Dayton, Ohio.
NDA 1–138, Nupres Topical Liquid.

Nutrition Research Labs., Inc., 332 South Michigan Avenue, Chicago, Ill.
NDA's:
2–873, Bezon Capsules.
3–035, Quintrex VX Vitamins with Liver, Tablets.
5–450, Pendarvon Wafers.

Nyal Co., 155 Saw Mill River Road, Yonkers, N.Y.
NDA's:
0–477, CP Solution.
0–479, Nyrub Ointment.
0–551, Baby Oil by Dalon Liquid.
1–448, Vita-Vim Fortified Globules (capsules).
1–693, Nygar Emulsion of Mineral Oil.
1–955, Nyal Eyemaster Drops.
1–977, Nyal Soothing Lotion.
2–137, Manacea (laxative-expectorant).
2–319, Nova-tonic (fortonic) Liquid.
3–087, Before and After Digestive Treatment Tablets and Capsules.

Oca Medicine Co., Inc., 233 West 14th Street, New York, N.Y.
NDA 0–040, Pinkovels Tablets.

O'Camp, Horner and Co., 534 West 152d Street, New York, N.Y.
NDA 2–365, Biocervin Ointment.

O-Cel-O, Division General Mills, Inc., Buffalo, N.Y.
NDA 9–209, Cel-O-Sorb.

Od Peacock Suitan Co., Lexington Avenue, Bethpage, N.Y.
NDA 1–742, Thi-Amino Liquid.

O'Dara Products Co., St. Louis, Mo.
NDA 3–415, O'Dara Mouthwash.

O'Deli Hot Springs Hotel and Bathhouse, Radium Springs, N. Mex.
NDA 3–937, Mineral Water Solution.

OK Solution Co., P. E. Hutchinson, City Cash Drug Store, Natoma, Kans.
NDA 1-766, OK Solution.
Oktul Specialty Co., 1635 South Evanston Street, Tulsa, Okla.
NDA 5-459, Vitapulp Sedative Cement and Pulp Capper.
Old Homestead Clay Co., 1222 Bank of America Building, San Diego, Calif.
NDA 3-142, Old Homestead Clay Ointment.
Old Man Frantz Co., Pittsburgh, Pa.
NDA 0-448, Old Man Frantz Mountain Tonic Liquid.
Onalim Co., Inc., 2295 Second Avenue, New York, N.Y.
NDA 5-223, Onalim Antiseptic Lotion.
Onyx Oil & Chemical Co., Division Millmaster-Onyx Corp., 1900 Warren Street, Jersey City, N.J.
NDA 5-384, Onyxsan Solution.
Optine Co., 303 Altman Building, Kansas City, Mo.
NDA 0-755, Optine Drops.
Optol Co., Adams, N.Y.
NDA 2-964, Bon-Derma Powder.
Oradent Chemical Co., Division Mizzy Inc., 105 East 16th Street, New York, N.Y.
NDA 11-285, Kincaine HCl Injection.
Oral Prophylactic Assoc., Inc., 1915 East Eighth Street, Duluth, Minn.
NDA 0-549, Denture-Aid Liquid.
Organic Chemicals, Inc., 30 North Raymond Street, Pasadena, Calif.
NDA's:
6-411, Histex Tablets.
7-133, Tyral Solution.
Organics, Inc., Chicago, Ill.
NDA 10-752. Cobalamine Concentrate Injection.
Oro Drug Co., 718 Harrison Street, San Francisco, Calif.
NDA 1-722, T-A-S Elixir.
Oro Pharmacal Co., 257 Kearney Street, San Francisco, Calif.
NDA 3-927, Orovin Liquid.
Orr, Thomas and Balmer, John, Orba Sales Co., 600 South Broadway, Box 67, New Philadelphia, Ohio.
NDA 3-100, Orba Powder.
Ortho Labs., 1037 Madison Avenue, New York, N.Y.
NDA 3-654, Emulsio Olei Picis.
Otis Labs., New York, N.Y.
NDA 7-725, Otisamin (Khellin) Tablets.
Overfield, Sneldon, and Paul M., Stroudsberg, Pa.
NDA 1-349, Sativa Ointment.
Owens, E. J., 1400 Larimer Street, Denver, Colo.
NDA 1-332, Analgedine Liquid.
Owing Bros. of York, Seitzville, Glen Rock, Violet Hill, Pa.
NDA 7-494, Sulfaquinoxaline.
Oxford Prod. Inc., 2108 Payne Avenue, Cleveland, Ohio.
NDA's:
2-121, Creme-A-Tonic.
2-205, Lorisol Mouthwash.
2-206, Halitol Mouthwash.
2-207, Thycal Antiseptic and Hi-test Mouthwash.
6-933, Saltase Powder.
Oza Compound Products, 1221 Production Road, Fort Wayne, Ind.
NDA's:
2-874, Lenene Liquid.
2-875, Ozine Gargle Mouthwash.
3-322, Senene Syrup.
3-332, Senene.
3-418, Pervo Suspension.
P-B Manufacturing Co., Paris, Tenn.
NDA 3-123, Fev-O-Blis Liquid.
P and O Products Co., Ozark, Mo.
NDA 1-899, P and O Foot Powder.
Pacific Isotopes Inc. (Out of business), 511 Southwest 10th Avenue, Portland, Oreg.
NDA 9-902, Radioactive Iodine-131 Solution.
Pacific Labs Inc., Richmond, Calif.
NDA 8-242, ACTH Pacific Injection.
Pacific States Labs Inc., San Francisco, Calif.
NDA's:
9-549, Isotinic Acid Hydrazide (Pacrizid) Tablets.
9-917, Reserpine Tablets.
Palm Pharmacal Co., 2647 Sedgwick Avenue, Bronx, N.Y.
NDA 4-729, Vischolinal Tablets.
Paradise Pharmaceutical Labs., 41-19 31st Avenue, Long Island City, N.Y.
NDA 1-557, Aspirlik Tablets 3 gr.
Paramino Corp., New York, N.Y.
NDA 5-059, Indrazide Tablets.
Parfums Duvee, 103 Fifth Avenue, New York, N.Y.
NDA 0-653, Sinazol Inhalant and Ointment.
Parfums Schiaparelli, 597 Fifth Avenue, New York, N.Y.
NDA 3-382, Secret De Schiaparelli douche.
Park Drug Co., Inc., 147-151 West 15th Street, New York, N.Y.
NDA's:
7-120, Ridahist (Histasan) Antihistamine Tablets.
9-293, Rauwolfia Serpentina Tablets 50 and 100 mg.
9-913, Reserpine Tablets 0.1, 0.25, 0.5, 1.0 mg.
10-202, Reserpine Elixir 0.25 mg./0.5 cc.
10-451, Hydrocortisone Ointment 0.5%, 1.0%, 2.5%. Hydrocortisone Acetate Ointment, same strength as above.
A. J. Parker Co., Philadelphia, Pa.
NDA 9-805, Purital R.S.
Pasadena Research Labs., 2107 East Villa Street, Pasadena, Calif.
NDA's:
6-666, Redema Tablets 50 mg.
10-605, Hydrocortisone Acetate Injection 25 mg./cc.
11-257, Genten Tablets 0.25 mg. and 0.5 mg.
11-259, Manaten Tab.
11-260, Wolfina Tablets 50 and 100 mg.
Paul-Lewis Labs. Inc., Milwaukee, Wis.
NDA 6-981, Atrochol Capsules.
Pauze Products Co., 1500 Echo Park Avenue, Los Angeles, Calif.
NDA 2-688, Pauze Foot Powder.
Peanut Products Co., Tuskegee, Ala.
NDA 0-800, Miracle Massaging Oil Liquid.
Pearl, Irwin A., University of Washington, Seattle, Wash.
NDA's:
3-412, Metaldehyde Tablets, 4 gr.
3-413, Acid Metaldehyde Tablets.
Pediatric Drug Co., 305 Market Street, Lawrence, Mass.
NDA 11-546, Serenoid Tablets 0.25 mg.
Peerless White Lime Co., Mosher Station, Ste. Genevieve, Mo.
NDA's:
1-044, Water-Repellant Precipitated Calcium Carbonate #1.
1-045, Water-Repellant Precipitated Calcium Carbonate #2.
Pelican State Lab., 423 Poydras Street, New Orleans, La.
NDA 1-412, Xlent Pine Oil Liquid.
S. B. Penick & Co., 258 Brunswick Street, Jersey City, N.J.
NDA 4-569, Diethylstilbestrol.
Peps Corp., 4660 Maryland Avenue, St. Louis, Mo.
NDA 2-406, Alka-Peps Tablets.
Peptone Medicine Co. (Nu-Tine Med. Co.), 1104 Topping Avenue, Kansas City, Mo.
NDA 2-997, Peptone (Nu-Tine) Solution.
Perfecto Labs., 822 East Seventh Street, Pueblo, Colo.
NDA's:
3-630, Perfecto Aseptic Liquid.
3-631, Lypto-Mento-Perfecto Ointment.
3-632, Perfecto Nose Drops.
3-633, Perfecto Rubbing Oil Liquid.
Perrigo Co., L., 100 Brady Street, Allegan, Mich.
NDA's:
2-698, Concentrated Cough Syrup.
7-187, Antihistamine tablets (Pyrilamine maleate 25 mg.).
7-797, Antihistamine tablets Fortified (antihistamine plus APC).
7-824, Histagesic Capsules.
9-351, Cal-Hist Lotion.
Personeni, Inc., Joseph, 70 Spring Street, New York, N.Y.
NDA's:
0-414, Metranodina solution.
0-478, Treponyl injection.
Pescett Pharm. Co., Inc., Room 1111, 299 Broadway, New York, N.Y.
NDA 3-051, Mar Ointment.
Peterson, John H., 1152 15th Street, Santa Monica, Calif.
NDA 0-137, XILOR Lotion.
Peterson, M. C., Box 68, Allen County, Lafayette, Ohio.
NDA's:
1-749, Peterson's Black Salve.
1-750, Peterson's White Salve.
1-751, Peterson's Cough Remedy Liquid.
Pfeiffer Manufacturing Co., S., 3949 Laclede Avenue, St. Louis, Mo.
NDA's:
3-311, Fungusine and Fungusine concentrate liquid.
3-685, Gold Medal Purgees, ECT.
3-700, Fungusine powder.
7-179, Novahist antihistamine tablets.
7-338, Histilles capsules (Pyrilamine maleate).
7-339, Koldets capsules.
Pfizer & Co., Inc., Chas., 235 East 42d Street, New York, N.Y.
NDA's:
5-137, Magnesium, calcium, and sodium fumarate bulk.
6-949, Vibalt injection.
11-607, Cor-Tyzine 0.1% Nasal Solution.
Pharmacal Products Corp., 1317 North Kingshighway, St. Louis, Mo.
NDA 4-071, Ped-I-Septic for athletes foot liquid.
Pharmaceutical Products Labs (Also known as Pharm-A-Lab(s)), 21661 Sussex Avenue, Oak Park, Mich.
NDA, 11-991, Diet-Aid Cap (Diet-a-Way Cap.)
Pharmakon, Ltd., Hardturmatr, 173, Zurich 37, Switzerland.
NDA 4-651, LTD Ointment.
Phar-Med, Inc., 14614 East Nine Mile Road, East Detroit, Mich.
NDA 8-022, Histagesic.
Pharmex, Inc., 2113 Lincoln Street, Hollywood, Fla.
NDA 11-995, Inhibi-Tussin.
PHD Lab, Inc., 3839 Washington Avenue, New Orleans, La. or 2337 Tchoupitoulas Street, New Orleans, La.
NDA's:
3-056, Oto-Algos Drops.
3-167, Dex-O-Fed Drops.
3-247, Nosotol solution.
3-584, Prinikol syrup.
Philadelphia Quartz Co., Chester, Pa.
NDA 1-375, Magnesium Trisilicate Batch.
Phillips, Hiram A., M.D., 1802 Colorado, Austin, Tex.
NDA 0-747, Renovo Cream.
Phymel Co. (Out of business), 403 West Eighth Street, Los Angeles, Calif.
NDA 7-954, Phymel tablets.

Physicians Drug & Supply Co., 408 North Third Street, Philadelphia, Pa. or 1458 Chestnut Avenue, Hillside, N.J.
NDA's:
4-614, Diethylstilbestrol tablets 0.2, 1, 25 mg/tab, and 0.2, 0.5, 1.0 mg/cc/inj.
5-981, Amphetamine tablets 5 & 10 mg.
6-679, Thimecil tablets.
7-583, Methafrone brand Vitamin tablets.
7-896, Sodium Gentisate tablets 0.5 gm.
8-038, Okellol ECT (Corotrol ECT).
8-040, Mefurone tablets 50 mg.
8-293, Cortisone acetate tablets 25 mg.
8-513, Idrozide (INH) tablets 50 & 100 mg.
8-517, Hexamethonium Chloride tablets 125 and 250 mg.
9-156, Procadil tablets 250 and 500 mg.
9-275, Rautena 50 and 100 mg.
9-613, Rauwolfia-Veratrum Virides ECT.
9-625, Reserpine tablets 0.1, 0.25, 0.5, 1, 2, 3, 4, 5 mg.
9-656, Hydrocortisone tablets 10 and 20 mg.
9-657, Hydrocortisone topical ointment 1 and 2½%.
9-704, Protoveratrines A & B tablets 0.2 and 0.5 mg.
10-136, Rautenal tablets.
10-190, Reserpine elixir.

Physicians Pharmacal Co., 5942 Northwest 39th, Oklahoma City, Okla.
NDA 3-313, Sedadyne tablets.

Physicians & Surgeons Pharmacal Co., 710 North Sixth Street, Kansas City, Kans.
NDA 10-618, Reserpine Capsules.

Physiological Chemical Co., Inc., 20 Everett Street, New Rochelle, N.Y.
NDA 7-792, Procaine Ascorbate injection.

Picker X-Ray Corp., White Plains, N.Y.
NDA 12-643, Vesipaque tablets.

Pidge, Elmer D., 333 South Hope Street, Los Angeles, Calif.
NDA 0-659, Pidge's Ointment.

Pile Chemical Co., Post Office Box 145, Berwick, Pa.
NDA 0-129, 13 Ointment.

Pilot Labs, 1528 Brandywine Street, Philadelphia, Pa.
NDA 7-301, Pyrilamine maleate syrup 2.5 mg/cc.

Pinex Co., 41 East 57th Street, New York, N.Y.
NDA's:
2-714, Pinex Cough Drops.
7-201, Pinex Antihistamine tablets (pyrilamine maleate) 25 mg.

Pinkham Medicine Co., Lydia E., 271 Western Avenue, Lynn, Mass.
NDA 1-600, Tyzer Syrup (Tang).

Pippinger, Edwin B., 950 Dierks Building, Kansas City, Mo.
NDA 1-493, Pippinger's Preparation Liquid.

Pitman-Moore Co., Division Dow Chemical Co., 1200 Madison Avenue, Indianapolis, Ind.
NDA 5-688, Di-Sulfalac.

Pixacol Co., Dept. Post Office Box 38, Westlake, Ohio.
NDA 3-141, Pixacol Liquid.

Plastic Research Labs, 118 Classon Avenue, Brooklyn, N.Y.
NDA 3-120, Plastic I Liquid.

Plessner Co., Paul, 635 30th Avenue North, Post Office Box 7087, St. Petersburg, Fla.
NDA's:
3-164, Plibital tablets.
10-046, Capilon tablets.

Plough, Inc., 121 South Second Street, Memphis, Tenn.
NDA 10-519, St. Joseph Buffered Aspirin tablets.

Polamer Drug Co., Inc., Post Office Box 222, South River, N.J.
NDA 0-518, Shur-Stop Syrup.

Poole Chemical Co., R. E., Harlan, Iowa.
NDA 4-649, Dermol Solution.

Porter Labs, 245 Fifth Avenue, New York, N.Y.
NDA 2-533, Ornal Nose Drops.

Portia Labs, 4328 McRee Avenue, St. Louis, Mo.
NDA 0-463, Mal-Caps.

Potter and Clark, Ltd., Soothwood High Cliff, Christchurch, Hants, England.
NDA 1-262, Nurvlyfe Cachets Powder.

Premier Dental Products Co., Philadelphia, Pa.
NDA 11-739, Diaket Powder.

Premo Pharmaceutical Labs, Inc., New York, N.Y.
NDA's:
6-099, Aminophylline Suppositories.
6-477, Propylthiouracil Tabs 50 mg.
7-083, Pyranisamine Maleate Tabs.

Blackman & Blackman on NDA, Premo Pharmaceutical Labs, Inc., 608 South Dearborn Street, Room 825, Chicago, Ill.
NDA's:
1-168, Morphine Sulfate Tablets.
1-169, Codeine Sulfate Tablets.

Premo Pharmaceutical Labs, Inc., 111 Leuning Street, South Hackensack, N.J.
NDA's:
8-534, Isonicotinic Acid, Tydrazide Tabs also Nicozide.
9-497, Cortisone Acetate Tabs.
9-558, Hydrocortisone Tabs.
9-676, Respital Tablets.
9-723, Cortisone Acetate Ophthalmic Suspension.
9-791, Hycortole Acetate.
10-183, Respital Elixir.
12-678, Tolbutamide Tablets.

Prescription Products Co., 707 East Lincoln Street, Bloomington, Ill.
NDA 0-580, Alphega Salve.

Preston National Drug Co. (Now known as Preston Franklin Pharmacal Co.), Dallas, Tex.
NDA 11-655, Trim Time Caps.

Price, Jesse David, M.D., Room 2, Kresge Building, Michigan City, Ind.
NDA 0-252, Whoopeasy Syrup.

Princeton Lab Products Co., 1 Cherry Hill Road, Princeton, N.J.
NDA 8-577, Adrenocorticotropic Injection.

Prins, Benjamin, 230 East 51st Street, New York, N.Y.
NDA 1-936, Sesa-Creme A-1.

Products Development Co., Inc., Post Office Box 507, La Crosse, Wis.
NDA 1-676, Athex Solution.

Professional Drugs Inc., 76 Ninth Avenue, New York, N.Y.
NDA 6-062, Brevosol Ointment.

Professional Pharm. Co., Petersburg, Va.
NDA's:
0-108, Sal-Boride solution.
0-109, Cherapyne Syrup.
0-110, FerroVita Elixir.
0-118, Padiene capsules.
0-119, Vita-B elixir.
0-120, Bellatal tablets.
0-121, Ferrofate tablets.
0-122, Epso Phos Solution.
0-163, Calcilate Wafers.
0-164, Sulfanil-A-Carb tablets.

Professional Products Co., 1601 Calhoun, Post Office Box 22404, Houston, Tex.
NDA's:
9-384, Raupentina tablets 50 and 100 mg.
9-727, Reserpine tablets 0.1, 0.25 mg.

Pro-Medico Pharmaceutical Co., Inc., 778 Bergen Street, Brooklyn, N.Y.
NDA's:
4-481, Stilbestrol inj. 0.5, 1, 2, 5 mg/cc.
4-867, Stilbestrol in oil inj.

Pronovost, Malvina, 75 Birch Street, Lewiston, Maine.
NDA 0-809, Pronto Ointment.

Prote, Joseph C., Jr., Prote's Laboratory, 155-93 Sanford Avenue, Flushing, N.Y.
NDA 0-466, Herbs Powder for Athlete's Foot.

Prouty, R. L., 601 San Mateo Avenue, San Bruno, Calif.
NDA 2-038, Prouty's Tightener.

Pruden, Albert F., 700 West Main Street, Hartford City, Ind.
NDA 4-403, Prudo Ointment.

Prussin & Co., S., 129 Dupont Street, Brooklyn, N.Y.
NDA 6-028, Woodman Hair Cream Lotion.

Purepac Corp., 200 Elmora Avenue, Elizabeth, N.J.
NDA's:
7-081, Histacol tablets.
7-908, Histacol compound tablets.
9-315, Hist-A-Cal Lotion.
9-467, Kalahist Ointment.

Purity Drug Co., Passaic, N.J.
NDA's:
3-501, Sulfathiazole tablets.
3-502, Sulfapyridine tablets.
4-922, Stilbestrol tablets.
5-990, Methamphetamine HCl tablets.

Quarles Sales Co., Paris, Ill.
NDA 1-186, Maple Leaf Stainless Salve.

Queen City Pharmacal Co., 1040 Marshall Avenue, Cincinnati, Ohio.
NDA's:
6-105, dl-Desoxyephedrine HCl tablets 10 mg.
9-701, Rawtina tablets 50 and 100 mg.
10-403, Rawserp tablets 0.25 mg.

Quincy Labs, 3831 West Lake Street, Chicago, Ill.
NDA 5-613, Orasept Mouthwash.

R and J Chemical Co., 4554 Broadway Avenue, Chicago, Ill.
NDA 1-791, Nogerm Mouthwash and Gargle.

Rainbow Manufacturing Co., 3819 Walnut Street, Kansas City, Mo.
NDA 2-397, Uncle John's Ointment.

Ra-Lo Jr. Manufacturing Co., 1548 North Miro Street, New Orleans, La.
NDA 3-047, Ralojr Liquid.

Rand Pharmaceutical Co., 333 Columbia Street, Rensselaer, N.Y.
NDA 9-284, Pruraine (Domine) ointment.

Rapsol Process Inc., New York, N.Y.
NDA 5-910, Rapsolized Gum Tragacanth, Acacia, Karaya.

Rational Medicines Inc., 185 Madison Avenue, New York, N.Y.
NDA 0-413, Sunscreen 99 Cream.

Rawleigh Co., W. T., 223-225 East Main Street, Freeport, Ill.
NDA 12-130, Throat Balm Syrup.

Ray Drug Co., 3335 Grand Avenue, Oakland, Calif.
NDA 12-214, Leen Timed Disintegration capsules.

Raymer Pharmacal Co., Jasper and Willard Streets, Philadelphia, Pa.
NDA's:
3-687, Estrogenic substance in, 2M, 10M, 20M IU/cc.
4-426, Stilbestrol tablets 0.1, 0.5, 1.0 mg., inj. 0.2, 0.5, 1.0 mg/cc.
4-833, Sulfanilamide injection.
6-401, Methadon inj. 5 and 10 mg/cc; tablets 2.5, 5.0, 7.5 mg.
7-826, Gentarth ECT.
10-001, Reserpine tablets 0.25, 1, 2, 3, 4, 5 mg.
10-561, Hydrocortisone acetate ointment 1 and 2.5%.

Reape, John E., 525 East Avondale Avenue, Youngstown, Ohio.
NDA 0-717, Hydro S Shampoo.

Red River Medicine Co., Minneapolis, Minn.
NDA 1-934, Tonestom Elixir.

Red Rose Products Co., 139 Fayetteville, Decatur, Ga.
NDA 3-235, Red Rose Headache Powder.

Red Star Chemical Co., Inc., 17-21 East 22d Street, New York, N.Y.
NDA 8-495, ACTH Injection.

Byrd Redd, Martinsville, Va.
NDA 4-021, Red Bird Corn Remedy Salve.

Redman, Orrin A., 7403 South Euclid Avenue, Chicago, Ill.
NDA 4–037, Moocasin Foot Powder.
Redwood Zone Inhalant Co., Santa Rosa, Calif.
NDA 0–427, Essence of Redwood with Eucalyptol Compound—Inhalant and spray.
Redyns Co., Inc., 2114 Coplin Avenue, Detroit, Mich.
NDA 9–438, Aqua-Dent Liquid.
Redzisz, Andrew, 301 Halladay Street, Jersey City, N.J.
NDA 0–155, AR Radical Ointment.
Reed Labs, San Mateo, Calif.
NDA's:
1–211, Gypsolene skin lotion.
1–213, Pineolene liquid.
1–214, Plaster-Off liquid.
Reese Chemical Co., 10617 Frank Avenue, Cleveland, Ohio.
NDA's:
0–029, Blue tablets.
2–147, Red Hearts tablets.
3–514, Thoxine solution.
5–648, Doughboy Prophylactic kit ointment.
7–163, Pyranisamine Maleate (Rehistin).
7–624, Rehistco tablets.
Reeve Chemical Co., Inc., 148 Chambers Street, New York, N.Y.
NDA 10–582, Ambratal-Reserpine tablets.
Reinhardt, L. F., La Center, Minn.
NDA 2–593, Reinhardt's Foot Powder.
Reins Star Tea Co., 307 East 89th Street, New York, N.Y.
NDA 0–610, Rein's Star Tea.
Reinsch, Charles, 109 West 84th Street, New York, N.Y.
NDA 3–851, Urex Granules (Salurmed Granules).
Reinschild Chemical Co., Subsidiary of Regulin Inc., New Rochelle, N.Y.
NDA 0–899, Ferma liquid.
Rek On So Products, Inc., 808 Southwest 19th Street, Miami, Fla.
NDA 1–341, Rekonso Cough Drops.
Ramin Pharm. Co., 804 Hudson Avenue, Rochester, N.Y.
NDA 0–091, Pro-Vita Solution.
Renlow Chemical Co., 112 North Eighth Street, Easton, Pa.
NDA 0–138, O-B Powder.
Republic Drug Co., Inc., 30 Pannell Street, Buffalo, N.Y.
NDA 11–180, Super-Hist capsules.
Republic Drug & Sundry Co., Buffalo, N.Y.
NDA 11–605, Unitrol capsules.
Reserve Research Co., 960 St. Clair West, Cleveland, Ohio.
NDA's:
2–450, Alololid suspension and drops.
2–451, Colloidal aluminum hydroxide suspension and drops.
4–060, Sulfonacreme ointment.
Revere Chemical Co., 39 Broadway, New York, N.Y.
NDA 7–132, Tolergen tablets, 10 mg.
Rexar Pharmacal Corp., 382 Schenck Avenue, Brooklyn, N.Y.
NDA 9–615, Rauwolfia-Veratrum virides tablets.
Rhinopto Co., 308 South Harwood Avenue, Dallas, Tex.
NDA's:
4–267, Rhinafedrin drops 1%.
4–284, Rhinall capsules.
Rhodes Pharmacal Co., Inc., 41 East Oak Street, Chicago, Ill.
NDA's:
7–777, Antussamine syrup (antihistamine).
10–310, Prevoides tablets and capsules.
Rhodia, Inc., 297 Jersey Avenue, New Brunswick, N.J.
NDA 13–048, Sultirene (sulfamethoxypyridazine) tablets for export to Vietnam.
Richlyn Labs, 3725 Castor Avenue, Philadelphia, Pa.
NDA 10—228, APAP tablets.
Ridco Lab., 2013 Spruce Street, Boulder, Colo.
NDA 0–989, Ridco Corn and Callus Remover Cream.
Riesen, Walter P., Box 146, Elm Grove, Wis.
NDA 0–386, Resen's Antiseptic Foot Powder.
Rigidtest Products, Inc., c/o Becker Professional Pharmacy, 4744 North Western Avenue, Chicago, Ill.
NDA 3–730, Rigitest Surgical Dressing.
Rin, Inc., 38 Pearl Street, New York, N.Y.
NDA 0–112, Rin for Men Only Under Arm Lotion.
Ritz Bitters Co., 3123 North Ashland Avenue, Chicago, Ill.
NDA 3–679, Ritz Bitters Solution.
Ri-Zo Corp., 742 Market Street, San Francisco, Calif.
NDA 4–320, Ri-Zo Powder.
Robbins, Williams and Co., 8006 Oakland Avenue, Detroit, Mich.
NDA 0–692, Trihygenol Mouthwash and gargle.
Roberts Biological Lab, Buffalo, N.Y.
NDA 5–277, Aller-Tabs and Allergi-Tabs.
Robertson's Drug Co., Frederick, 1001 Fourth Avenue, Huntington, W. Va.
NDA 3–178, Robertson's Balm.
Robertson Products Co., Inc., Theo. B., 700–704 West Division Street, Chicago, Ill.
NDA 0–711, Sept-O-Soap Liquid.
Robin Pharmacal Co., 480 Broome Street, New York, N.Y.
NDA's:
7–240, PASA and Sodium PASA tablets.
7–241, Pyranissamine maleate.
8–006, Wards formula antihistamine tablets.
8–896, Iso-nicotinic hydrazide tablets.
9–361, Rauwolfia serpentina tablets 50 and 100 mg.
9–628, Reserpine tablets.
9–685, Rauwolfia Serpentina, Mannitol hexanitrate, rutin tablets.
9–883, Rauwolfia Serpentina-Veratrum virides tablets.
Robinson Laboratories, Inc., 355 Brannan Street, San Francisco, Calif.
NDA 12–340, Protrim Timedcaps.
Roch, Joseph Conrad, 496 Pine Street, Providence, R.I.
NDA 3–396, Roch's syrup.
Rogers Diesel and Aircraft Corp., 1120 Leggett Avenue, New York, N.Y.
NDA 5–894, Triethylene Glycol liquid.
Rogers Products Co., 124, West Jackson Street, Ripley, Tenn.
NDA 1–184, Foot Bath Powder.
Rona Drug, Inc., TNF Pace Pharmacal Co., Inc., 457 North Third Street, Philadelphia, Pa.
NDA's:
7–223, Ronamine tablets.
10–528, Reserpine tablets 0.1, 0.25, 0.5, 1, 2, 3, 4, 5 mg.
Rootone Products, Inc., 6801 South Broadway, St. Louis, Mo.
NDA 1–797, Rootone Scalp Massage Shampoo.
Rorer, Inc., William H., 500 Virginia Drive, Fort Washington, Pa.
NDA 4–114, Special formula powder for Slaw Adam, M.D. containing: Salicylic acid, menthol, camphor, boric acid, starch.
Rosen, Maurice, 1218 West State Street, Milwaukee, Wis.
NDA 0–612, Pile-O-Tors.
Rossmar Labs, 1806 East Venango, Philadelphia, Pa.
NDA's:
0–374, Hepron tablets with liver fraction.
2–330, Teperon tablets.
3–144, Tri-Alum-Alac liquid.
4–378, Hep-Iron liquid.
Roswill Co., Attention: John A. Ross, Plymouth, Mich.
NDA 2–587, Rightway Ointment.
Rouche-Renaud Pharm. Co., Fairhaven, Mass.
NDA 4–444, Adheron liquid.
Round Corner Drug Co., 801 Massachusetts Street, Lawrence, Kans.
NDA 2–482, Dr. Gowdy's Rx for Acid Stomach Powder.
Roussel Corp., 155 East 44th Street, New York, N.Y.
NDA's:
7–429, Sterogyl injection.
9–972, Hydrocortisone tablets 10 and 20 mg.
Rowell Labs, Baudette, Minn.
NDA 10–044, Hydrocortisone tablets 10 and 20 mg.
Royal Drug Co. of Baltimore, Maryland, 517 West Lombard Street, Baltimore, Md.
NDA 0–731, Royal Headache tablets.
Royal Oak Product Co., Royal Oak, Mich.
NDA 4–199, Polle No Liquid.
Rubel and Co., J. R., Okolono, Miss.
NDA 1–765, Salvacam Salve.
Rubenstein, Helena, 655 Fifth Avenue, New York, N.Y.
NDA 4–147, Gourielli Estrogen Cream.
Rubin, Louis, 3466 Jackson Boulevard, Jackson Heights, Long Island, N.Y.
NDA 1–962, Poditats Wafers.
Runner Co., Inc., E. I., Wheeling, W. Va.
NDA 7–228, Earle's Antihistamine tablet.
Ryback, Joseph W., 75 West Jackson, Chicago, Ill.
NDA 4–014, Herbaco Liquid.
Ryco Labs Inc., 79 Northwest 40th Court, Miami, Fla.
NDA 4–643, Para-Pads Dressing.
Sage Co., 325 East Young Street, Tulsa, Okla.
NDA 8–035, Sayko ointment (Sayko Pile Ointment).
Sahyun Labs, Santa Barbara, Calif.
NDA 7–406, Methocine tablets.
Salander, Abraham B., 168 North 170th Street, Bronx, N.Y.
NDA 2–146, ABS Foot Powder.
Sales Co., J. S., Joseph Spevock, 4072 Olive Street, St. Louis, Mo.
NDA 0–198, Punkin-Seds tablets (P.S. Laxative) (Pompon Sade).
Salvgene Laboratories, 222 East Front Street, Youngstown, Ohio.
NDA's:
0–724, Toka-Sana Oral Solution.
1–395, Tonka-Sana Tonic Solution.
Sandoz Chemical Works, Inc., Route 10, Hanover, N.J.
NDA 5–267, Ipesandrine Syrup.
Sa-Tan-Ic Medicine and Manufacturing Co., Wichita, Kans.
NDA 0–944, Sa-Tan-Ic Laxative liquid.
Saul Co., Richard F., 2500 North 25th Street, Philadelphia, Pa.
NDA 1–322, Pruniform Syrup.
Savoy Drug & Chemical Co., 16 South Peoria Street, Chicago, Ill.
NDA's:
3–936, Vitamar tablets.
7–158, Nutro tablets.
9–482, Rauwolfia Serpentina tablets 50 mg.

Sayman Products Co., 2101 Locust Street, St. Louis, Mo.
NDA 7-313, Pyrilamine maleate tablets 25 mg.
Schaffer, C. F., 1126 Lakewood, Detroit, Mich.
NDA 5-089, Silver Allantoinate Vaginal powder.
Scheidemann Remedy Co., Inc., Milwaukee, Wis.
NDA 0-577, Scheidemann's Herbal Tea.
Schenley Laboratories, Inc., New York, N.Y.
NDA 10-621, Dorbantyl Capsules.
Scherer Corp., R. P., 9425 Ginnel Avenue, Detroit, Mich.
NDA's:
6-881, Undecylenic acid capsules—made for Schering Corp.
6-900, Tween-80 capsules 500 mg.
6-915, Undecylenic capsules—made for Sharp & Dohme.
Schering and Glatz, Inc., 113 West 18th Street, New York, N.Y.
NDA's:
0-893, Urotropin and Sodium Acid Phosphate tablets.
2-403, Peralga tablets.
3-734, Ampules Sodium Citrate Injection, 3.8%.
3-735, Ampules Sodium Citrate injection, 5%.
4-163, Ampules Ascorbic Acid injection, 100 mg./2 cc.
4-164, Ampules Thiamine HCl injection.
Schlicksup Drug Co., Inc., 420-22 Southwest Washington Street, Peoria, Ill.
NDA 10-246, Repoid Tablets.
Schlueter Medicine Co., C. O., 733 South Norman Avenue, Evansville, Ind.
NDA 2-780, Schlueter's Pink Ointment.
Julius Schmid, Inc., Lackawanna Avenue, West Paterson, N.J.
NDA 8-161, Ramses Vaginal Cream.
Schneiderwirth, Herman J., 445 Gramatan Avenue, Mount Vernon, N.Y.
NDA's:
2-211, Mucargol Powder.
2-212, Mucargol Ointment.
2-213, Musil Suppositories with Benzocaine.
3-128, Lubricaine Jel.
School Manufacturing Co., Inc., 213 West Schiller Street, Chicago, Ill.
NDA's:
0-857, Dr. Scholl's Foot Balm Lotion.
5-432, Sulfa-Solvex powder.
Schumann-Sumner Products, 858 North Alexandria Avenue, Los Angeles, Calif.
NDA's:
0-380, Teef Powder.
0-381, Teef Solution.
Schuylkill Chemical Co., 2436 West Sedgley Avenue, Philadelphia, Pa.
NDA 3-756, Sulfallantoin powder and ointment.
Schwartz Labs, Inc., 202 East 44th Street, New York, N.Y.
NDA 6-296, Methiacil tablets, 50 mg.
Schweickard(t), Karl W., 87 Georgetown Avenue, West View, Pa.
NDA's:
4-077, Chorasto liquid.
4-121, Campho capsules.
Scientific Nutrition Corp., 60 East 42d Street, New York, N.Y.
NDA's:
3-845, Foodex.
4-419, Vitadiet w/minerals wafers.
Scott and Bowne Vitamin Corp., Bloomfield, N.J.
NDA's:
0-658, Emulsion of Natural A and C Concentrate, batch.
3-696, Calcium compound wafers.
6-442, Browne antiseptic baby oil liquid.
Scott Galian and Co., Inc., 16818 Vaughan Avenue, Detroit, Mich.
NDA 2-738, Bruce's Formula SG 12 lotion.
Seaboard Drug Co., 21 West 45th Street, New York, N.Y.
NDA 9-308, Mericin tablets.
Seal-Ins Labs., Inc., 4021 East Florence Avenue, Bell, Calif.
NDA's:
0-289, Seal-Ins of Gentian Violet ECT.
2-034, Seal-Ins Sodium Salicylate ECT.
2-130, Seal-Ins tablets containing: Belladonna, thyroid, pituitary sodium glycolate and others.
2-131, Seal-Ins tablets containing: Belladona, thyroid, pituitary and others.
2-524, Seal-Ins tablets and ECT of phenobarbital and Ephedrine.
2-737, Phenobarbital tablets and Sustained release tablets both ½ gr.
Seamless Rubber Co., 253 Hallock Avenue, New Haven, Conn.
NDA's:
5-486, Synthetic Rubber Adhesive Plaster Dressing.
6-407, Seamless Pro-Cap dressing.
Sears Roebuck & Co., Chicago, Ill.
NDA 7-224, Contra-Hist tablets.
Seaver and Co., S. R., North Kansas City, Mo.
NDA's:
0-355, Aspirin tablets, 1 gr.
0-356, Aspirin tablets, 5 gr.
0-357, Aspirin tablets, 1 gr.
0-358, Aspirin tablets, 5 gr.
0-359, Fenital tablets.
0-360, Alkavan tablets.
0-377, Tri-Sili-Carb powder.
0-378, Caia-Derma lotion.
0-419, Vapocol ointment.
0-420, Birnasan ointment.
0-421, Opti-Lave lotion.
0-523, Imo ointment.
0-527, Mineral oil emulsion.
0-528, Lubri-Mul with Phenolphthalein.
0-553, Sulfosol solution.
0-554, Sodium Salicylate ECT 5 gr.
0-572, Pabico tablets.
0-573, Scabisul ointment.
0-574, Ryzalen tablets.
0-575, Aigesan ECT.
0-645, Nasarex drops.
0-646, Cophycl ointment.
0-647, Triti-Flex liquid.
0-648, Cremalgin cream and ointment.
0-649, Impetex ointment.
0-650, Lavagene douche.
0-688, Calazox ointment.
0-689, B-E-Z ointment.
0-690, Entotab Mon-HEX tablets.
0-745, Enzonan liquid.
0-858, Isojell Jel.
0-859, Oxy-Tan Jel.
0-860, Stafenol ointment.
0-952, Nasarex with Ephedrine drops.
0-953, Emeralgin solution.
0-954, Barbicyl ECT.
0-972, Ferrous sulfate tablets, 5 gr.
0-973, Sulfanilamide tablets.
1-010, Vitonal liquid.
1-011, Entotab Amino Phen ECT.
1-012, Sedazane tablets.
1-026, Oglene Mouthwash.
1-027, Diurex tablets.
1-109, Pyroferrin liquid.
1-110, Sodium Salicylate ECT 10 gr.
1-159, ABC Concentrate solution.
1-202, K-B Granules.
1-269, Fedriphen tablets.
1-274, Tamporex liquid.
1-278, Agapectin Jel.
1-279, Homann's Astrigent lotion.
1-380, Cholaphen with Aloin and Cascara tablets.
1-451, Infacol liquid.
1-462, Pectolin syrup.
1-539, Dilanol ECT.
1-544, Alka-Zyme tablets.
1-545, Brewer's Yeast tablets, 6 gr.
1-758, Entotab Magnesium sulfate, 10 gr.
1-775, Pectolin with Morphine liquid.
1-896, Modifen tablets.
1-950, Copper Sulfate and aluminum sol. and douche.
1-966, Lubri-Mul No. 2.
1-967, Lubri-Mul No. 2 with Phenophthalein.
2-148, Lactrisil tablets.
2-392, Lactripectal tablets.
2-443, Phenobarbital and Belladonna tablets.
2-459, Methenamine and Acid Phosphate tablets.
2-460, Methenamine tablets, 5 gr.
2-525, Lac-D-Cal tablets.
2-639, CT Sedaco tablets.
2-667, Benzo Mul Emulsion.
2-886, Phenobarbital tablets, 1.5 gr.
2-887, Phenobarbital tablets, ½ gr.
2-888, Phenobarbital tablets, ¼ gr.
2-952, Theobromine with sodium salicylate ECT.
4-577, Dica-Phos with vitamin D tablets.
Sed-A-Dent Co., 336 Palace Building, Minneapolis, Minn.
NDA 2-723, Sed-A-Dent Dressing.
Seeqit, Inc., 150 West 55th Street, New York, N.Y.
NDA 1-129, Seeqit tablets.
Sheldon Labs., Los Angeles, Calif.
NDA 10-938, Vibelve 1000 Concentrate injection.
Selig Co., 342 Marietta Street, Atlanta, Ga.
NDA 6-075, Showertol solution.
Sencerbox, Robert W., 2704 Hollister Avenue, Santa Barbara, Calif.
NDA 1-841, Vitamin B_1 and B_2 complex with vitamin C caps.
Senna Products Co., 701 Ramsay-McCormack Building, Birmingham, Ala.
NDA's:
3-309, Senna-Phen wafers.
3-310, Senna Mint wafers.
Service Drug Co., Plaquemine, La.
NDA 0-675, Ben-Sal ointment.
Sesol Co., 1668 Union Commerce Building, Cleveland, Ohio.
NDA 7-388, Sesol shampoo.
Seydel Products Co., N.J.
NDA 0-092, Seydel Salve Ointment.
S. F. Labs, 509 Morse Street NE., Washington, D.C.
NDA 2-983, 3-Way solution.
Sfregos Products Co., 2819 23d Avenue, Astoria, Long Island, N.Y.
NDA 1-542, S. Fregos Powder.
Shadowen and Medicine Co., 3515 Buck Street, Houston, Tex.
NDA 1-306, Shad-O-Lax Powder.
Shaw, Frank M., 135 West 20th Street, New York, N.Y.
NDA 0-346, Dr. Jones' capsules.
Shellmar Products Co., Mount Vernon, Ohio.
NDA 5-762, Sterilite Alpha Powder.
Sheperd, John, Stearns, Ky.
NDA 2-703, Sheperd's ointment.
Sheridan Co., Inc., F., 452 Bagley Avenue, Detroit, Mich.
NDA 1-241, Sheridans Foot Lotion Liquid.
Sherman Labs., 5031 Grandy Avenue, Detroit, Mich.
NDA's:
1-486, Acarosil liquid.
1-487, Acaralum liquid.
2-046, Fenatrate (tetraferrate) B_1 syrup.
2-047, Fenatrate tablets.
2-048, Iron, Arsenic, and vitamin B_1.
4-106, Primacol injection.
3-874, Fenatrate B_1 w/copper tablets.
3-875, Fenatrate B_1 w/copper syrup.
4-640, Stilbestrol tablets.
4-641, Stilbestrol injection.
7-153, Histavac tablets.
Shom Drug Co., 163 North Concord Street, St. Paul, Minn.
NDA 4-711, Ivol solution.

Shores Co., Inc., Cedar Rapids, Iowa.
NDA's:
0–424, Eye lotion.
0–581, Liver Ron tablets.
1–574, Dicalcium phosphate with vitamin B and D tablets.
4–428, Sulfathiazole tablets.
4–465, Sulfapyridine tablets.
4–676, Stilbestrol tablets.
5–094, Sulfathiazole ointment 10%.

Shulton, Inc., 697 Route 46, Clifton, N.J.
NDA 9–233, Thylox sulphur w/actamer cream and soap.

Siegler, Carl, 871 Lakeview Road, Cleveland, Ohio.
NDA 2–645, Meldol liquid.

Silkolold Corp., 5140 West Lisbon Avenue, Milwaukee, Wis.
NDA 9–651, Sil-kol-old liquid.

Silverman, David, and Edith, 3402 West Carmen Avenue, Chicago, Ill.
NDA's:
2–686, Evrons Rectal ointment.
2–687, Evrons Rectal suppositories.

Simmy Labs, Inc., 116 East 58th Street, New York, N.Y.
NDA 2–289, Schwarz Tea.

Singleton and Sons, 108 Dallas Street, Wichita Falls, Tex.
NDA 0–383, Royal Corn Remover solution.

Siol Co., J. C. Milner, 2221 Pearl Street, Fort Worth, Tex.
NDA 1–040, Lotio Cherne Lotion.

Sisom Clinical Lab, Cold Springs and Collingswood Avenues, Oaklyn, N.J.
NDA 3–947, Gemma liquid.

Sisreau Co., 363 Rice Street, St. Paul, Minn.
NDA 0–988, T and T Foot lotion.

Skat Labs (Skat Sales Co.), 3 Green Street, Woburn, Mass.
NDA 1–442, Skat ointment.

Skepner, Harry, Hollywood, Calif.
NDA 1–029, Private formula tablets #415969.

Skol Co., Inc., 304 East 23d Street, New York, N.Y.
NDA 0–361, Skol antiseptic cream.

Smith, Kline, and French Labs., 1500 Spring Garden Street, Philadelphia, Pa.
NDA's:
5–171, Microform Sulfathiazole suspension 20% and microcrystalline powder.
5–692, Pervitin HCl tablets, 5 mg. (desoxyephedrine).
6–688 Paredrine HCl ampules, 10 mg.

Smith Drug Store, C. E., 90 Front Street, West Springfield, Mass.
NDA 2–235, White's powder.

Smith, Charles H., 2449 West Sargent Street, Philadelphia, Pa.
NDA 0–030, CHS Ointment.

Smith, Clifford, 4847 North Winchester Avenue, Chicago, Ill.
NDA 0–351, Smith's Liniment ointment.

Smith, Curtis, Oza Compound Products, Fort Wayne, Ind.
NDA 1–303, OZA compound emulsion.

Smith, James A., M.D., 233 South 45th Street, Philadelphia, Pa.
NDA 0–904, Fawn Soap.

Smith, J. Henry, M.D., 1207 North Seventh Street, Longview, Tex.
NDA 2–009, Dr. Smith's Sweet Euquinine and iron tonic syrup.

Smith, L. A., 1 Montgomery Street, San Francisco, Calif.
NDA 5–662, OKUR liquid.

Smith, Nathan, 47 Ann Street, New York, N.Y.
NDA 4–401, Neutradent Mouthwash.

S.N.J. Products Co., 4757 South Broadway, Los Angeles, Calif.
NDA 5–263, Sulfathiazole Nasal Jel.

Snoddy, Robert C., 1206 Central Avenue, Indianapolis, Ind.
NDA 0–408, Pepto Magna tables.

Sodasal Co., South Bend, Ind.
NDA 2–334, Enkasal liquid.

Solon Parker, Pearl County, Ratcliff, Ark.
NDA's:
0–008, Mer Ton solution (Ty-Tan).
1–548, Creo Nips syrup.

Sonoral Labs., TNF Sonoral Products Corp., 1910 Webster Avenue, New York, N.Y.
NDA 10–932, Ret-O-Gen injection.

Southern Products Co., St. Louis, Mo.
NDA 0–504, Vita-Jel Gel.

Southern Remedies Inc., 219 East Savannah Avenue, Valdosta, Ga.
NDA's:
1–646, Soreco Laxative compound liquid.
1–647, Ido Rub liniment.

Spandy Inc., 19 Spring Street, West Orange, N.J.
NDA 8–224, Spandy liquid.

Spa-Rex Co., Box 501, St. Louis, Mo.
NDA 1–607, Spa-Rex liquid.

Spartan Pharmacal Co., 354 Mercer Street, Jersey City, N.J.
NDA's:
7–197, Nehistagen tablets (antagonhist tablets).
7–760, Phenacetin & caffeine tablets.

S.P.D. Products Co., now known as Sulfadent Co., Kansas City, Mo.
NDA 5–429, Sulfa-Dent Toothpowder.

Specialty Products Co., 433 Bourbon Street, New Orleans, La.
NDA's:
1–370, Holmes Aromatic Mouthwash.
1–371, Malson Blanche Mouthwash.

Specific Pharm. Co., 331 Fourth Avenue, New York, N.Y.
NDA's:
5–124, Analbis.
5–652, Soluazole injection 1 gm./5cc.

Speetzen, G. C., 1603 West Ninth Street, Davenport, Iowa.
NDA's:
0–909, Byteze lotion.
1–673, Speetzen's capsules.

Spicer-Gerhart Co., 8350 Foothill Boulevard, Sunland, Calif.
NDA 2–718, Thlamine chloride solution.

Sporex Products Co., 2017 South Michigan Avenue, Chicago, Ill.
NDA 5–494, Sporex powder.

Sta-Dri Products Co., 147–47 Sixth Avenue, Whitestone, N.Y.
NDA 2–547, Sta-Dri lotion.

Standard Chemical Co., 1013–1017 High Street, Des Moines, Iowa.
NDA's:
0–433, Magnesium hydroxide tablets.
0–434, Carminative solution containing: cinnamon oil, clove oil, peppermint oil, and anise oil.
0–559, Stanex Balm ointment.
0–582, Nicotinic acid tablets 25 mg.
0–794, Allantocaine ointment.
0–795, Bile Salts compound tablets.
1–388, Carbromal #602 tablets.
1–880, Pep-Skin solution.
2–166, Sulfapyridine tablets 7.5 gr.
2–167, Thlamine chloride elixir.
2–305, Pectos Rx 3 liquid.
2–306, Aminophylline tablets 1.5 gr.
2–307, Phena-Stan (Stanodyne Rx 1).
2–308, Phena-Stan w/codeine.
2–393, Beta-Stan Syrup.
2–394, Vita-Stan liquid.
2–461, Digitalis powder capsules 1.5 gr.
3–118, Pentibarbital sodium capsules ¾ & 1½ gr.
3–209, Aquadrine wafers.
3–539, Sulfathiazole tablets 7.5 gr.
3–688, B-G tablets.
3–689, Mercaseptic solution.
3–762, Estrogenic substance inj. 1000, 2000, 10000 IU/cc.
4–639, Sulfathiazole ointment 5%.
5–101, Sulfanilamide ointment 5%.
3–117, Bellaphen tablets.
3–592, B-Complex elixir.
3–593, B-Complex syrup.

Standard Chemical & Mineral Corp., 332 South Michigan Avenue, Chicago, Ill.
NDA's:
0–429, Prolarmon rectal jel.
0–430, Jeltone Jel.
0–431, Prolarmon liquid.
0–432, Prolarmon jel.

Standard Drug Co., Cleveland, Ohio.
NDA 7–160, Antihistamine tablets 25 mg.

Standard Pharmacal Co., 847 West Jackson Boulevard, Chicago, Ill.
NDA's:
1–426, Calsamate solution.
7–106, Somnite Relaxant tablets.

Standard Pharmacal Co., 1300 Abbott Drive, Elgin, Ill.
NDA 9–836, Reserpine Alkaloid tablets, 0.25 mg.

Standard Products Co., Charleston, W. Va.
NDA's:
1–268, Silatrobarb tablets.
1–431, Tonik Tyme elixir.

Stansbury Chemical Co., 1929 Aurora Avenue, Seattle, Wash.
NDA 7–209, Selrodo antihistamine tablets, 25 mg.

Starer, Betty G., 1730 E Street, Washington, D.C.
NDA's:
2–432, Betty Tusts Goodwill compound liquid.
4–247, Betty and Leon Goodwill compound syrup.

Starr Manufacturing Co., Petersburg, Va.
NDA 7–715, Histab tablets.

State Sales Co., 145 Weber Avenue, North Canton, Ohio.
NDA's:
1–876, Kozak medicines special formula A tablets.
1–877, Kozak medicines special formula B tablets.
1–878, Kozak medicines special formula C tablets.
1–879, Kozak medicines special formula D tablets.

Stayner Corp., 2531 Ninth Street, Berkeley, Calif.
NDA 7 257, Pyranisamine maleate tablets 25 mg.

Steifel Labs., Inc., Route 145, Durham, N.Y.
NDA 10–777, Metashal (Colorado Shale oil) ointment and lotion.

Stein & Co., Carlos, 806 Augusta Street, San Antonio, Tex.
NDA's:
1–508, Syrup of garlic Stein.
1–510, Urolizine granules.
1–511, Stein stomachal elixir.
1–512. Neodumol Stein Syrup (Neopulmol).
1–513, Analgesic Balm Stein ointment.
1–514, Stein Hemoglobin & Iron peptonate syrup.
1–515, Stein Vaginal ovules 2 strengths.
1–516, Vaginal ovules Stein suppositories 2 strengths.
1–517, Vaginal ovules Belladonna suppositories.
1–520, Lubricol liquid.
1–522, Malcodon liquid.
1–523, Malcodon w/Creosoye & Guaiacol liquid.
1–525, Yodosalicol injection.
1–527, Ergovitam drops.
1–528, Ergovitam capsules.
1–529, Collyrium drops.

Steinecke, Henry Louis, 3626 Woodland Avenue, Kansas City, Mo.
NDA 1–595, Apex Salve.

Stevens, F. B., 2777 Lancashire Road, Cleveland Heights, Ohio.
NDA 1–254, Sani-Soles.

Stewart Co., A. Collins, 251 Mill Street, Newtonville, Mass.
NDA 0–295, Claranol ointment and soap.

Stillco Labs., 1677 10th Way, Post Office Box 991, Sarasota, Fla.
NDA 9-811, Tensin 0.1 and Tensin 0.25 tablets.
Stolberg Labs., 667 Madison Avenue, New York, N.Y.
NDA's:
1-631, Apydol capsules.
1-853, Senafol.
Straub and Co.; W. F., Chicago, Ill.
4-774, Diethylstilbestrol powder batch.
5-187, Water soluble vitamin K3 batch.
5-622, Forbestrin injection.
Strax Manufacturing Co., 168 Fifth Street, Oakland, Calif.
NDA 2-193, Strax liquid.
Stuart Co./Division Atlas Chemical Industries, Inc., 3360 East Foothill Boulevard, Pasadena, Calif.
NDA 9-019, Achlorohydria Diagnostic Aid.
Studebaker Labs., Inc., L. H., 301-303 East 11th Street, Erie, Pa.
NDA 10-196, Serexal tablets #0.1, 0.25, 0.5, 1, 2, 3, 4, 5.
Success Chemical Co., Inc., 800 Hinsdale Street, Brooklyn, N.Y.
NDA's:
9-279, Rauwolfia Serpentina tablets 50 and 100 mg.
9-403, Cortisone acetate tablets.
9-578, Hydrocortisone ointment 1 and 2½%.
9-611, Rauwolfia-Veratrum virides, tablets.
9-629, Reserpine tablets.
10-192, Reserpine elixir 0.25 mg/5cc.
11-479, Trim-N-Slim capsules.
Sulfazole, Inc., North Avenue and Washington Street, Baltimore, Md.
NDA 4-248, Sulfazole ointment, 5%.
Supreme Labs. (Knox All Labs.), Kansas City, Mo.
NDA 1-608, Supreme formula liquid (Knox All Liquid).
Surface Chemicals Inc., McKee's Rocks, Pa.
NDA 6-612, Surfacide lotion.
Sutliff & Case Co., Inc., 291 Spring Street, Post Office Box 838, Peoria, Ill.
NDA's:
0-368, Private formula #6641 tablets containing: Belladonna, mag. oxide, calcium carbonate and others.
0-856, Iron Sulfate, thiamine compound tablets.
0-916, Private formula #6647 tablets containing: phenobarbital, hyosciamus, valerian and others.
1-165, Potassium chloride tablets 5 gr.
1-975, Quinidine sulfate tablets 3 gr.
2-134, Elixir Thiamine chloride.
2-164, Solution morphine sulfate inj. ¼ gr./cc.
2-165, Phenylmercuric nitrate ointment.
2-190, Sulpyride tablets 7.7 gr.
2-312, Terpin Hydrate-Codeine-Creosote elixir.
2-486, Lixir-B elixir.
2-801, Cervo Syrup.
3-116, Wintergreen-Camphor compound liquid.
3-171, Cervo with morphine liquid.
3-172, Cervo with codeine liquid.
3-250, Cero Green solution.
3-292, Aspirin-Dover-Phenacetin compound tablets.
3-348, Cervo/Codeine liquid.
3-349, Cervo/morphine liquid.
3-698, Blood Thiocyanate test set solution.
3-797, Vitamin B complex w/thiamine and riboflavin syrup.
3-828, Dicalate compound powder.
3-898, Potassium thiocyanate tablets 1½ gr.
3-923, Salicylate-Iodide compound w/ gelsemium-cimicifugh tablets.
3-940, Potassium thiocyanate ECT 3 gr.
4-002, Sulfathiazole tablets 7.7 gr. (sugar coated).
4-110, Sulfanilamide powder.
3-365, Sodium Pentobarbital capsules 1½ gr.
3-541, Maginal tablets.
Swamp and Dixie Labs, Fort Smith, Ark., or Tulsa, Okla.
NDA 0-971, Dixie Powder.
Swann and Co., Birmingham, Ala.
NDA's:
0-714, Acet-Phenetidin batch.
0-715, Acetanilide batch.
0-966, Acetylsalicylic Acid USP batch.
Syntam Labs, 46-30 27th Street, Long Island City, N.Y.
NDA 6-451, Chlorguanide HCl tablets.
Syntex Chemical Co. (Labs), 701 Welch Road, Palo Alto, Calif.
NDA 10-125, Reserpine tablets 0.1, 0.25, 0.5, 1.0, 5.0 mg.
Taco Products (Out of business), Wichita, Kans.
NDA's:
1-495, Tacorub Ointment.
2-196, NOVE PAS.
2-570, Noral Drops.
2-571, Aurevin liquid.
2-572, Sevital liquid.
Taiber, Edwin E., Taiber's Retail Drug Store, 152 Main Street, Freeport, N.Y.
NDA 0-304, Ammonipica liquid.
Tailby-Nason Co., 49 Amherst Street, Boston, Mass. (NOTE: Address listed also as 49 Amherst Street, Cambridge, Mass.).
NDA's:
2-772, Bilagog Tablets.
3-477, Calbital Tablets.
3-894, Tablets Vitaliv.
4-031, Tablets Sulfanilamide & Sodium Bicorbonate.
4-399, Tablets Vits (Listed Under Cambridge Address).
Takamine Labs., 192 Arlington Avenue, Clifton, N.J.
NDA's:
1-455, Incotin ointment.
1-811, Olithol capsules.
3-784, Carbocaine cream.
Takoma Drug Co., 7113 Poplar Avenue, Takoma Park, Md.
NDA 12-079, Pyrilamine Maleate capsules, 75 mg.
Taylor, James B., 814 Chandler Street, Danville, Ill.
NDA 4-307, Taylor's Diabetic Vegetables and Herbs powder.
Taylor, W. D., & Co., 1627 Carolina Avenue, Bessemer, Ala.
NDA's:
2-019, Kolex liquid.
2-020, Kolex Penetrating salve.
Teeple and Hofferbert Inc., Baltimore, Md.
NDA 1-581, Meredyne liquid.
Tepee Herb Co., Post Office Box 2284, Baton Rouge, La.
NDA 1-831, Cleansing Tea 3X (HART's 3X Tea).
Terris Co., Inc., E. S., 1225 Park Avenue, New York, N.Y.
NDA 3-043, Drizon Ointment.
Testagar Labs, Fellows Medical Manufacturing Co., 1354 West Lafayette Boulevard, Detroit, Mich.
NDA 2-051, Sulfanilamide tablets.
Tested Products Co., TNF Rexall Drug Co., 8480 Beverly Boulevard, Los Angeles, Calif.
NDA 4-370, Salitex ECT.
Tetley-Wessinger Co., 623 F Street NW., Washington, D.C.
NDA 4-566, Vita-Port Liquid.
Thayer Chemical Co., 302 Main Street, Greenwood, S.C.
NDA's:
2-757, Thayer's External lotion.
2-758, Calcium Gluconate solution.
2-759, Thayer's Gargle.
2-760, Thayer's Antiseptic dressing.
Therapy Ltd., Pasadena, Calif.
NDA 1-116, Theracol Wafers.
Thilo and Co., Dr., Mainz, Germany.
NDA 0-786, Eupragin injection.
Thomas, W. J. (M.D.), 1140 Lake Street, Oak Park, Ill.
NDA 3-163, Namron Inhaler.
Thomason Co., J. I., 612 Park Avenue, Greensboro, N.C.
NDA 4-053, Foot-Sarge Cream.
Thompson, Basil (M.D.), 5275 Lee Highway, Arlington, Va.
NDA 5-758, Thricidiazole liquid.
Thompson, I. S., 835 Poplar Avenue, Memphis, Tenn.
NDA 3-985, Ferogran Syrup.
Thompson, Wm. T., 2727 Hyperion Avenue, Los Angeles, Calif.
NDA 5-188, PABA tablets 100 mg.
Thorenson, Carroll A., 1148 Commonwealth Avenue, Boston, Mass.
NDA 3-667, Tronisidine liquid.
Thrasa Oil Co., 1210 C Street, Bellingham, Wash.
NDA 0-065, Thrasa Oil liquid.
Toivonen Suloe, 5 South 63d Avenue West, Duluth, Minn.
NDA 0-348, Ver-Pu Salts Solution.
Tonalex Co., Attention: C. P. Porter, Stella, Mo.
NDA 1-193, Tonalex liquid.
Toto-Seltzer Co., 708 South Lorraine Road, Los Angeles, Calif.
NDA 1-465, Toto-Seltzer tablets.
Tracerlab Inc., Boston, Mass. or Berkeley, Calif.
NDA 10-103, Radioactive Iodine-131 liquid.
Tracy, Ella, Route 1, Bismarck, Mo.
NDA 0-608, Tracy's Cough and Cold Remedy.
Trade Labs., Inc., 320 Market Street, Newark, N.J.
NDA's:
0-494, Tween Toes Powder.
1-204, TL Ointment for Superficial burns.
Treemond Co., 180 Montague Street, Brooklyn, N.Y.
NDA's:
2-715, Estrogenic substance.
2-949, Nicotinic Acid Dietamide batch.
Tri-Mee Labs, 2525 West Wilcox Street, Chicago, Ill.
NDA 2-637, Tri-Mee Ointment.
Trinity Pharmacal, 301 North Market Street, Dallas, Tex.
NDA 3-341, Trinsix liquid.
Tri-Noid Co., 161 East Utica Street, Buffalo, N.Y.
NDA 3-776, Tri-Noid's Syrup.
Tropical Products, Inc., Colton, Calif. or Chicago, Ill.
NDA 1-982, Sinalga liniment ointment.
True Aloe Products Co., 5700 Southwest Red Road, Miami, Fla.
NDA's:
5-752, True Aloe liquid lotion.
6-066, Aloe Vera Ointment.
Truesdale Co., Inc., 160 East 56th Street, New York, N.Y.
NDA 0-096, BA-AL suspension (Diagnostic Barium suspension).
Tulane Labs., Inc., Balter Building, New Orleans, La.
NDA 3-107, Tulane's Alkaline Gargle Mouthwash.
Turner Pharmacal Co., 6 Renuart Arcade, Coral Gables, Fla.
NDA 0-457, No-Tani tablets.
Tutag & Co., S. J., 19180 Mount Elliott Avenue, Detroit, Mich.
NDA's: 10-411, Rauloydin Reserpine inj. 5 mg/cc.
Tiebolaget Kabi, A.K. (Sweden)/Tuteur Biochems, Inc., Agent, 60 Wall Street, New York, N.Y.
NDA 12-781, Meprobamate tablets 400 mg.
Tyson & Co., Inc., 133 North Poplar Street, Paris, Tenn.

NDA's:
3–078, Tyson's Best Medicated Mutton Suet Compound Salve.
3–080, Clearo vaporizing nose and throat drops.
3–082, Rubease Senior Liniment liquid.
3–084, Ladainty Medicated Pomade and Scalp massage ointment.
4–329, On The Spot Household Salve.

Ulmer Pharmacal Co., 1400 Harmon Place, Minneapolis, Minn.
NDA's:
0–497, Ulmer Antiseptic baby oil.
0–496, Vita-Sol-E capsules.
0–974, Nyrel cream.
0–980, Mamlene ointment.
2–453, Novak's solution.
3–075, Sulfanilamide and sodium bicarbonate tablets.
9–003, Neo-Pyraper.
10–161, Banasil tablets 0.25 and 1.0 mg.

Ulrich, W. E., 16 Cleveburn Place, Buffalo, N.Y.
NDA 1–755, Double-Tee athletes foot remedy liquid.

The Ulrici Medicine Co., Inc., New York, N.Y.
NDA 679, Cregen.

Union Pharmaceutical Co., Inc.—Division Schering Corp., 60 Orange Street, Bloomfield, N.J.
NDA 7–631, Inhiston lotion with prepared neocalamine.

Union Starch & Refining Co., Edinburg, Ind.
or
Granite City, Ill.
St. Louis, Mo.
or
Columbus, Ind.
NDA 2–554, Beheparon capsules.

United Drug Co., Boston, Mass.
or
St. Louis, Mo.
NDA's:
0–157, Synthetic Vitamin B_1 tablets 100, 300, 1,000 IU/tab.
2–144, Sulfapyridine tablets 7.7 gr.
3–399, Sulfathiazole tablets 3.85 and 7.7 gr.
3–790, U.D. Estrogenic substance 1*M*, 2*M*, 4*M* IU/Cap and 2*M*, 10*M* IU/cc inj.
4–598, Menadione tablets 1 mg.
4–609, Stilbestrol tablets 0.1, 0.25, 0.5, 1.0 mg./tab.

United Labs., 333 South Fair Oaks Avenue, Pasadena, Calif.
NDA's:
1–117, Dicalcium phosphate w/vitamins A and D, and dextrose, tablets.
2–633, Vitamin-Mineral compound tablets.
7–932, Actrope tablets.
7–344, Paramicylate tablets 0.5 Gm.

United Research Labs., Inc., 4629 Adams Avenue, Philadelphia, Pa.
NDA 8–265, ACTH inj. 20 U/cc and 25, 40, 50 U/vial.

Universal Distributors, 1521 Hedding Street, San Jose, Calif.
NDA 1–746, Vitona.

University of Rochester Isotope Center, 260 Crittenden Boulevard, Rochester, N.Y.
NDA 9–724, Iodine-131 Oral Solution.

The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich.
NDA 11–084, Compressed tablets Prodox 25 mg. and 50 mg.

Urban, Bertha M., Ewing, Nebr.
NDA, 3–086, Lakota liquid.

Uz-It, Inc. (R. A. Jackson), 400 Edmunds Building, Washington, D.C.
NDA 0–816, Uz-It ointment.

Uz-One Chemical Corp., Burlington Hotel, Washington, D.C.
NDA 2–350, Uz-One ointment.

Vad Corp., 225 Broadway, New York, N.Y.
NDA 4–792, Vad Cream.

Valley Labs., 291 North Main Street, Spring Valley, N.Y.
NDA 0–190, Salicylic acid, potassium hydroxide, benzocaine salve.

Vandi, Jon, Box 1, Station B, Dayton, Ohio.
NDA's:
1–757, Weno.
2–984, Chec-O-Phan solution.

Van Pattern Pharmaceutical Co., 4450 Ravenswood Avenue, Chicago, Ill.
NDA's:
4–712, Stilbestrol ECT 0.1, 0.5, 1.0 mg.
5–727, Thyrobrom tablets.

Van-Tage Medicine Co., Inc., 1265 North Vermont Avenue, Los Angeles, Calif.
NDA 0–012, Van-Tage Medicine liquid.

Van Vlack, E. H., 1104 Eye Street, Eureka, Calif.
NDA 2–481, Van's Gas Go Powder.

Vecar Products, Carl Patting, 124 East Grantley Avenue, Elmhurst, Ill.
NDA 2–893, Vecar-Lax tablets.

Veltex Inc., 1811 First Avenue North, Birmingham, Ala.
NDA's:
3–143, Zulies toothache drops.
8–756, Zynafon tablets 50 and 100 mg.
9–736, Reserpine tablets 0.1, 0.25, 0.5, 1.0 mg.
9–867, Sirpinal brand of reserpine tablets 0.1, 0.25, 1.0 mg.
9–934, Rawpentina tablets 50 and 100 mg.

Verard Co., 119 West 227th Street, New York, N.Y.
NDA 1–504, Verard solution.

Verax Products Co., 116 Fourth Avenue, New York, N.Y.
NDA 5–251, Stilbestrol inj. 0.5 mg./cc.

Vestal Chemical Co., Division W. R. Grace, 4963 Manchester Avenue, St. Louis, Mo.
NDA 3–208, Vestal F-O Topical solution.

Veterans Chemical Co., 18 Joy Terrace, Methuen, Mass.
NDA 6–287, Licide Cream.

Vice Products Co., 415 West Scott Street, Chicago, Ill.
NDA's:
8–910, Mykron (good morning) Syrup.
4–118, VI-CO injection.
8–148, Ribolactin Vico solution.

Victor, Audrey (Miss), 12434 Cedar Road, Cleveland Heights, Ohio.
NDA's:
0–837, Victorub liquid compresses.
0–838, Victorub ointment.

Victoria Chemical Co., 1045 Stuyvesant Avenue, Union, N.J.
NDA's:
0–453, PAP tablets.
1–460, Ribe liquid.
1–762, Bret (Erb-Tonol).

Viniron Products Co., 237 Nassau Avenue, Brooklyn, N.Y.
NDA 2–316, Viniron w/manganese citrate elixir.

Virginia Medicine Co., 922 East 26th Street, Norfolk, Va.
NDA's:
0–534, Moses Tonic liquid.
0–535, Moses Expectorant syrup.

Vita-Fore Products Co., Inc., 9507 98th Street, Ozone Park, N.Y.
NDA 11–606, Slenda-Kaps.

Vitable Powder Co., Frank Suchanek, 1929 Blue Island Avenue, Chicago, Ill.
NDA 1–285, Vitable Powder.

Vita-Life Co., 2525 Southeast 41st Street, Portland, Oreg.
NDA 1–547, Crystal Springs Mineral Water Liquid.

Vitamin B Co., Munsey Building, Baltimore, Md.
NDA 3–921, B-Natural Vitamin B complex syrup (2 strengths).

Vitamin Beverage Corp., Foot of Van Dyke Street, Brooklyn, N.Y.
NDA 2–111, VV Concentrate solution.

Vita-Phates Inc., 2770 Broadway, New York, N.Y.
NDA 3–951, Vita-Phates Capsules.

Vodine Co., Chicago, Ill.
NDA's:
5–926, Solubase Ointment.
5–927, Vodine Iodine solubase ointment.
5–996, Vodust powder.
5–998, Vodisan Brand Hyclomane solusalve.

Voelker, Henry, 4430 North Washington Boulevard, Chicago, Ill.
NDA 1–483, Perfecto Rub ointment.

Vogel Labs., Main Street, Mohegan Lake, N.Y.
NDA's:
4–855, Sulfanila ointment, 5%.
4–856, Sulfathia ointment, 5%.
5–030, Emulsion sulfathiazole 5% sterilized.
5–031, Emulsion sulfathiazole 10% sterilized.
5–463, Phenyl cellosolve lotion.
8–367, Zirocarb lotion.

Wade Pharmacal—Division Van Sickle, 2115 59th Street, St. Louis, Mo.
NDA 1–056, Kool-Foot Cream and lotion.

Wagner, W. S., 6577 Orange Avenue, Long Beach, Calif.
NDA 0–548, W-Z Ear drops.

Walker Corp. & Co., Easthampton Place and Collingwood Avenue, Post Office Drawer 1320, Syracuse, N.Y.
NDA's:
0–700, Walcotone No. 2 liquid.
0–752, Walcosol liquid.
1–161, Walco-Jel Jel.
1–627, Chlorodrin solution.
2–476, Medex ointment.
2–487, C-B-O tablets.
2–657, Sedakof liquid.
3–755, Cebrogen tablets.
3–870, A-Dans tablets.

Walker-Hill Co., 665 West Washington Street, Chicago, Ill.
NDA's:
3–671, Walker-Hill Three Star Laxative solution.
3–681, Brandy Egg Tonic liquid.

O. W. Wall, Greensboro, N.C.
NDA 957, Wall's external Rub.

Wallace Labs./Carter Products, Half Acre Road, Cranburry, N.J.
NDA's:
4–759, Bactrazole ointment.
5–768, TCAP Fungicidal ointment.
5–770, TCAP Fungicidal Shampoo.
5–779, Intraderm TCAP solution.

Wallace & Tiernan Products, Inc., Belleville, N.J.
NDA's:
5–105, Sodium Tetradecyl.
5–584, Azochlorasul Suspension.

Waltman, Walter, 418 Cohannet Street, Taunton, Mass.
NDA 2–977, Senusol liquid.

Wampole, Henry K., 440 Fairmount Avenue, Philadelphia, Pa.
NDA 1–737, Wampole's laxative tablets.

Warner, William R., New York, N.Y.
NDA 3–500, Omni-Beta capsules.

Warren-Teed Products Co., 582 West Goodale Street, Columbus, Ohio.
NDA's:
3–517, Sulfathiazole tablets.
4–197, Stilbestrol compressed tablets, ECT, inj.
4–763, Epsilan tablets.
4–764, Epsilan inj.
4–821, Sulfathiazole ointment 5%.
4–822, Sulfathiazole ointment 10%.
5–830, Indosil solutions #248, 249, 250, 420.
3–393, Nico-Thian inj.
3–394, Nico-Beta tablets.

Warren, A. R., 1441 West Main Street, Oklahoma City, Okla.
NDA 1–352, Warren Red Dot lotion.

Watchung Labs., Bound Brook, N.J.
NDA's:
1-039, Time tablets.
1-387, Chex powder and tablets.
Wattman, Gussie, 187 Blake Avenue, Brooklyn, N.J.
NDA 4-596, Noble scalp lotion.
Wean, John I., Eustis, Fla.
NDA 0-043, Aldorine solution.
Weaver, R. Thor (M.D.), Dade City, Fla.
NDA 0-003, Result Antiseptic healing powder.
Weber, H. R., Route No. 3, Chambersburg, Pa.
NDA 0-032, Old Dr. Weber's cough syrup.
Webster, William A., 3580 Air Park Street, Post Office Box 18358, Memphis, Tenn.
NDA's:
7-214, Bonded brand antihistamine tablets.
7-701, Antihistamine compound tablets.
Weeks & Leo Co., 4000 100th Street NW., Des Moines, Iowa.
NDA's:
1-453, Aqueous nose drops (ephedrine sulfate).
2-300, Cold sore lotion.
Wells and Co., S. C., LeRoy, N.Y.
NDA 7-284, Covac tablets.
Wendt Britol Co., 1159 Dublin Road, Columbus, Ohio.
NDA 10-745, Wendatinic (Ferrous Fumarate) tablets.
Wertheim, Charles, Post Office Building, Denville, N.J.
NDA 5-165, Verex powder.
Wescott Labs (Synal Co.), Chicago, Ill.
NDA's:
0-465, Synal drops.
1-137, Vegalose.
West Disinfecting Co., Long Island City, N.Y.
NDA 9-254, Lan-O-Kleen soap.
Westbury Chemical Co., Inc., 405 Lexington Avenue, New York, N.Y.
NDA 6-056, Cerbolate solution.
Western Chemical Co., 802-824 Charles St., St. Joseph, Mo.
NDA 3-147, Pedatox solution.
Western Pharmacal Co., 121 West Commonwealth Avenue, Salt Lake City, Utah.
NDA's:
0-926, Fedrolin isotonic solution.
3-296, Potency B-Comp liquid.
Westgardes, Frank, 1326 Linden Avenue, Dayton, Ohio.
NDA 2-243, Wonder salve.
Weston Labs., 1003 Blanchard Street, Post Office Box 218, Ottawa, Ill.
NDA 0-927, Tob liquid.
West-Ward, Inc., 745 Eagle Avenue, New York, N.Y.
NDA's:
9-650 Rauwolfia serpentina tablets 50 and 100 mg.
10-166, Rauwolverate tablets.
11-697, Reserpine alkaloid tablets 0.10, 0.25, 0.5, 1.0 mg.
Westwood Pharmaceuticals, 468 De Witt Street, Buffalo, N.Y.
NDA's:
5-325, Westhiazole solution.
5-326, Westhiazole-ENT solution.
5-327, Westanilamide solution.
5-513, Westhiazole solution oph.
8-825, Proderma cream.
Wetzel, N. M. (Mrs.), 1717 Overton, Independence, Mo.
NDA 1-164, Nolafene ointment.
Wetzel and Co., O. E., 1217 South Denver, Tulsa, Okla.
NDA 1-016, Athletoe solution.
White, S. M., 2909 Gordon Road, Atlanta, Ga.
NDA 3-134, White's Foot comfort powder.
Whitecliff Labs., 211 First Street, Post Office Box C, Los Altos, Calif.
NDA 12-022, Formula #117 (propanolamine HCl 75 mg. capsules).
Whitmire Research Labs., 339 South Vandeventer, St. Louis, Mo.
NDA 6-468, Litoid lotion.
Whitney Co., 3240 Ellenda Avenue, Los Angeles, Calif.
NDA 4-472 Whitney's corn and callous salve.
Wiel Labs Inc., 5514 Myrtle Avenue, Ridgewood, New York City, N.Y
NDA 1-326, Dr. Wiel's Garlic pills.
Will Equipment Co., 1443 Stanford Avenue, St. Paul, Minn.
NDA 4-406, Colon Motility test (carmine capsules, 5 gr.).
Wilco Labs., 800 Clark Street, Chicago, Ill.
NDA 1-210, Purity brand prophylactic ointment (Saf-T-Way prophylactic ointment).
Wilhelmina Hemrich, 503 Melrose Avenue North, Seattle, Wash.
NDA 0-218, Wilhelmina's skin cream.
Wilkins, C. C. (M.D.), Tarpon Springs, Fla.
NDA 1-696, Dr. Wilkins Exodus liniment emulsion.
Williams, Allison W. (Deceased), Route 1, Columbus, Ga.
NDA 4-510, Best Buddy Foot powder.
Wilson Labs., Gilbert C., Post Office Box 818, Denton, Tex.
NDA 5-453, Nil A Medicated foot powder.
Wilson, G. W. (M.D.), 26 Dennison Avenue, Dayton, Ohio.
NDA 0-660, Wilson's King of All salves.
Windsor Chem Labs., Corp., Philadelphia, Pa.
NDA's:
0-308, Burdocol drops.
6-387, Mede-X antiseptic cream.
Wink Labs., 309 Elm Street, Lumberton, N.C.
NDA 3-673, Wink Headache powder.
Wintersmith Chemical Co., 649 West Hill Street, Louisville, Ky.
NDA 7-304, Pyrilamine maleate tablets, 25 mg.
Wisconsin Pharm. Co., 217 North Water Street, Milwaukee, Wis.
NDA 12-143, Consin tablets (carbetapentane citrate).
Wood Co., W. H., 16 Main Street, South Hadley Falls, Mass.
NDA 0-722, Fleet Food powder.
Woodruff, J. E., 8 West Lincoln Street, Buckhannon, W. Va.
NDA 3-149, KI liquid.
World's Products Co., 1100 Waterway Boulevard, Indianapolis, Ind.
NDA 7-167, Laymons Antihistamine tablets.
Wray, Everest, 115 West Minneapolis, Salina, Kans.
NDA 1-167, Wray's liniment liquid.
Wright & Lawrence, (Peau Seche Sales, Inc), 14 North Michigan Avenue, Chicago, Ill.
NDA 6-088, Hyanilid ointment.
Wyoming Herb Lab, Casper, Wyo.
NDA 1-217, Special M liquid.
X B A Chem Co., Lexington, N.C.
NDA 3-260, XBA Foot and body powder.
Yanceys Lab., 301 Wheat Building, Fort Worth, Tex.
NDA's:
1-843, HBP solution.
1-844, Dr. Yancey's compound solution.
1-845, Six-X solution.
1-846, Dr. Yancey's nose drops.
Yarbrough Drug Co., Post Office Box 1987, Dallas, Tex.
NDA 2-347, Yarkreme.
Yellow Pine Products Co., Montgomery, Ala.
NDA 3-419, Pinolene liquid.
Yordon, Reginal A., G.P.O. Box 574, New York, N.Y.
NDA 0-833, Anal ointment.
Yorktown Products Corp., 420 Lexington Avenue, % Box 272, Grand Central Station, New York, N.Y.
NDA 9-575, Exul tablets.
Youngs Rubber Corp., 145 Hudson Street, New York, N.Y.
NDA's:
0-712, NU-Venol ointment.
1-575 NU-Veen ointment.
2-682, Trojan lubricant jel.
Zeller, Joseph, Bronx, N.Y.
NDA 2-240, Mas solution.
Zemmer Co., 231 Hulton Road, Oakmont, Pa.
NDA's:
0-529, Potachlori-Zem tablets.
3-680, Zem-Strogen inj. 2,000, 5,000, 10,000 IU/cc.
Zerbst Pharm Co., St. Joseph, Mo.
NDA 8-123, Zerb-O-Hist tablets.
Ziegler Pharmacal Co., 484 Delaware Avenue, Buffalo, N.Y.
NDA's:
3-417, Kavita tablets 1 mg.
3-609, Sulfapyridine tablets 7.7 gr.
3-610, Sulfathiazole tablets 7.7 gr.
4-558, Stilbestrol tablets 1 mg.
10-266, Rauwolfia Serpentina tablets 50 mg.
10-587, Cowlserpa tablets 0.25 mg.
Zin-O-Pix Co., Box 204, Lees Summit, Mo.
NDA 2-493, Quitz ointment.

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

Dated: June 29, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-9292; Filed, July 23, 1970; 8:45 a.m.]

[DESI 0175V]

CERTAIN FEED PREMIXES CONTAINING MANGANESE BACITRACIN AND OTHER DRUGS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Roche Chemical Division, Hoffmann-La Roche Inc., Nutley, N.J. 07110:

1. Medicated Swine Premix "H" 12139; each pound contains 1.0 gram of bacitracin (from manganese bacitracin) and 1.2 grams of hygromycin B (1,200,000 units).

2. Custom Swine Premix; each pound contains 1.5 grams of bacitracin (from manganese bacitracin) and 0.3 gram of penicillin (equivalent to 0.5 gram of procaine penicillin per pound).

3. Special Turkey Grow Premix; each ton contains 1,500 grams of bacitracin (from manganese bacitracin) and 180 grams of penicillin (equivalent to 300 grams of procaine penicillin per ton).

4. Turkey Starter; each ton contains 1,000 grams of bacitracin (from manganese bacitracin) and 240 grams of penicillin (equivalent to 400 grams of procaine penicillin per ton).

5. Custom Mix W C 3; each pound contains 0.25 gram of bacitracin (from manganese bacitracin), 5.7 grams of ethoxyquin, and 0.15 gram of penicillin (equivalent to 0.25 gram procaine penicillin per pound).

6. Antibiotic Premix; each pound contains 3.0 grams of bacitracin (from manganese bacitracin) and 0.6 gram of penicillin (equivalent to 1.0 gram of procaine penicillin per pound).

7. Hog Grower-Finisher Premix 7251; each pound contains 1.5 grams of bacitracin (from manganese bacitracin) and

0.5 gram of penicillin (equivalent to 0.834 gram of procaine penicillin per pound).

8. Turkey Starter Premix No. 4076; each pound contains 1.0 gram of bacitracin (from manganese bacitracin) and 0.24 gram of penicillin (equivalent to 0.4 gram of procaine penicillin per pound).

9. Special Swine Premix; each pound contains 2.0 grams of bacitracin (from manganese bacitracin) and 1.2 grams of penicillin (equivalent to 2.0 grams of procaine penicillin per pound).

10. Turkey Grower Finisher; each ton contains 1,000 grams of bacitracin (from manganese bacitracin) and 240 grams of penicillin (equivalent to 400 grams for procaine penicillin per ton).

11. Ark-La Layer Breeder Premix; each pound contains 1.0 gram of bacitracin (from manganese bacitracin) and 0.24 gram of procaine penicillin (equivalent to 0.4 gram of procaine penicillin per pound).

12. P.G.C. Prime Broiler Premix Starter Finisher No. 2800 Medicated; each pound contains 1.0 gram bacitracin (from manganese bacitracin), 0.24 gram penicillin (equivalent to 0.4 gram of procaine penicillin per pound), and 1.98 percent 3-nitro-4-hydroxyphenylarsonic acid.

13. Swine Premix No. 11136; each pound contains 1.5 grams of bacitracin (from manganese bacitracin) and 0.6 gram of penicillin (equivalent to 1.0 gram procaine penicillin per pound).

The Academy classified these preparations as probably effective for faster gains and/or improved feed efficiency. The Academy stated:

1. When using bacitracin alone, a minimum of 25 grams of bacitracin activity per ton of complete feed is necessary for improving rate of gain and/or feed efficiency for poultry.

2. The references regarding swine growth are inadequate and more information is needed.

3. Hygromycin is effective for the control of infestations of large roundworms (*Ascaris*), nodular worms (*Oesophphagostomum*), and whip worms (*Trichuris*) in swine.

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

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

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

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

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

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

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

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

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

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

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

Dated: July 15, 1970.

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

[F.R. Doc. 70–9526; Filed, July 23, 1970; 8:45 a.m.]

[DESI 0070NV]

PENICILLIN-STREPTOMYCIN PREMIXES

Drugs for Veterinary Use; Drug Efficacy Study Implementation

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

1. Micro-Pen 15 and Streptomycin Sulfate 45 Mixture; each pound contains 9 grams penicillin (from procaine penicillin G) and 45 grams streptomycin (from streptomycin sulfate); by Elanco Products Co., a division of Eli Lilly and Co., Indianapolis, Ind. 46208.

2. Micro-Pen and Streptomycin Sulfate Mixture; each pound contains 3.75 grams penicillin (from procaine penicillin G) and 18.75 grams streptomycin (from streptomycin sulfate); by Elanco Products Co.

3. Micro-Pen 25 and Streptomycin Sulfate 75 Mixture; each pound contains 15 grams penicillin (from procaine penicillin G) and 75 grams streptomycin (from streptomycin sulfate); by Elanco Products Co.

4. Pro-Strep "20"; each pound contains 3 grams penicillin from procaine penicillin and 15 grams streptomycin (as streptomycin sulfate); by Merck Chemical Division, Merck & Co., Inc., Rahway, N.J. 07065.

5. Pro-Strep "60", Pro-Strep "60–M", and Pro-Strep "60–S"; each pound contains 9 grams penicillin from procaine penicillin and 45 grams streptomycin (as streptomycin sulfate); by Merck Chemical Division, Merck & Co., Inc.

6. Pro-Strep "100"; each pound contains 15 grams penicillin (from procaine penicillin) and 75 grams streptomycin (as streptomycin sulfate); by Merck Chemical Division, Merck & Co., Inc.

7. Streptomycin-Penicillin Premix 15+5; each pound contains 15 grams streptomycin (from streptomycin sulfate) plus 3 grams penicillin (equivalent to 5 grams procaine penicillin); by Chas. Pfizer & Co., Inc., Agricultural Division, 235 East 42d Street, New York, N.Y. 10017.

8. Streptomycin-Penicillin Premix 18.75+6.25; each pound contains 18.75 grams streptomycin (from streptomycin sulfate) plus 3.75 grams penicillin (equivalent to 6.25 grams procaine penicillin); by Chas. Pfizer & Co., Inc., Agricultural Division.

9. Streptomycin-Penicillin Premix 45+15; each pound contains 45 grams streptomycin (from streptomycin sulfate) plus 9 grams penicillin (equivalent to 15 grams procaine penicillin); by Chas. Pfizer & Co., Inc., Agricultural Division.

10. Streptomycin-Penicillin Premix 75+25; each pound contains 75 grams streptomycin (from streptomycin sulfate) plus 15 grams penicillin (equivalent to 25 grams procaine penicillin); by Chas. Pfizer & Co., Inc., Agricultural Division.

The Academy evaluated said preparations as: (1) Probably effective for increased average daily gain and/or feed efficiency; (2) probably not effective for the therapeutic claims; and (3) not effective for hexamitiasis.

The Academy stated:

1. Each disease claim should be properly qualified as to those diseases caused by pathogens sensitive to the activity of

procaine penicillin G and streptomycin sulfate.

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

3. Claims made regarding the prevention of disease should be deleted or as appropriate replaced with claims for the control of the disease.

4. Claims for growth promotion or stimulation should not be allowed and claims for faster gains and/or feed efficiency should be stated as "May result in faster gains and/or improved feed efficiency under appropriate conditions."

5. Claims for increased egg production and hatchability should be modified to read "May aid in maintaining egg production and hatchability, under appropriate conditions, by controlling pathogenic microorganisms."

6. The disease claims for streptomycin in these preparations must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacologic properties of streptomycin sulfate.

7. Blood level data are needed for use of penicillin and streptomycin at the recommended dosage levels.

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

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

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

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

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

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

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

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

Dated: July 15, 1970.

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

[F.R. Doc. 70–9527; Filed, July 23, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21957, 21958; Order 70–7–90]

ALLEGHENY AIRLINES, INC.

Order Denying Temporary Suspension and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1970.

On February 27, 1970, Allegheny Airlines, Inc. (Allegheny), filed an application[1] to delete Portsmouth, Ohio,[2] by amending segment 8 of route 97, from its certificate of public convenience and necessity.

On February 27, 1970, Allegheny filed an application,[3] requesting authority to suspend service temporarily at Portsmouth, Ohio, until 60 days after final Board decision on its application in Docket 21957.

In support of its application in Docket 21958, Allegheny alleges, inter alia, that Portsmouth has not generated sufficient passenger traffic to warrant the continuation of air service, having boarded fewer than five passengers per day consistently since inception of service; continuation of scheduled air service at Portsmouth in 1970 will produce a subsidy requirement of approximately $190,000; there is adequate surface transportation available to other nearby airports; and Allegheny has made every reasonable effort to develop traffic at Portsmouth through equipment improvements without any traffic response.

A joint answer in opposition to the application was filed by Scioto County, Ohio, the city of Portsmouth, Ohio, the city of New Boston, Ohio, and the Portsmouth Area Chamber of Commerce (Portsmouth parties), alleging, inter alia, that the suspension would harmfully affect the entire community; would not be in the public interest; the issues raised by Allegheny were disposed of in the Great Lakes Local-Service Investigation, 31 CAB 442; and that traffic has increased despite the discontinuance of N–262 service and poor scheduling by Allegheny. On April 20, 1970, the Portsmouth parties filed a motion for leave to file an unauthorized document[4] to which it attached a supplemental answer to Allegheny's suspension application, further alleging that the causes of traffic deficiency at Portsmouth were the deletion of Columbus as an on-segment point for Portsmouth,[5] the type of aircraft used by Lake Central, the poor scheduling, little advertising, many cancellations and overflights.

Allegheny filed a motion for leave to file an unauthorized reply,[6] in which it states that the issue of Portsmouth-Columbus service was disposed of 10 years ago in a formal proceeding in which it was found that the market had no traffic potential; the carrier has experimented with various service patterns at Portsmouth without success; and regarding fares at Portsmouth, traffic levels between Portsmouth and off-line points fall far short of the Board's recently established criteria for the construction of joint fares.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Allegheny's request for a temporary suspension of service and to set for hearing Allegheny's application to delete Portsmouth from its certificate.

We note that, in the absence of a replacement service, Portsmouth will, for the first time since 1957, be without air service. As indicated above, the community opposes Allegheny's suspension and we believe that under all the circumstances it is appropriate to consider, on an evidentiary record, Portsmouth's contentions that its low traffic generation has been the result of poor scheduling and lack of advertising and promotion by the carrier.

Accordingly, it is ordered, That:

1. The application of Allegheny Airlines, Inc., Docket 21958, be and it hereby is denied;

2. The application of Allegheny Airlines, Inc., in Docket 21957, be and it hereby is set for hearing at a time and place to be hereafter designated;

3. The motion of Scioto County, Ohio, city of Portsmouth, Ohio, city of New Boston, Ohio, and Portsmouth Area Chamber of Commerce for leave to file

[1] Docket 21957.

[2] Portsmouth, Ohio, is on the east-west segment 8 of its route 97. Portsmouth was added to route 88 of Lake Central Airlines, Inc., by the Board's decision of Nov. 8, 1956, in the City of Portsmouth Service Investigation, 24 CAB 28. The City has received scheduled air service continuously since approximately Feb. 1, 1957, first from Lake Central and later from Allegheny. The present service consists of two turnaround round trips to Cincinnati provided with CV–580 aircraft.

[3] Docket 21958.

[4] We shall grant the motion.

[5] Great Lakes Local Service Investigation, supra.

[6] We shall grant Allegheny's motion for leave to file an unauthorized document.

an unauthorized document, be and it hereby is granted;

4. The motion of Allegheny Airlines, Inc., for leave to file an unauthorized document, be and it hereby is granted; and

5. This order shall be served on the parties served with the foregoing applications.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-9557; Filed, July 23, 1970; 8:48 a.m.]

[Docket No. 20993; Order 70-7-83]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Issued under delegated authority July 17, 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement would amend an existing resolution governing weight and rental charges for stalls for the carriage of live animals within the Western Hemisphere. Whereas current charges are computed on a per-animal basis, the subject amendment proposes that in the case of transportation of cattle such charges would be assessed on a per-stall (or pen) basis, regardless of the number of cattle carried therein.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolution 100(Mail 846)508, incorporated in the above-described agreement, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 21836 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-9556; Filed, July 23, 1970; 8:48 a.m.]

[Docket No. 21770; Order 70-7-91]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority July 20, 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement would amend an existing IATA resolution governing North Atlantic 29/45-day round-trip excursion fares. For the most part, the amendments are nonsubstantive and are intended to clarify the combination and construction rules. For example, the revised language makes clear that one-half of the round-trip excursion fare may not be used to construct other types of round or circle trip fares. In addition, for travel between the United States and the Middle East (except Israel), the agreement would permit five stopovers, including the point of turnaround, as compared with the two stopovers now permitted.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolutions JT12 (Mail 744)071d and JT123(Mail 646) 071d, which are incorporated in Agreement CAB 21854 are adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 21854 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-9558; Filed, July 23, 1970; 8:48 a.m.]

[Docket No. 20993; Order 70-7-92]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 20, 1970.

By Order 70-7-10, dated July 1, 1970, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-7-10 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21753, R-10 through R-16, be and it hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-9559; Filed, July 23, 1970; 8:48 a.m.]

[Docket No. 17353]

REOPENED PACIFIC ISLANDS LOCAL SERVICE INVESTIGATION

Notice of Prehearing Conference

In accordance with the directive contained in the Board's Order 70-7-82, served July 17, 1970, notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 5, 1970, at 10 a.m., e.d.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

In order to facilitate the conduct of the conference, interested departments and agencies of the Government are instructed to submit to the examiner and the other parties, on or before July 31, 1970, a letter which in general sets forth the nature of the further views they wish to offer at the reopened hearing, as well as the evidence relevant to those views. Other parties may serve at the same time, if they so desire, a general statement of their position concerning the nature and scope of the reopened proceeding. All parties shall clearly separate in the preliminary submissions matters of fact requiring a further evidentiary presentation from matters of additional argument they wish to present.

Date at Washington, D.C., July 20, 1970.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 70-9554; Filed, July 23, 1970; 8:48 a.m.]

[Docket No. 22237]

WTC AIR FREIGHT AND W. R. KEATING & CO., INC.

Notice of Proposed Approval

Application of WTC Air Freight and W. R. Keating & Co., Inc., for approval of certain transactions under section 408 of the Federal Aviation Act of 1958, as amended, or for an exemption therefrom, and for other relief; Docket 22237.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 21, 1970.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority:

By application filed May 28, 1970, WTC Air Freight (WTC) requests an exemption from the provisions of section 408 of the Federal Aviation Act of 1958, as amended (the Act), or approval thereunder with respect to the acquisition of W. R. Keating and Co., Inc. (Keating).

WTC operates as a domestic and international air freight forwarder pursuant to Parts 296 and 297 of the Board's economic regulations. By Order 69–10–83, October 17, 1969, the Board approved the acquisition by WTC of Penson Freight Corp., which in turn controlled Penson Forwarding Corp. (Penson), a domestic and international air freight forwarder. Pursuant to a condition of Order 69–10–83, WTC surrendered to the Board its international operating authorization and now conducts only domestic operations in its own name and Penson surrendered its domestic authority and now conducts the international operations in its name.[1]

Keating engages in business as a customhouse broker under license from the U.S. Treasury Department and as an ocean freight forwarder under authority from the Federal Maritime Commission[2] and also holds authority as an IATA cargo sales agent.

In support of their requests the applicant states that the acquisition of Keating, which is not engaged in air freight forwarding, could not possibly result in any measurable adverse competitive impact on the remainder of the forwarding industry nor on anyone else, nor could it conceivably result in either WTC's or Penson's increasing its respective relative competitive positions in either the domestic or international air freight forwarding fields to such an extent that restraints on competition would result. They state that the control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, will not result in creating a monopoly or restrain competition and that exemption or approval thereof would be consistent with the public interest.

[1] See Order 69–11–111, Nov. 25, 1969.

[2] The FMC does not consider such forwarders to be common carriers.

No comments relative to the application have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the material contained in the application, it is concluded that Keating, by virtue of its being an IATA cargo agent, is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act and that the acquisition of Keating by WTC is subject to section 408(a)(6) thereof. However, it is further concluded that such control relationships do not affect the control of a direct air carrier, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[3] Consequently, it does not appear that the transaction would be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered, That:

1. The acquisition by WTC Air Freight of control of Keating, be and it hereby is approved pursuant to section 408 of the Act; and

2. To the extent not granted herein the application in Docket 22237 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–9555; Filed, July 23, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18791, 18792; FCC 70R–247]

WTAR RADIO–TV CORP. AND HAMPTON ROADS TELEVISION CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of WTAR Radio–TV Corp. (WTAR–TV), Norfolk, Va., for renewal of broadcast license, Docket No. 18791, File No. BRCT–54; Hampton Roads Television Corp., Norfolk, Va., for construction permit for new television broadcast station, Docket No. 18792, File No. BPCT–4281.

1. The mutually exclusive applications of WTAR Radio–TV Corp. (WTAR) for renewal of license of its television broadcast Station WTAR–TV, operating on Channel 13 in Norfolk, Va., and of Hampton Roads Television Corp. (Hampton Roads) for a construction permit to establish a new television broadcast station, operating on the same channel in Norfolk, were designated for hearing by order, FCC 70–97, 21 FCC 2d 234, released January 27, 1970. The Commission's designation order specified financial and air hazard issues as to the Hampton Roads application and a standard comparative issue. Presently before the Review Board is a petition to enlarge issues, filed February 16, 1970, by Hampton Roads seeking the addition of the following issues against WTAR: comparative ascertainment of community needs and comparative programing issues; a concentration of control issue; §§ 1.65, 1.615 and 73.636 issues; an anticompetitive or monopolistic practices issue; an issue relating to alleged suppression, distortion or misrepresentation of news or public affairs; an editorializing issue; an issue relating to alleged diminished competition in Norfolk in the gathering and dissemination of news; an issue relating to alleged reciprocal advantages enjoyed by WTAR over competing broadcasters; an issue relating to the alleged subsidiary nature of the operation of WTAR; an issue relating to alleged racial discrimination in hiring by the parent company of the licensee; and a conclusory issue to determine the requisite and/or comparative qualifications of the licensee in light of the evidence adduced under the requested issues.[1]

COMPARATIVE EFFORTS AND PROGRAMING

(REQUESTED ISSUES A AND B)

2. Conceding that the Commission, in the designation order, found both applicants to have satisfactorily complied with Suburban requirements, Hampton Roads insists that a careful review of the authorities cited by the Commission dictates a contrary conclusion in regard to the survey conducted by WTAR; therefore, Hampton Roads requests the addition of comparative efforts and comparative programing issues. Specifically, Hampton Roads directs its challenge against the four approaches utilized by WTAR to ascertain community needs: (1) The employment of a full-time Director of Community Relations, whose job is to confer with civic and community leaders (labeled by WTAR as section A

[3] See Order 70–5–19, May 5, 1970, WTC Air Freight, John H. Faunce, et al.

[1] Other related pleadings before the Board for consideration are: (a) opposition, filed Apr. 3, 1970, by WTAR; (b) comments, filed Apr. 17, 1970, by the Broadcast Bureau; and (c) reply, filed May 6, 1970, by Hampton Roads. In addition, Hampton Roads filed a supplement to its petition on Mar. 4, 1970, in further support of its requested §§ 1.65, 1.615 and 73.636 issues.

of Exhibit 1(2) of its Suburban showing); (2) a 25-man news staff, which plays a "vital role" in discovering the needs and interests of the community (section B); (3) the TideWTAR Council, a luncheon gathering through which the management of the station meets with civic and community leaders (section C); and (4) instructions to employees to listen for ideas, suggestions and criticisms and to report what they hear to their supervisors. Regarding WTAR's first method, Hampton Roads contends that few specific contacts with community leaders are shown to have been made by the Director of Community Relations and, in support of this contention, petitioner submits the affidavit of Wayne Lustig, a principal of Hampton Roads. Lustig states that, during a significant portion of the renewal period, the Director of Community Relations for WTAR failed to bring any suggestions, ideas, criticisms and/or recommendations to the attention of management which would contribute to community betterment or to improved programing and that his attendance at private meetings of the Norfolk City Council, stressed by WTAR in its application, did not provide the station's newsroom with any background information on these meetings. Furthermore, insists Hampton Roads, in light of Andy Valley Broadcasting System, 12 FCC 2d 3, 12 RR 2d 691 (1968), the implication by WTAR that the Director, because of his long, established residence in the area, is constantly aware of current community problems is unwarranted. Thus, concludes petitioner, although an impressive list of community leaders is set forth, section A is little more than a "description of past programing", and, in the absence of specific responses on community needs being attributed to those leaders, the renewal application is defective.

3. Supporting Hampton Roads' criticism of WTAR's second approach, Lustig states that at no time during the renewal period were member of the WTAR–TV news staff asked to bring to the attention of station management facts concerning the problems, needs and interests of the communities to which they were assigned; that there was no procedure initiated for filing such reports; and that the entire news staff never met for the purposes of discussing community needs and interests. Lustig also asserts that WTAR's statement that it had reporters assigned to each of the six cities of the Hampton Roads area is incorrect since no reporter was specifically assigned to the city of Portsmouth on a permanent basis and only one reporter was assigned to both Newport News and Hampton, Va. Again, petitioner points out that section B simply discusses past programing at great length and does not indicate which leaders or individuals responded to the "eyes and ears" of WTAR with specific community problems. Hampton Roads next takes issue with section C of WTAR's showing. Lustig supports this attack by noting that, during the period of October 1966, through August 1967, the Director of News and Public Affairs was present at only one luncheon meeting of the TideWTAR Council; that, prior to June 1969, these luncheons were infrequently held; and that any fruitful discussions which did occur at these luncheons were rarely translated into any meaningful program changes or adaptations. Thus, concludes Hampton Roads, section C is deficient for nowhere has WTAR described the purpose of these luncheons as a means of ascertaining community needs.[2] The validity of WTAR's fourth approach is also disputed by petitioner who asserts that WTAR has not explained how employees are supposed to ascertain community needs and has not demonstrated how this information is passed "up the line to top management." Moreover, Hampton Roads avers, section D, like all the others, is deficient for failing to list the community problems that were supposedly elicited and for failing to identify the community leaders involved. In summary, Hampton Roads urges that WTAR's survey pays only lip service to the Commission's Suburban requirements: there is no showing that WTAR was aware of the demographic makeup of the community; few, if any, community needs are shown to have been indicated by specific community leaders; a survey of the general public has not been made; and, as a result of such deficiencies, WTAR has not been able to meet the requirement of listing all ascertained community problems.

4. Hampton Roads then turns to its own approach for ascertaining the needs and problems of the community to be served and avers that its surveys were performed in accordance with Commission requirements. In this regard, petitioner notes that: (1) Personal and telephone interviews and a mail survey of the general public, geographically dispersed throughout the service area, were conducted, with attention given to obtaining interviews from segments of the population according to age, race, income level, and sex in order to obtain a valid and meaningful cross-section; (2) 350 community leaders, selected from diverse fields of interest, were interviewed in person or by telephone; and (3) questionnaires were completed for all interviews and, together with a complete list of all community problems elicited, were filed with its application. In view of its careful and exhaustive survey, Hampton Roads concludes that it is entitled to a comparative preference over the "slipped, inept and cavalier approach of WTAR." Furthermore, asserts Hampton Roads, since, unlike WTAR, it has laid a firm foundation on which to base comprehensive programing directly related and responsive to the needs of the community, it should also receive a comparative preference on the basis of its superior programing proposal.

5. WTAR opposes Hampton Roads' request for these comparative issues on both procedural and substantive grounds. First, WTAR charges that Hampton Roads' request is procedurally defective for petitioner is, in reality, seeking reconsideration of the Commission's designation order. WTAR further insists that it is beyond the Board's authority to grant the relief requested here, where the record clearly shows the Commission's thorough consideration of the particular questions involved and where the petitioner has brought forth no new facts or circumstances to warrant such consideration. WTAR then contends that Hampton Roads' criticisms are without substantive merit. It stresses that no method of ascertainment, viewed separately, is designed to satisfy Commission standards and that its four methods are to be considered as simultaneous approaches which would complement each other.[3] Relying on the Commission's Proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, 20 FCC 2d 880 (1969), WTAR asserts that it is not required to set forth the demographic composition of the community since it has shown consultations with leaders of groups and organizations which constitute a cross-section of an average community and since this is prima facie proof that those individuals consulted are of a representative range. WTAR maintains that it has fully complied with this suburban requirement and that Hampton Roads has failed to show that the particular community differs from the average. Finally, WTAR insists that it has fully complied with the requirements of City of Camden (WCAM), 18 FCC 2d 412, 16 RR 2d 555 (1969), by listing "key" community needs and problems, and that it has responded with programing to meet ascertained community needs. Thus, concludes WTAR, since Hampton Roads' requests are procedurally and substantively defective, they must be denied.

6. The Broadcast Bureau opposes Hampton Roads' requests for the addition of comparative efforts and programing issues solely on procedural grounds. The Bureau initially asserts that the petition is, in fact, a petition for reconsideration and that grant of petitioner's requests would result in the Board's reversal of an explicit determination of the Commission that each applicant herein has satisfactorily complied with Suburban requirements. The Bureau's second objection is based on Atlantic Broadcasting Co., 5 FCC 2d 717, 8 RR 2d 991 (1966), which requires the Review Board, in the absence of new facts and circumstances, to accept the Commission's judgment in its designation order as the law of the case; a step-by-step analysis by the Commission is not necessary, asserts the Bureau, where, as here, the language of the designation order makes it plain that the Commission's consideration of the Suburban showing of each applicant has been deliberate and thorough. Thus, in

[2] Hampton Roads contends that WTAR has elicited only five items that might possibly be viewed as community problems.

[3] WTAR also disputes Hampton Roads' factual support for its requested issues. For example, the licensee points out that the minutes of the luncheon meetings clearly show that their purpose is to permit WTAR to better ascertain the needs of the community.

view of these procedural defects, the Bureau urges that petitioner's request be denied.

7. In reply, Hampton Roads challenges the procedural objections interposed by WTAR and the Bureau against the Board's assumption of jurisdiction over the request to enlarge issues. Petitioner asserts that the designation order contains no reasoned analysis with respect to the merits of the particular matters in question here; therefore, it insists that the Review Board undertake such an analysis and rule on the merits of the petition. As to WTAR's assertion that if an applicant shows consultations with leaders of groups and organizations which constitute a cross-section of an average community, it is prima facie proof that the individuals consulted are of a representative range, Hampton Roads contends that WTAR has failed to show "what leaders and what groups made up the cross-section of the community they are supposed to serve." [4] Moreover, a demographic study is necessary to determine the composition of the community because, petitioner urges, it cannot be presumed that the needs of a specific community for programing are the same as other communities. Hampton Roads further points out that WTAR has admittedly failed to list all significant suggestions received and that, instead, it has listed only 11 community needs with no indication whatsoever as to how they were ascertained. In conclusion, Hampton Roads insists that WTAR's four survey approaches, collectively, fall far short of reaching established standards for the ascertainment of community needs and for the provision of programing responsive thereto, and that, therefore, the Review Board can and should analyze these claims of Hampton Roads.

8. The Review Board is of the opinion that Hampton Roads has correctly styled its instant request as a petition to enlarge issues. Its request, in effect, does not ask us to reconsider what the Commission has already decided, but asks us to consider a different question, i.e., whether the ascertainment efforts and proposed programing of the applicants differ so markedly that a comparative evaluation is warranted. Moreover, since the Commission's discussion in the designation order relates only to the applicants' satisfactory compliance with Suburban requirements and did not contain a reasoned analysis of the question before us now, we are required, in accordance with Atlantic Broadcasting Co., supra, to rule on the merits of the petition.[5] It is well established that, in order to justify the addition of a comparative efforts issue,[6] Hampton Roads must show that there exists a significant disparity between its efforts to ascertain community needs or problems and those of WTAR. See Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967). A review of the applicants' survey efforts does raise a substantial question as to a significant disparity in the quality and quantity of their respective efforts, sufficient to warrant the addition of the requested comparative issue. Cf. Voice of Dixie, Inc., 20 FCC 2d 869, 17 RR 2d 1199 (1969). For example, Hampton Roads points to its extensive surveys of community leaders and the general listening public and includes as part of its Suburban showing the results of 100 personal interviews, 300 telephone interviews and 425 responses to a mail survey of the general listening public and some 350 interviews with community leaders. Petitioner also submits a complete list of all community needs and problems ascertained from its surveys,[7] with a thorough evaluation of the results. On the other hand, WTAR's Suburban showing indicates that an evidentiary inquiry may well establish significant differences in the efforts put forth by each applicant: Fewer individuals (predominantly community leaders) were contacted by WTAR; there appears to be no showing of the range of groups comprising the licensee's service area; and WTAR does not indicate the source of its ascertained community needs. See Orange County Broadcasting Co., 15 FCC 2d 802, 15 RR 2d 115 (1968); Regal Broadcasting Corp., 14 FCC 2d 849, 14 RR 2d 411 (1968). Notwithstanding our disposition to add a comparative efforts issue, we cannot conclude that petitioner has presented sufficient factual allegations to justify the specifications of a comparative programing issue. Hampton Roads has failed to show that there are significant differences in the programing proposed by the applicants and has not related claimed superiority in program planning to its ascertainment of community needs. Chapman Radio and Television Co., supra. There are no specific allegations by Hampton Roads that its proposed programing demonstrates a superior devotion to public service or an unusual attention to local community matters, and there is no showing that the slight differences in program plans of the applicants are anything more than differences in judgment. Voice of Dixie, Inc., supra; Policy Statement on Comparative Broadcast Hearings, 2 FCC 2d 393, 5 RR 2d 1901 (1965). In fact, petitioner narrowly confines itself to a continued attack on WTAR's survey efforts in order to demonstrate the renewal applicant's alleged failure to program in response to ascertained community needs. Under these circumstances, the request for a comparative programing issue will be denied.

CONCENTRATION OF CONTROL ISSUES

(REQUESTED ISSUE C)

9. Acknowledging that, under the Commission's Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, supra, the factor of diversification of ownership of mass media facilities would not ordinarily be an issue in the initial phase of renewal hearings, Hampton Roads nevertheless insists that the Policy Statement does not preclude the addition of a requisite qualification issue where particular facts showing undue concentration of control are alleged, citing Frontier Broadcasting Co., 21 FCC 2d 570, 18 RR 2d 521 (1970). In support of its allegation that the media interests of Landmark Communications, Inc. (Landmark), owner of WTAR, require the addition of a concentration of control issue, Hampton Roads details Landmark's broadcast interests and its other media facilities.[8] In Norfolk, Hampton Roads asserts that Landmark's ownership of the daily newspapers, the Virginian-Pilot and the Ledger-Star, of the only television station whose primary obligation is to serve Norfolk, of the dominant AM station and of a powerful FM station [9] represents an unacceptable concentration of control (citing Red Lion Broadcasting Co. v. FCC, 395 U.S. 367 (1969), and Associated Press v. U.S., 326 U.S. 1 (1945)).

10. In addition to its media holdings in Norfolk, Hampton Roads points out that Landmark has acquired the Times-World Corp., publisher of the only newspaper in Roanoke, Va., and that P. S. Huber, Jr., president and a director of

[4] Hampton Roads points out that the Primer, relied on by WTAR in its opposition, was not in existence at the time of filing of WTAR's renewal application and that it is still only a proposal.

[5] While we recognize that any comparative issue added pursuant to the instant petition may not be reached if the Examiner terminates the hearing at the initial stage in accordance with the Commission's Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 22 FCC 2d 424, 18 RR 2d 1901 (1970), we see no reason to delay consideration of the petitioner's request, especially since proceedings under the 1970 Policy Statement will not necessarily be bifurcated. See RKO General, Inc., FCC 70R-189, 19 RR 2d 164, released May 25, 1970.

[6] Much of the parties' arguments relate to WTAR's compliance with the Commission's Suburban requirements. Since the Commission has already determined that both applicants have satisfactorily complied with those requirements, that determination is not the subject of our discussion here. Rather, we are concerned only with whether there are significant differences in the applicants' survey efforts which would justify the requested issue.

[7] While we recognize that the Commission's proposed Primer does not require an applicant to list all community problems ascertained (as opposed to all significant community problems), the fact that Hampton Roads includes such a list in its application is a relevant factor in any determination about whether a comparative efforts issue is warranted here.

[8] Petitioner requests the Review Board to take official notice of the information concerning the various interests of Landmark from the files of the Commission, which information was contained in the statement of Commissioners Cox and Johnson dissenting from renewal of the broadcast licenses of stations in the District of Columbia, Maryland, Virginia, and West Virginia, released as an attachment to Commission news release No. 42255 of Dec. 31, 1969.

[9] The television and radio interests are owned by Landmark through its wholly owned subsidiary, WTAR.

Landmark and holder of about 25 percent of the stock of Landmark Securities, Inc. (Landmark Securities),[10] and Malcolm W. Hill and N. N. Hill, Jr., stockholders of Landmark Securities, each own in excess of 1 percent of the stock of Media General Corp., publisher of the only daily newspaper in Richmond and licensee of Stations WRNL–AM and FM in Richmond. On Maryland's eastern shore, Hampton Roads indicates that Landmark stockholders, W. S. Abell and M. J. Abell Powell, are more than 1 percent stockholders in the A. S. Abell Co., licensee of WMAR–TV and FM in Baltimore and WBOC–TV, AM and FM in Salisbury, and publisher of the Baltimore Sun. Petitioner also notes that WBOC–TV and WTAR–TV each serve approximately 89 percent of the homes in Accomack County.[11] In the States surrounding Virginia, Hampton Roads points out that Landmark owns both of the daily newspapers and the CBS–TV network affiliate in Greensboro, N.C., through its wholly owned subsidiary, the Greensboro News Co.,[12] and that it has CATV interests in Roanoke Rapids, N.C., just beyond the Grade B contour of WTAR, and in Princeton and Beckley, V. Va. Thus, given Landmark's extensive broadcast, newspaper and CATV interests in the Virginia-Maryland-North Carolina region, Hampton Roads asserts that it would not be in the public interest and would be inconsistent with the Supreme Court's declarations in Red Lion and Associated Press, to issue a license to WTAR without seriously considering the extent to which WTAR dominates the media of mass communications in this tri-state area.

11. In opposition, WTAR insists that petitioner's requested issue is precluded from consideration by the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, supra. WTAR points out that Landmark's interests have been found to be consistent with the Commission's multiple ownership rules in the grant of renewal of its license and that it has proceeded to render substantial service in the public interest; thus, WTAR insists that such media interests can properly only be "the subject of general rule making proceedings rather than ad hoc decisions in renewal hearings." Notwithstanding its position that the diversification question would be relevant only at a later stage in the renewal proceeding, WTAR maintains that, even at such a later stage, a separate issue would not be required since the general comparative issue already designated by the Commission would encompass a diversification evaluation. Even assuming that Hampton Roads can properly raise a concentration of control issue at this stage, WTAR argues that petitioner has presented no "particular facts" requiring a special hearing on this issue.

12. WTAR attacks Hampton Roads' reliance on Frontier Broadcasting Co., supra, contending that Frontier involved a most unique ownership case and that it is only precedent for similar concentration patterns in similar communities. WTAR further insists that its position in its market is vastly different from that in Frontier. First, it explains, although its station is licensed to Norfolk, Va., the broadcasting industry considers Norfolk to be part of a single, hyphenated Norfolk-Portsmouth-Newport News-Hampton, Va., market and, in this multiple-city market, WTAR owns but one of four commercial televisions stations,[13] one of 11 AM stations, and one of eight FM stations. Moreover, WTAR insists that media diversification is apparent: Twelve other television stations provide Grade B or better service within its Grade B contour; 24 AM and 12 FM stations are licensed to operate within this contour; and eight daily and five Sunday newspapers are published in cities within the station's Grade B contour. Thus, WTAR avers, active, valuable competition exists for WTAR in the city of Norfolk and in the Norfolk-Portsmouth-Newport News-Hampton market.[14] Directing its attention to Hampton Roads' allegation that Landmark's interests are such as to constitute an undue concentration of control in the Maryland-Virginia-North Carolina area,[15] WTAR asserts that petitioner has tainted its entire pleading with factual errors and misrepresentations, including its use of the information in the statement of Commissioners Cox and Johnson. As to Landmark's acquisition of the newspaper assets of the Times-World Corp. of Roanoke, WTAR maintains that: (1) the information relating to the acquisition was before the Commission when it designated this case for hearing; (2) a letter, with an attached copy of the agreement was sent to the Commission on December 13, 1968, on behalf of both parties; (3) a revised copy of the agreement was sent to the Commission on June 23, 1969; and (4) each application for assignment of the licenses of the broadcast properties owned by Times-World (WDBJ–TV, AM and FM) fully disclosed Landmark's interest in the matter.[16]

13. Disputing Hampton Roads' statement that the Commission "last considered" an alleged undue concentration of State or regional control in 1964, when Landmark acquired television Station WFMY–TV in Greensboro, N.C., WTAR asserts that the Commission has since that date considered the same circumstances in connection with its renewal of the licenses for WTAR–TV, AM and FM, and WFMY–TV in 1966, the approval of the transfer of the licenses of WDBJ–TV, AM and FM, and the renewal of the licenses for WTAR–AM and FM on January 28, 1970. WTAR also contends that the minority media interests of Landmark stockholders in facilities in Richmond, Va., and Baltimore and Salisbury, Md., do not constitute undue concentration of control of mass media, for all these stockholders have expressly waived their voting rights therein or in Landmark. Furthermore, Landmark asserts, its CATV holdings in Princeton and Beckley, W. Va., are not near any of the markets presently served by Landmark's media interests. WTAR concludes that, in light of the Commission's determination, on four separate occasions, the media interests of Landmark do not constitute an undue concentration of control, and in view of Hampton Roads' failure to set forth any new facts and circumstances, the requested issue is not warranted.[17]

14. In reply, Hampton Roads contends that WTAR's reliance on prior renewals of its license is misplaced. Petitioner points out that Landmark's recent acquisition of daily newspapers in Roanoke constitutes a substantial change in its position since the last renewal of its license. Hampton Roads then reasserts that Frontier Broadcasting Co., supra, is direct precedent for the requested issue and that it is clear that the relevant question is not how many television signals are received in a given community, but how much control does a single party have over the communications media which originate in that community. WTAR's reliance on the four-city market is also questioned by Hampton Roads—although the lumping together of four separate cities in two distinct metropolitan areas may make sense from a marketing viewpoint, Hampton Roads

[10] The ownership report of Landmark discloses that 66.6 percent of its voting stock and 60 percent of its nonvoting stock are owned by Landmark Securities.

[11] Petitioner bases this allegation on the 1970 Stations Volume of Television Factbook, p. 796b.

[12] Hampton Roads points out that Greensboro, N.C., is approximately 80 miles from Roanoke and 200 miles from Norfolk, and that the Greensboro station's Grade A contour reaches the Virginia State line and its Grade B contour covers an extensive area of Virginia reaching almost to Roanoke.

[13] WTAR points out that this market is also served by a noncommercial educational station licensed to Hampton-Norfolk.

[14] WTAR contends that Red Lion Broadcasting Co. and Associated Press, supra, are quoted totally out of context and fail to provide any legal basis to support Hampton Roads' position.

[15] WTAR asserts that Hampton Roads' consistent interchange of Landmark for WTAR–TV is an attempt to shore up "an obviously weak argument" and evidence a cavalier disregard for the facts.

[16] These broadcast interests were not sold to Landmark. However, WTAR points out that it was clearly stated in the assignment applications that Times-World was desirous of selling the assets of its broadcast properties so that Landmark would be able to purchase its newspaper properties.

[17] The Broadcast Bureau also opposes the addition of this issue maintaining that the petitioner has made an inadequate showing of undue concentration of control to bring its request within the exception provided for in the Commission's 1970 Policy Statement and that, therefore, in accordance with the Policy Statement, the question of undue concentration of control should not be the subject of an ad hoc decision in this renewal hearing.

maintains that it does not necessarily follow that there is equal service to each community by each television station. In this regard, petitioner points out, Norfolk is physically separated from Newport News and Hampton by the James River, thus making access from one city to another difficult; Newport News and Hampton are in a separate Standard Metropolitan Statistical Area from that of Norfolk and Portsmouth; and the two areas are thought of as separate communities by the people in them.[18] Hampton Roads emphasizes that WTAR is the only station whose primary responsibility is to serve Norfolk and that, for the purpose of local programing, each station serves the needs of its own city first and then the overall needs of the four-city area. Thus, Hampton Roads believes, Landmark's ownership of WTAR in Norfolk presents as unique a situation of concentrated control as in Frontier. As to the other media interests of Landmark's stockholders, Hampton Roads asserts that, under the Commission's rules, Landmark is properly chargeable with those other interests whether or not the voting rights in the stock have been surrendered. Moreover, even without voting rights, Hampton Roads contends that ownership of stock may carry with it substantial influence over a corporation and that there may be a "real diminishing of competition where one person has an interest in both parties." Finally, Hampton Roads insists that such questionable cross-ownership interests, especially where undue concentration of control is at issue, should be explored along with the extent to which other stations in the market provide an alternative medium for the discussion of public issues.

15. Initially, the Review Board notes that the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, supra, does not proscribe the addition of the requested issue. The Commission's recent pronouncement indicates its concern about the effect of the 1965 Policy Statement on Comparative Broadcast Hearings (with its emphasis on such factors as the diversification of the ownership of broadcast facilities) on the stability of broadcast operations which have provided substantial service to the public. Here, however, petitioner has presented a request for a potentially disqualifying concentration of control issue, which may be considered in a renewal context. Frontier Broadcasting Co., supra. Nevertheless, if petitioner does not allege any greater ownership and/or control than that which the Commission had before it in connection with past renewals and the approval of license assignments, he assumes a heavy burden to show that a licensee's (or parent's) interests have now resulted in an undue concentration of control of the media of mass communications. We conclude that Hampton Roads has failed to meet this burden.[19] The test is not, as Hampton Roads seems to suggest, how much control a single party exerts over various communications media in a particular community or region without regard to the existence of other, unrelated communications interests located therein; as the Commission has frequently stated:

> * * * it is pertinent to consider such relevant factors as the number of other broadcast services and newspapers reaching [Norfolk] and the audience and circulation of such other programs and news sources; the extent to which such outside sources deal with local problems of [Norfolk] and such other factors as would tend to demonstrate that a grant of the applications would or would not result in a local concentration of control of mass communications media to an undue degree. American Television Co., FCC 67-1210, released November 13, 1967, reconsideration denied FCC 68-438, 12 FCC 2d 518.

Thus, although WTAR may be the only television station located in Norfolk, petitioner has failed to demonstrate that other broadcast facilities located in surrounding communities do not serve that city. Moreover, it appears, for all practical purposes, that Norfolk, Hampton, Newport News, and Portsmouth constitute one market and that WTAR, in detailing the numerous other broadcast facilities and newspapers received by and originating in Norfolk, has shown sufficient diversification in this market to rebut the need for a concentration of control issue. Frontier Broadcasting Co., supra, affords petitioner no support for its request. First, we note that, in the area of concentration of control, "the local setting in each case offers a guide" for determination of the effect of the ownership and control of local communications media. Massachusetts Bay Telecasters, Inc. v. FCC, 104 U.S. App. D.C. 226, 261 F. 2d 55, 17 RR 2083 (1958). Second, the facts in Frontier are readily distinguishable: the renewal applicant there owned and operated the only television station, the only full-time AM station and one of two FM stations in Cheyenne, Wyo., and its principals controlled the company that published the city's only morning, afternoon, and Sunday newspapers. Therefore, in light of the circumstances presented in the instant petition, Hampton Roads' request for a concentration of control issue will be denied.

Ownership Reporting Rules and Multiple-Ownership Rules

(requested issues d and e)

16. Under this heading, Hampton Roads first requests an issue based on an alleged violation of section 1.615(a) (3)(iv) of the Commission's Rules[20] by virtue of Landmark's failure to make public disclosure of the owners of Landmark Securities. Hampton Roads asserts that the Commission's letter of January 21, 1970, to WTAR concerning various violations by Landmark of the multiple-ownership rules indicates the Commission's awareness of this problem and that Landmark's well-kept secret as to its owners and the interests of its principals made it possible for Landmark, through and with the Virginia National Bank, to effectively monopolize the media of communications in Norfolk.[21] This brings the petitioner to its second request, an issue based on alleged violations of section 73.636 of the Commission's rules.[22] Citing Shenandoah Life Insurance Co., 19 RR 1 (1959), Hampton Roads urges that the terms of the various combinations of trusts (held by four parties: Frank Batten, P. S. Huber, Jr., Charles L. Kaufman, and the Virginia National Bank) which control Landmark Securities should be explored in hearing. Petitioner explains that the Virginia National Bank (VNB) holds as trustee and votes 7.6 percent of the stock of Landmark; that the Bank is also trustee of approximately 25 percent of the stock of Landmark Securities; that the Bank's Chairman of the Board, John S. Alfriend, is a director of Landmark; and

[18] Hampton Roads asserts that the affidavit of Mr. Batten, relied on by WTAR, testifies to this fact when he stated that the complete lack of circulation of the Norfolk papers in Newport News and Hampton and vice versa is due largely to lack of readership interests on the part of Newport News-Hampton residents, and the plain economic fact of minimal crossover of retail trade betwen the two communities.

[19] In our consideration of this request, we have also considered the effect of other relevant allegations made by petitioner to support additional requested issues.

[20] Section 1.615(a) reads in pertinent parts:

§ 1.615 *Ownership reports.*

(a) Each licensee of a TV, FM or standard broadcast station (as defined in Part 73 of this chapter), other than noncommercial educational stations, shall file an Ownership Report (FCC Form 323) at the time the application for renewal of station license is required to be filed: *Provided, however,* That licensees owning more than one TV, FM or standard broadcast station need file only one Ownership Report at 3-year intervals. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

* * * * *

(3) In the case of a corporation, association, trust, estate, or receivorship, the data applicable to each:

* * * * *

(iv) Full information on FCC Form 323 with respect to the interest and identity of any person having any direct, indirect, fiduciary, or beneficiary interest in the licensee or any of its stock * * *.

[21] To provide part of the factual background information in support of these requested issues, Hampton Roads submits the dissenting opinion of Commissioner Johnson to that letter in a supplement to its petition, filed on Mar. 4, 1970.

[22] Section 73.636 reads in pertinent part:

§ 73.636 *Multiple-Ownership.*

(a) No license for a television broadcast station shall be granted to any party (including all parties under common control) if:

(1) Such party directly or indirectly owns, operates or controls one or more television broadcast stations and the grant of such license will result in overlap of the Grade B contours of the existing and proposed stations * * *.

that Batten and Kaufman, principal stockholders, executive officers and directors of Landmark, are also directors of the Bank. Thus, petitioner concludes, the VNB is a principal of Landmark and its identification with that company is substantial.

17. Hampton Roads then alleges that the Bank is also deeply involved with the other VHF stations (WVEC–TV and WAVY–TV) in the same market as WTAR; the petitioner notes that members of the Board of Directors of the Bank's Hampton branch, which votes trust stock in Peninsula Radio Corp. (Peninsula), licensee of WVEC, are also officers and directors of the licensee. Petitioner contends that the VNB also voted trust stock during the past license period of WTAR in the then licensee of WAVY, Tidewater Teleradio, Inc.; that the largest stockholder of Tidewater was a member of the board of directors of the Bank's Virginia Beach branch; that five other stockholders of Tidewater were on the Bank's main board of directors; and that three members of the immediate family of Kaufman owned stock in Tidewater Teleradio, Inc. Also, Hampton Roads notes, the VNB is not only the dominant bank in the Norfolk Metropolitan Area, but is by far the largest and most powerful financial institution in the State of Virginia. Petitioner illustrates the operation of the alleged "Landmark-VNB cartel" by referring to Landmark's attempted acquisition of television Station WDBJ–TV in Roanoke:[23] petitioner contends that when Landmark was unable to purchase the station because of overlap with WFMY–TV in Greensboro, Landmark arranged the sale of the Roanoke station to the South Bend Indiana Tribune with financing by the VNB. Thus, Hampton Roads points out, the Bank and its Landmark directors have circumvented the multiple ownership rules and now have a direct interest in WFMY through Landmark's ownership, and an indirect, but equally effective, interests in WDBJ through the Bank's lien on all its assets. Hampton Roads concludes that there exists no individual or corporation powerful enough to scrutinize the activities of Landmark, and that, if the multiple ownership rules are to prevent the concentration of the facilities of mass media in the hands of a "close-knit clique", the requested issues must be added.

18. As to its alleged failure to disclose information of the ownership and control of Landmark Securities, WTAR, in opposition, points out that an examination of the Commission's public files reveals that, on June 30, 1969, and, on a regular basis before that date, WTAR filed ownership reports which fully set forth Landmark Securities' capitalization, officers, directors and stockholders. Likewise, WTAR asserts, there is no merit to petitioner's request relating to an alleged violation of the Commission's multiple ownership rules—neither the dissenting statement of Commissioners Cox and Johnson nor the Commission's January 21, 1970, letter concerning the holdings of the VNB are factually sufficient to support such a request.[24] WTAR explains that the Commission's letter concerned the holding in trust by the VNB of 1.9 percent of the stock of Peninsula (licensee of WVEC–AM and FM) and Peninsula Broadcasting Corp. (licensee of WVEC–TV) and, after noting the dual role of Frank Batten as Chairman of the Board of WTAR and a VNB director, requested a statement from the Bank that it would not vote its Landmark and Landmark Securities stock so long as it held in trust stock of the WVEC licensees. A statement to that effect, WTAR notes, was immediately filed by Virginia National Bank. WTAR argues that the renewal of the licenses of WTAR–AM and FM 1 week after issuance of the Commission's letter indicates satisfactory compliance and such action must be regarded as the final disposition of the requested issue. Again, WTAR accuses Hampton Roads of inaccurate and misleading statements since: (1) VNB no longer votes the 7.6 percent of its Landmark stock which it holds in trust; (2) Mr. Alfriend is not Chairman of the Board of the VNB, having retired from that position and from the Board on December 31, 1963; (3) Kaufman is not a principal stockholder of Landmark, but is trustee under certain estates and has joint voting power with others as to 1 percent of the stock of Landmark and 27 percent of the stock of Landmark Securities; and (4) as of January 24, 1967, Kaufman retired from the VNB board.[25] WTAR further points out that the Bank is only the trustee of some 25 percent of the stock of Landmark Securities and that Batten, who has no other media interests, has sole authority to vote the stock, a right which gives him control of more than 25 percent of the stock of Landmark. Thus, WTAR concludes, there is no basis for petitioner's allegations that VNB is a principal of Landmark and that its identification with Landmark is substantial.

19. Equally untenable, WTAR insists, is Hampton Roads' allegation that VNB is "deeply involved" with television Stations WVEC–TV and WAVY–TV; WTAR notes that to prevent any conflict of interest the Bank has effectively waived its voting rights in the Peninsula Corps., the Norfolk-Portsmouth Newspapers, Inc. (now Landmark), and the Ledger-Dispatch Corp. (now Landmark Securities) for as long as any Tidewater stock is held by the Bank.[26] Although WTAR believes that the waiver of voting rights should be sufficient to dispose of Hampton Roads' allegations, it explains that the local boards of the Bank, e.g., the Hampton and Virginia Beach branches, are purely advisory boards, serving only as local public relations representatives and possessing no legal status whatsoever.[27] Finally, the licensee asserts, Hampton Roads' allegation of violation of the multiple ownership rules based upon Landmark's acquisition of the Roanoke newspapers is once again premised on a misstatement of fact—WTAR points out that the South Bend Tribune borrowed a total of $6,195,000 to assist it in the purchase of the assets of WDBJ–TV, less than half of which ($2,445,000) was loaned by the VNB, and that none of the banks involved have any lien on, or security interest in, any of the assets of WDBJ. Thus, concludes WTAR, since no cross-interest problems, either direct or indirect, exist, petitioner's requests should be denied.[28]

20. In reply, Hampton Roads first notes that, although WTAR maintained that it filed an ownership report for Landmark Securities, the Commission's public inspection files contained no such ownership report from approximately the time Hampton Roads filed its application until the day the petition for additional issues was filed. Hampton Roads also contends that WTAR's explanations are not sufficient to vitiate the need for inquiry into the areas suggested by petitioner. Hampton Roads submits that the affidavit of W. Wright Harrison points up the following violations of the multiple-ownership rules: (1) Frank Batten, controlling principal of WTAR, had an interest in both of the other VHF network television stations in the market as

[23] Landmark did purchase the newspapers in Roanoke from the Times-World Corp., owner and licensee of WDBJ.

[24] In support of its opposition, WTAR submits the affidavit of W. Wright Harrison, president of the Virginia National Bank.

[25] Both Alfriend and Kaufman apparently serve the board in an advisory capacity as honorary members.

[26] WTAR points out that Tidewater was liquidated and dissolved in early 1968; that Lin Broadcasting is the present owner of WAVY; that only two stockholders of Tidewater were on the Board of Directors of the Bank; and that the ownership of Tidewater stock by Kaufman's family was fully set forth in a letter which was sent to the Commission on Nov. 3, 1964.

[27] According to WTAR, none of the officers of the licensees of WVEC–TV or WAVY–TV are on the main Board of Directors of Virginia National Bank.

[28] The Broadcast Bureau also opposes the addition of these issues. First, the Bureau believes that the ownership report filed by WTAR on July 1, 1969, concerning Landmark Securities' stockholders satisfies § 1.615(3) (iv). In regard to the alleged violations of § 73.636, the Bureau is of the opinion that the Bank's ultimate compliance with the Commission's request for waiver of the Bank's voting rights removes any question of possible violation of the cross-interest policy. In this regard, the Bureau also notes the Commission's renewals of the licenses of WVEC–TV, AM and FM, and its failure to specify an issue in this proceeding against WTAR concerning multiple-ownership violations. The Bureau concludes that WTAR has also sufficiently responded to petitioner's allegations concerning the Bank's relationship to Tidewater and the Bank's role in the purchase of WDBJ–TV.

a director of the VNB which, in turn, voted the stock of the licensees of these stations; (2) the same is true of Charles L. Kaufman during the months in which he was a director of the Bank; (3) the VNB, which voted more than 1 percent of the stock of WTAR, also had an interest in the other two VHF stations in the market; and (4) all three stations were represented on the Bank's main Board of Directors.[29] Although the VNB has ceased voting some of the stock it holds, Hampton Roads points out that there has been no showing that the interlocking directorates are not still operating and that, during the license period, principals of the newspapers and VHF television stations serving Norfolk had a fiduciary obligation to protect the interests of the largest bank in Norfolk. Hampton Roads also contends that WTAR's explanation of the Bank's local advisory boards as merely public relations representatives raises more questions than it answers. Regarding the loan for the purchase of WDBJ in Roanoke, Hampton Roads asserts that the VNB's not being the largest lender is irrelevant, for the loan was arranged through the Bank, the VNB was the controlling bank for the loan, and all payments to all banks are made to the VNB. Petitioner concludes that the relationship between Landmark and the VNB should be thoroughly explored in hearing to determine whether these corporations have succeeded in undermining the independence and objectivity of virtually all the major facilities of mass media in the Norfolk area, and whether the voting of stock interests and interlocking directorates contravene Commission policy.

21. Hampton Roads' request for a § 1.615(a)(3)(iv) issue will be denied.[30] An ownership report was filed on June 30, 1969, by WTAR in connection with the filing of its renewal application, which specified the stockholders, officers, and directors of Landmark Securities and the other broadcast interests of said principals; therefore, no factual basis exists for this requested issue.[31] Although petitioner has formally requested an issue based on alleged violations of § 73.636(a), it appears from the recitation of factual allegations by Hampton Roads that the request may also embrace the derivative, and somewhat broader, cross-interest policy of the Commission. While § 73.636(a) is concerned only with situations where an applicant's principal has an ownership interest in or working control over an overlapping facility in the same service, the cross-interest policy extends to an applicant's principal who has some "meaningful relationship" with an existing facility of the same type serving substantially the same area. See Media, Inc., 20 FCC 2d 937 (1969). In any event, the Review Board is of the opinion that a substantial question has been raised as to whether the interests of certain WTAR principals violate either, or both, the rule and the policy. We agree with WTAR that the effect of certain cross-interests has been adequately eliminated: (1) The VNB does not vote its 7.6 percent stock interest in Landmark, its 25 percent interest in Landmark Securities, or its small interest in Peninsula Corps.; [32] and (2) WTAR has satisfactorily responded to the allegations concerning VNB's relationship with WDBJ-TV. However, certain matters have not been effectively disposed of. Frank Batten, controlling stockholder of Landmark, is on the Board of Directors of the Bank which votes stock of a corporation owning another television station (WAVY-TV) in the same service area, and, albeit Alfriend, Kaufman and certain members of the Bank's local boards serve only in an "advisory capacity," they still might exercise some control over the operation of the various stations involved. It is not possible to determine from the pleadings whether the positions held by Batten and other principals are inconsistent with § 73.636(a) or with the Commission's cross-interests policy or with both; therefore, it is vital we examine these relationships to determine if they violate our proscriptions against the dual and simultaneous service of individuals as directors on the boards of the corporate parents of two licensee corporations. See Shenandoah Life Insurance Co., supra; K & M Broadcasters, Inc., 19 FCC 2d 947, 17 RR 2d 543 (1969). The request for a Rule 73.636(a) issue will be granted and will be combined with a cross-interest issue as indicated herein.

ANTICOMPETITIVE AND MONOPOLISTIC PRACTICES

(REQUESTED ISSUE F)

22. In support of Hampton Road's request, Lustig, in his affidavit, states that, during the last preceding license period, Landmark maintained a policy of not circulating the Virginian-Pilot and Ledger-Star in the cities of Newport News and Hampton, and, in a like manner, the publishers of the Times-Herald and Daily Press in Newport News did not circulate their newspapers in the Norfolk-Portsmouth-Virginia Beach area. Hampton Roads, through Lustig, contends that this arrangement resulted in a lack of advertising of Norfolk-Portsmouth interests in the Newport News newspapers and vice-versa; that it is not difficult for Landmark to circulate its newspapers in the Newport News-Hampton area; and that this arrangement creates a restraint on free and complete dissemination of local news from one area to another. Thus, Hampton Roads concludes, citing Chronicle Broadcasting Co., 16 FCC 2d 882, 15 RR 2d 993 (1969), an issue is warranted to determine whether such anticompetitive practices are in the public interest.

23. As a preliminary matter, WTAR, in opposition, argues that this issue, and all the subsequent issues requested by petitioner, should be denied because such requests do not comply with the requirements of § 1.229(c). WTAR points out that the sole affidavit supporting Hampton Roads' petition is that of Wayne Lustig, one of three principals of Hampton Roads, who admits that he does not have personal knowledge of the alleged facts, but that his information comes from individuals "who, by virtue of their present and past employment, are not at liberty to make personal affidavits thereon." Such third-hand information, contends WTAR, is not permitted by the specific language of § 1.229(c); therefore, Lustig's affidavit is fatally defective, and the information contained therein cannot be used to support Hampton Roads' petition. Turning to the merits of petitioner's request, WTAR, supported by the affidavit of Frank Batten, states that the present practice of not offering home delivery of Landmark's newspapers in Newport News and Hampton is based strictly on economic considerations and that the Newport News newspapers, in all probability, have made the same unilateral economic decision. The Broadcast Bureau also opposes this requested issue, arguing that petitioner pleads no facts which indicate that there is an understanding or arrangement between the two publishers. Furthermore, the Bureau is of the opinion that the requested issue must also be denied for Hampton Roads' failure to establish that Lustig has first-hand knowledge of the workings of either publishing company.

24. In reply to WTAR's procedural challenge, Hampton Roads disputes the claim that Lustig does not have personal knowledge of the facts; on the contrary, Hampton Roads points out that he made "an independent investigation of the matters" therein stated. Petitioner contends that to have personal knowledge within the meaning of § 1.229(c), a person need not be particeps criminis and that personal knowledge can be obtained in various ways, e.g., from documents,

[29] This representation is set forth as follows:

(a) WTAR-TV—Frank Batten and Charles C. Kaufman.

(b) WVEC-TV—Lucien H. von Schilling, III.

(c) WAVY-TV—C. A. Hutchins, III and Henry Clay Hoffheimer.

[30] Hampton Roads also requested a § 1.65 issue based on the same alleged failure of WTAR to reflect the ownership of Landmark Securities, etc. In its comments, the Bureau notes that such information had been effectively incorporated in the pending renewal application and that, therefore, such an issue was not warranted. In its reply, petitioner renews its request based on WTAR's alleged failure to show Landmark's acquisition of the Roanoke newspapers and its principals' other broadcast interests in the Norfolk and Roanoke areas through their VNB participation. Since such information had been before the Commission, albeit in other contexts, prior to designation here, since there has been no apparent intention to conceal such information from the Commission, and since the actual effect of such interests is still in doubt in this renewal proceeding, we are not predisposed to add a requisite § 1.65 issue.

[31] The factual basis for this request is effectively emasculated by the fact that the Commission's letter of Jan. 21, 1970, relied upon by petitioner, specifically makes mention of the June 30, 1969, ownership.

[32] We view the Bank's response to the Commission's Jan. 21, 1970 letter as answering only those matters explicitly referred to, i.e., the voting of stock interests in the Peninsula and Landmark Corps.

from public records, etc. Furthermore, Hampton Roads asserts, Lustig's affidavit is extraordinarily accurate as is indicated by WTAR's admission sub silentio of his allegations. As to the substantive challenge, Hampton Roads maintains that Batten's "self-serving affidavit" does not sufficiently answer its allegations because no mention is made about any effort by Landmark to circulate its newspapers in the Newport News-Hampton area since 1957, and particularly during the license period, 1966–69. Hampton Roads reasons that this is a rather long time for so aggressive a media owner to remain inactive, and that, therefore, an issue should be specified to inquire into this matter.

25. Petitioner's sole substantive basis for the addition of this issue is the affidavit of Lustig, who admittedly does not possess first-hand knowledge of the facts; although Lustig states he has made an independent investigation, there is no showing that he has done anything more than speak with others, who are not identified and are not shown to possess first-hand knowledge of the facts. Such an insufficient factual basis cannot support the requested issue. See Pleasant Broadcasting Co., 22 FCC 2d 191, 18 RR 2d 689 (1970). Thus, failing to substantiate its inference of an illegal conspiracy, Hampton Roads' request will be denied.

SUPPRESSION, DISTORTION, MISREPRESENTATION, MANAGEMENT, AND SLANTING OF NEWS AND PUBLIC AFFAIRS

(REQUESTED ISSUE G)

26. Hampton Roads next sets forth a number of instances, again supported by Lustig's affidavit, in which it alleges that WTAR has suppressed, distorted or misrepresented news and public affairs. First, petitioner asserts, WTAR's renewal application is misleading because it implies that a documentary, "Miracle on the Chesapeake," was filmed and produced by WTAR when, in fact, it was produced for the Norfolk Redevelopment and Housing Authority by Haycox Photoramic, Inc.; moreover, petitioner alleges, the program was totally slanted in favor of the Housing Authority, for it failed to analyze redevelopment problems from every angle and to present responsible opposing opinions concerning redevelopment. Hampton Roads also notes that, during the time of this program's presentation, Charles L. Kaufman was Chairman and General Counsel of the Housing Authority and a substantial stockholder of Landmark. Hampton Roads then asserts that WTAR failed to report that a substantial issue had developed over the exceedingly high cost of homes in a low-cost housing project in Norfolk and that Senator Harry F. Byrd, Jr. and Congressman William B. Widnall had asked for an investigation of this project. Finally, Hampton Roads maintains, Batten specifically advised WTAR's news department that it was giving too much publicity to Mr. Harry D. Willis, Jr., a Norfolk political figure who was known for developing embarrassing issues relating to the operations of the city government and the Housing Authority.

27. In opposition, WTAR asserts that the "unsubstantiated allegations" of Hampton Roads clearly fail to approach the specific and sufficient facts required to support this requested issue. Although admitting that the film documentary was favorable to the Housing Authority, WTAR points out that its application fully disclosed that it did not film or produce the documentary; also, WTAR asserts, contrasting views on Norfolk's redevelopment program were fully aired by the station.[33] Finally, WTAR denies Hampton Roads' charge that it intentionally curtailed news coverage of an opponent of the Housing Authority; the licensee further claims that no facts are presented by Hampton Roads pertaining to when this incident occurred, which individuals were involved, and to what extent such coverage was "significantly decreased." Therefore, WTAR urges summary denial of the request. The Broadcast Bureau also opposes the addition of this issue; it maintains that the excerpts and statements concerning the film supplied by WTAR in its renewal application are not sufficient to support petitioner's allegations, and again, that Lustig is not shown to have first-hand knowledge of the facts.

28. In reply, Hampton Roads reasserts that WTAR's application fails to disclose that the applicant was not responsible for the production of the film, "Miracle on the Chesapeake," and maintains that the licensee's reference to the fact that the script was written in 1955 by WTAR News Director Jim Hays, certainly implies that WTAR was responsible for the film. Petitioner further contends that WTAR has not responded to the specific charge that, during its last license period, Frank Batten instructed the station's news department to reduce its coverage of Harry D. Willis, Jr. In conclusion, Hampton Roads asserts that these matters raise a serious question of whether WTAR has distorted and controlled the news for its own benefit, and, therefore, whether the licensee possesses the requisite qualifications.

29. Hampton Roads' bald assertions are not sufficient to support its requested issue. WTAR's application specifically states that "Miracle on the Chesapeake" was produced by a private Norfolk motion picture company; examples of specific misrepresentations and distortions in reporting the activities of the Housing Authority are lacking; and no details are submitted to show the licensee's decreased coverage of Willis. Therefore, this requested issue will be denied.

EDITORIALIZING

(REQUESTED ISSUE H)

30. Hampton Roads again relies on Lustig's affidavit to support its request for an issue concerning WTAR's alleged failure to editorialize. Lustig states that, during the past license period, many staff members of WTAR sought permission to initiate television editorials, but were refused on the ground that they were "too costly" or that the station "was not ready." This rejection, contends Hampton Roads, is a clear violation of Commission policy as expressed in Editorializing by Broadcast Licensees, 13 FCC 1246, 25 RR 1901 (1949), and WHDH, Inc., 16 FCC 2d 1, 15 RR 2d 411 (1969), and therefore, this matter should be explored in hearing. We concur with WTAR and the Broadcast Bureau that Commission policy does not impose a duty upon the licensee to editorialize on its station, but, instead, talks in terms of an obligation on the part of the licensee to broadcast "programs on controversial issues of public importance." See WHDH, Inc., supra. No general charge has been leveled against WTAR that it has failed to broadcast programs on controversial issues; thus, the addition of the requested issue is not warranted.

DIMINISHED COMPETITION BETWEEN THE LANDMARK NEWSPAPERS AND BROADCAST MEDIA IN THE GATHERING AND DISSEMINATION OF NEWS

(REQUESTED ISSUE I)

31. As a factual basis for this request, Hampton Roads points out that, in the beginning of August, 1967, WTAR added a new President and General Manager,[34] News Director, and Assignment Editor, all of whom had been employed by Landmark's newspapers; thus, petitioner asserts, Landmark has reassigned personnel from its newspaper to its television station without regard to broadcasting experience. As examples of the detrimental effect of this "interchange," Hampton Roads notes the following: (1) Assignments Editor, Perry Breon, frequents the news room of the Virginian-Pilot and reviews the assignments which are passed out to its reporters; (2) the television station has used photographs from the files of the newspaper for purposes of television presentation; (3) on one occasion, a WTAR staff member was in daily contact with the Virginian-Pilot's Suffolk office to ascertain whether it was worthwhile to send a newsman to cover a hospital strike; and (4) the WTAR film department has developed color film for Landmark's newspapers. Hampton Roads concludes that this "cooperation" between the two media necessitates an issue inquiring into this matter. In opposition, WTAR alleges that the petitioner is guilty of "misstatements of fact and misleading inferences" and attempts to illustrate this allegation as follows: (1) Perry Breon was not employed in August, 1967, by WTAR, but assumed his position in January, 1969; (2) Lee Kitchin (the President and General Manager) was not employed by the Landmark newspapers, but worked previously as corporate secretary and general manager of Landmark's CATV interests; [35] (3) of the six positions that

[33] WTAR notes that no complaint was ever filed with the Commission alleging a violation of the Fairness Doctrine as a result of WTAR–TV's coverage of these issues.

[34] Petitioner notes that the President and General Manager had previously been employed with the law firm that represents the VNB and has close family ties with an executive of said bank.

[35] WTAR explains that Kitchin's father-in-law is head of the trusts division of the VNB.

constitute WTAR's "top management," only two were involved in the 1967 change; (4) Breon, in his affidavit, denies that assignments given to WTAR reporters originate from the Virginian-Pilot; (5) the allegation relating to the hospital strike is denied; and (6) although admitting its use of photographs from the files of the newspapers and the developing of film for Landmark's newspapers, WTAR explains that, as to the former, anyone can obtain these photographs and, regarding the latter, the newspapers are charged for such service the same as all users of the equipment. In view of the above explanations, WTAR insists, petitioner's request must be denied, and the Broadcast Bureau agrees. The Review Board is of the opinion that the instances cited by Hampton Roads, in light of WTAR's refutations and explanations, are not sufficient to establish diminished competition between the newspapers and the broadcast media in the gathering and dissemination of news. The appointment to WTAR of individuals from within the corporate structure and with news gathering experience is a practical and reasonable business judgment; moreover, lack of broadcast experience does not necessarily reflect lack of competition. Petitioner's request will, therefore, be denied.

RECIPROCAL ADVANTAGES OVER COMPETING BROADCAST STATIONS

(REQUESTED ISSUE G)

32. Since WTAR and both daily newspapers in the Norfolk Metropolitan Area are owned by Landmark, Hampton Roads asserts, WTAR is able to advertise its programing to an inordinately greater extent than that which could be afforded by the other competing VHF stations. According to petitioner, illustrative of the perference given to WTAR in this regard was the Ledger-Star listing on August 23, 1969, of guests who were to appear each week night on the Merv Griffin Show without a corresponding listing of the guests who would appear on the competing program, the Johnny Carson Show. Hampton Roads thus insists that this inequitable treatment warrants the addition of an issue. WTAR, in opposition, points out that it advertises more in all the newspapers published in Newport News and Hampton than any of the other VHF stations; that it pays for its advertising in the Norfolk newspapers at the same rates which the newspapers charge WAVY–TV and WVEC–TV; and that the commencement of the Merv Griffin Shows accounted for the Ledger- Star listing of August 23, 1969.[36] Therefore, in light of petitioner's unsubstantiated allegations, WTAR urges, the requests for this issue should be denied. In reply, Hampton Roads insists that its allegations have not been disputed since no denial was made by WTAR concerning the charge of favoritism; thus, Hampton Roads concludes, these circumstances raise a substantial question concerning possible reciprocal advantages which should be explored in hearing. We agree with the Broadcast Bureau that petitioner has shown no facts which would indicate advertising discrimination and/or preference for WTAR's programing by the Norfolk newspapers. The isolated example of alleged favoritism cannot support the requested issue, especially in view of the persuasive explanation made in WTAR's opposition. Therefore, Hampton Roads' request will be denied.

SUBSIDIARY NATURE OF LANDMARK'S OPERATION OF WTAR–TV

(REQUESTED ISSUE K)

33. Petitioner next seeks the addition of an issue to determine the extent to which WTAR is, and has been, an independent media voice in Norfolk. In support of this request, Hampton Roads submits the affidavit of Lustig who details several instances in which Landmark has allegedly combined the operations of its newspapers and television station to the extent that WTAR functions merely as a subsidiary department of Landmark's newspaper business in Norfolk. Lustig's first example is a 1966 proposal for a WTAR program in the nature of an ombudsman for television listeners, which never materialized, although subsequently the Ledger-Star introduced a column entitled "Hotline", which used the same format as had been suggested for the television program. Next, Lustig again calls our attention to the little, if any, television experience of the new President and General Manager, News Director and Assignments Editor of WTAR and to the several instances where WTAR utilized the newspapers' facilities. Finally, Lustig points out that the buildings which house Landmark's newspaper interests and WTAR are physically connected by a passage-way for the purpose of establishing a consolidated telephone line which can, and still does, handle telephone calls for both the newspapers and WTAR. Thus, concludes Hampton Roads, the addition of an issue is required. In opposition, WTAR maintains that Hampton Roads has not even set forth sufficient facts to allow for a proper response; however, it does dispute petitioner's assertion that "top management" of WTAR consists of relocated newsmen since, of the six individuals who comprise WTAR's "top management," only Jim Mays of the news department had previously worked for the Norfolk newspapers and only Mays was without prior broadcasting experience.[37] Hampton Roads, in reply, reasserts the need for the requested issue in light of Landmark's newspaper personnel moving into key positions in the operation of WTAR, the use of identical source material for news by the newspapers and WTAR, the newspaper favoritism in program listings, and actual use of the same facilities by both the newspapers and WTAR. The Review Board concludes that Hampton Roads has not presented sufficient facts to adequately support its assertion that WTAR is merely the television voice of the Landmark newspapers. We cannot detect any substantial question in this regard from the unsubstantiated, bare assertions of Hampton Roads; the mere connection of buildings and use of the same telephone lines do not show the interconnection of news facilities and resources.[38] Therefore, petitioner's request will be denied.[39]

RACIAL DISCRIMINATION IN HIRING PRACTICES

(REQUESTED ISSUE L)

34. In support of its request for an issue concerning alleged racial discrimination in hiring practices, Hampton Roads simply states that Landmark, located in a community that is 25 percent black, has only two black staff members and that, during much of the license period, it had none except menial laborers. In opposition, WTAR again avers that Hampton Roads has erred legally and factually. A reading of the Report and Order on Nondiscrimination in Broadcast Employment, 18 FCC 2d 240, 16 RR 2d 1561 (1969), WTAR insists, indicates that the Commission was concerned solely with the hiring practices of the licensee, not the owner of the licensee; here, WTAR notes, Hampton Roads simply alleges that the owner (Landmark) of the licensee has failed to comply with this policy of the Commission. Furthermore, WTAR claims that the allegations are factually incorrect as Batten's affidavit shows that Landmark's newspapers have 130 Negro employees. This issue is opposed by the Bureau on the grounds that petitioner has failed to include an affidavit of a person with knowledge of the facts and that it is clear that WTAR has employed blacks in nonmenial positions. Hampton Roads replies that its allegation of racial discrimination is borne out by WTAR's attachment to its opposition pleading, which shows that, from 1950–68, only two Negroes were employed, and that, after 1968, only five more were hired.[40]

Thus, petitioner concludes, WTAR's policy of discrimination in hiring should be investigated by the Commission. Hampton Roads' request will be denied. Simply indicating the number of blacks employed by the licensee, without citing particular instances of discrimination or describing a conscious policy of exclusion, is not sufficient to require an evidentiary exploration. Furthermore, the

[36] In support of its opposition, WTAR includes the affidavits of Robert H. Mason, editor of the Virginian-Pilot and William H. Fitzpatrick, editor of the Ledger-Star, which contain a complete 1-year sampling of the review sections of the Norfolk newspapers during the license period in question.

[37] WTAR explains that May's experience is in the related fields of news journalism and cinematography.

[38] We have heretofore disposed of petitioner's other factual bases referred to in its reply.

[39] We note, however, that our ruling herein on this and other matters considered supra do not encompass a determination of whether such matters are relevant to the comparative issue in this proceeding.

[40] Hampton Roads states that over 100 people are employed by WTAR.

sworn affidavit of Batten affirming Landmark's and its affiliated companies' campaign to recruit black employees, and the detailing of those efforts, is adequate refutation of petitioner's assertions. See Report and Order on Nondiscrimination in Broadcast Employment, supra.

35. *Accordingly, it is ordered,* That the petition to enlarge issues, filed February 16, 1970, by Hampton Roads Television Corp., as supplemented on March 4, 1970, is granted to the extent indicated herein, and is denied in all other respects; and

36. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

a. To determine on a comparative basis the significant differences between WTAR Radio–TV Corp. and Hampton Roads Television Corp. with respect to the efforts made by each applicant to ascertain the needs, interests, and problems of the community it proposes to serve.

b. To determine whether interests of principals (including stockholders, officers, and directors) of Landmark Communications, Inc., the parent company of WTAR Radio–TV Corp., would contravene the provisions of § 73.636(a) of the Commission's rules and/or the Commission's policy proscribing cross-interests in stations in the same broadcast service and serving substantially the same area.

37. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under Issue b added herein shall be on WTAR Radio–TV Corp.

Adopted: July 14, 1970.

Released: July 20, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[41]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70–9550; Filed, July 23, 1970; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

STEAMSHIP OPERATORS INTERMODAL COMMITTEE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., Kurrus and Jacobi, 2000 K Street, NW., Washington, D.C. 20006.

Agreement No. 9735–5, between the member lines of the Steamship Operators Intermodal Committee modifies the basic agreement by (1) amending Article 1 to incorporate the present language of Article 2 that the members may jointly acquire membership in any organization concerned with the intermodal matters outlined in the Preamble; (2) the addition of Article 2 which provides that the parties may organize Regional Committees for such areas as the Atlantic, Gulf, and Pacific Coasts of the United States, and such other areas as may be subsequently authorized. Should two or more such Regional Committees be organized, the parties shall establish an Executive Council for coordinating the affairs of said Committees and each Regional Committee shall enjoy equal voting rights on the Executive Council. Procedures for electing officers of Regional Committees and appointing delegates to the Executive Council shall be determined by the members of each Regional Committee. The delegates so appointed to the Executive Council shall establish the procedures for the election of officers thereof, however, no party may concurrently serve as Chairman of more than one Regional Committee; (3) amending Article 3(a) to provide that actions by Regional Committees and the Executive Council shall be taken upon the affirmative vote of two-thirds of the members of the respective groups; (4) amending Article 3(b) to provide that each Regional Committee retains the right of independent action after giving the other parties 48 hours notice, and to qualify that the independent action the parties and Regional Committees are authorized to take, shall not extend to interpretations of and amendments to the agreement; (5) amending Article 5 to provide that minutes of, and records of, all actions by any Regional Committee and the Executive Council shall be furnished promptly to the Commission; (6) amending Article 7, concerning membership, to cover any common carrier by water subject to the Shipping Act of 1916, operating a cargo service from and to or between U.S. ports, utilizing containers, unitized equipment, trailers, and related running gear. Each member shall be eligible for membership on each Regional Committee covering a coastal area it serves; and (7) amending Article 11 which provides for a September 9, 1970 termination date, to provide that the agreement shall be effective until terminated by the parties.

Dated: July 21, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70–9566; Filed, July 23, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI71–20 etc.]

SKELLY OIL CO. ET AL.

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

JULY 15, 1970.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 1, 1970.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[41] Board members Nelson and Pincock absent.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-20	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	46	[2] 22	El Paso Natural Gas Co. (Marshall Gentle Well No. 1 and Blanco 27-9 Gas Unit, San Juan County, N. Mex.).	$825	6-22-70	[3] 7-23-70	12-23-70	13.0	[4] [5] [6] 15.0593	
RI71-21	Patrick A. Doheny, c/o Barrett, Hubbard & Head, 136 El Camina, Beverly Hills, Calif. 90212.	1	2	Mountain Fuel Supply Co., (Trail Unit Area, Sweetwater County, Wyo.).	2,250	6-19-70	[3] 8-1-70	1-1-71	13.0	[4] [5] 14.0	
RI71-22	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	305	8	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	10	6-22-70	[3] 7-23-70	12-23-70	15.25875	[4] [7] 16.2760	RI69-061.
	....Do	298	4	Montana-Dakota Utilities Co. (Alkali Creek Field, Fremont County, Wyo.).	25,328	6-22-70	[5] 7-23-70	12-23-70	15.5386	[4] [8] 16.4667	RI70-1476.
RI71-23	Reserve Oil & Gas Co., 550 South Flower St., Los Angeles, Calif. 90017.	46	3	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	1,080	6-23-70	[5] 7-24-70	12-24-70	14.5	[4] [7] 15.5	
RI71-24	Moran Bros., Inc., Petroleum Bldg., Wichita Falls, Tex. 76301.	2	3	Colorado Interstate Gas Co. (Greenwood Field, Baca County, Colo.).	780	6-22-70	[6] 7-23-70	12-23-70	15.0	[7] [9] 18.0	
RI71-25	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	353	4	Panhandle Eastern Pipe Line Co. (Northeast Sampsel Field, Cimarron County, Okla.) (Panhandle Area).	5,877	6-24-70	[3] 8-1-70	1-1-71	[10] [11] 18.003	[4] [7] [10] [11] 19.062	
RI71-26	Harper Oil Co. (Operator) et al., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	20	3	Colorado Interstate Gas Co. (Moeane Field, Beaver County, Okla.) (Panhandle Area).	1,188	6-24-70	[5] 7-25-70	12-25-70	[10] 18.115	[4] [7] [10] 19.315	RI68-199.
RI71-27	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	90	3	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	3,792	6-24-70	[3] 8-13-70	1-13-71	[10] [12] 17.84	[4] [7] [10] [12] 20.34	
	.....do	57	1	Natural Gas Pipeline Co. of America (West Panhandle Field, Carson County, Tex.) (RR. District No. 10).	1,078	6-24-70	[3] 8-24-70	1-24-71	[13] 13.2	[4] [7] [13] 14.2	
RI71-28	Walter Duncan et al., Post Office Box 211, La Salle, Ill.	9	2	Arkansas Louisiana Gas Co. (Northeast Hillsdale Area, Garfield County, Okla.) (Oklahoma "Other" Area).	2,700	6-22-70	[5] 7-23-70	12-23-70	[10] 15.0	[7] [10] [14] 17.0	
RI71-29	Earl T. Smith & Associates, Inc. (Operator) et al., 208 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	1	2	Northern Natural Gas Co. (Cambridge Upper Morrow Field, Ochiltree County, Tex.) (RR. District No. 10).	37,800	6-24-70	[3] 8-1-70	1-1-71	[10] 17.0	[7] [10] [14] 20.5	
RI71-30	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, Okla. 73118.	81	[15] 25	Michigan Wisconsin Pipe Line Co. (South Lonewolf and Dane Fields, Major County, Okla.) (Oklahoma "Other" Area).	19,716	6-26-70	[3] 7-27-70	12-27-70	[10] [16] 16.60	[4] [7] [10] [16] [17] 24.815	
RI71-31	Shell Oil Co., One Shell Plaza, Houston, Tex. 77002.	[18] 241	[19] 8	Colorado Interstate Gas Co. (Hugoton Field, Grant, Haskell, and Seward Counties, Kans.).	370	6-15-70	[3] 7-16-70	12-16-70	[10] 11.0	[4] [7] 17.0	
					38	[20] 6-15-70	[3] 7-16-70	12-16-70	[10] 11.5	[4] [7] 17.0	
RI71-32	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	285	2	Northern Natural Gas Co. (Bradford Tonkawa Field, Lipscomb County, Tex.) (RR. District No. 10).	783	6-22-70	[3] 8-1-70	1-1-71	[13] 17.0638	[4] [7] [13] 18.0675	RI70-1160.
	.....do	298	2	Northern Natural Gas Co. (Hansford Upper Morrow Field, Hansford County, Tex.) (RR. District No. 10).	1,957	6-22-70	[3] 8-1-70	1-1-71	[13] 17.0638	[4] [7] [13] 18.0675	RI70-1160.
RI71-33	Wilmar Oil, Inc. (Operator) et al., Post Office Box 474, Matton, Ill. 61938.	1	7	Cities Service Gas Co. (Priepert and Patterson-Fischer Gas Units, Seward County, Kans.).	4,000	6-22-70	[3] 7-32-70	12-23-70	[13] 16.0	[4] [7] [13] 17.0	
RI71-34	Textar Exploration, Inc., Post Office Box 919, Pampa, Tex. 79065.	1	2	Northern Natural Gas Co. (Bradford-Touisawa Field, Lipscomb County, Tex.) (RR. District No. 10).	13,716	6-23-70	[3] 7-24-70	12-24-70	[10] [21] 19.431	[7] [10] [14] [21] 21.717	
RI71-35	Ruth Phillips Bisiker, Suite 1300, 1407 Main St., Dallas, Tex. 75202.	1	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seeligson Field, Jim Wells County, Tex.)(RR. District No. 4).	1,706	6-25-70	[3] 7-26-70	12-26-70	15.65850	[4] [7] 16.66225	RI65-233.
RI71-36	Grampian Co., Ltd., Suite 1300, 1407 Main St., Dallas, Tex. 75202.	1	6	.....do	105	6-25-70	[3] 7-26-70	12-26-70	15.65850	[4] [7] 16.66225	RI65-234.
RI71-37	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	123	15	Texas Eastern Transmission Corp. (San Manuel Field, Hidalgo County, Tex.)(RR. District No. 4).	1,806	6-26-70	[3] 7-27-70	12-27-70	16.6726	[4] [7] 16.8735	RI70-497.

[2] Applicable to Supplements Nos. 11 and 12 only.
[3] The stated effective date is the effective date requested by respondent.
[4] Periodic rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Includes 1 cent per Mcf minimum guarantee for liquids.
[7] Pressure base is 14.65 p.s.i.a.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] Increase to contractually due rate.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Includes base rate of 17 cents before increase and 18 cents after increase plus upward B.t.u. adjustment.
[12] Includes 0.84-cent upward B.t.u. adjustment.
[13] Subject to a downward B.t.u. adjustment.
[14] Filing from initial certificated rate to initial contract rate.
[15] Applicable only to production added by Supplement No. 24.
[16] Includes 1.6-cent upward B.t.u. adjustment.
[17] Includes 1.215-cent tax reimbursement.
[18] Supersedes FPC Gas Rate Schedule Nos. 74, 75, 76, and 135 as to formations below Base of Chase Series.
[19] Applicable only to gas produced below the base of the Chase Series.
[20] Corrected by filing of June 29, 1970.
[21] Includes base rates of 17 cents before increase and 19 cents after increase plus upward B.t.u. adjustment.

sworn affidavit of Batten affirming Landmark's and its affiliated companies' campaign to recruit black employees, and the detailing of those efforts, is adequate refutation of petitioner's assertions. See Report and Order on Nondiscrimination in Broadcast Employment, supra.

35. *Accordingly, it is ordered,* That the petition to enlarge issues, filed February 16, 1970, by Hampton Roads Television Corp., as supplemented on March 4, 1970, is granted to the extent indicated herein, and is denied in all other respects; and

36. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

a. To determine on a comparative basis the significant differences between WTAR Radio–TV Corp. and Hampton Roads Television Corp. with respect to the efforts made by each applicant to ascertain the needs, interests, and problems of the community it proposes to serve.

b. To determine whether interests of principals (including stockholders, officers, and directors) of Landmark Communications, Inc., the parent company of WTAR Radio–TV Corp., would contravene the provisions of § 73.636(a) of the Commission's rules and/or the Commission's policy proscribing cross-interests in stations in the same broadcast service and serving substantially the same area.

37. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under Issue b added herein shall be on WTAR Radio–TV Corp.

Adopted: July 14, 1970.

Released: July 20, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[41]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70–9550; Filed, July 23, 1970; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

STEAMSHIP OPERATORS INTERMODAL COMMITTEE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., Kurrus and Jacobi, 2000 K Street, NW., Washington, D.C. 20006.

Agreement No. 9735–5, between the member lines of the Steamship Operators Intermodal Committee modifies the basic agreement by (1) amending Article 1 to incorporate the present language of Article 2 that the members may jointly acquire membership in any organization concerned with the intermodal matters outlined in the Preamble; (2) the addition of Article 2 which provides that the parties may organize Regional Committees for such areas as the Atlantic, Gulf, and Pacific Coasts of the United States, and such other areas as may be subsequently authorized. Should two or more such Regional Committees be organized, the parties shall establish an Executive Council for coordinating the affairs of said Committees and each Regional Committee shall enjoy equal voting rights on the Executive Council. Procedures for electing officers of Regional Committees and appointing delegates to the Executive Council shall be determined by the members of each Regional Committee. The delegates so appointed to the Executive Council shall establish the procedures for the election of officers thereof, however, no party may concurrently serve as Chairman of more than one Regional Committee; (3) amending Article 3(a) to provide that actions by Regional Committees and the Executive Council shall be taken upon the affirmative vote of two-thirds of the members of the respective groups; (4) amending Article 3(b) to provide that each Regional Committee retains the right of independent action after giving the other parties 48 hours notice, and to qualify that the independent action the parties and Regional Committees are authorized to take, shall not extend to interpretations of and amendments to the agreement; (5) amending Article 5 to provide that minutes of, and records of, all actions by any Regional Committee and the Executive Council shall be furnished promptly to the Commission; (6) amending Article 7, concerning membership, to cover any common carrier by water subject to the Shipping Act of 1916, operating a cargo service from and to or between U.S. ports, utilizing containers, unitized equipment, trailers, and related running gear. Each member shall be eligible for membership on each Regional Committee covering a coastal area it serves; and (7) amending Article 11 which provides for a September 9, 1970 termination date, to provide that the agreement shall be effective until terminated by the parties.

Dated: July 21, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70–9566; Filed, July 23, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI71–20 etc.]

SKELLY OIL CO. ET AL.

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

JULY 15, 1970.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 1, 1970.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[41] Board members Nelson and Pincock absent.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-20	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	46	[2] 22	El Paso Natural Gas Co. (Marshall Gentie Well No. 1 and Bianco 27-9 Gas Unit, San Juan County, N. Mex.).	$825	6-22-70	[3] 7-23-70	12-23-70	13.0	[4] [5] 15.0593	
RI71-21	Patrick A. Doheny, c/o Barrett, Hubbard & Head, 136 El Camina, Beverly Hills, Calif. 90212.	1	2	Mountain Fuel Supply Co., (Trail Unit Area, Sweetwater County, Wyo.).	2,250	6-19-70	[3] 8-1-70	1-1-71	13.0	[4] [5] 14.0	
RI71-22	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	305	8	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	10	6-22-70	[3] 7-23-70	12-23-70	15.25875	[4] [7] 16.2760	RI69-661.
	Do	298	4	Montana-Dakota Utilities Co. (Alkali Creek Field, Fremont County, Wyo.).	25,328	6-22-70	[3] 7-23-70	12-23-70	15.5386	[4] [8] 16.4667	RI70-1476.
RI71-23	Reserve Oil & Gas Co., 550 South Flower St., Los Angeles, Calif. 90017.	46	3	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	1,080	6-23-70	[5] 7-24-70	12-24-70	14.5	[4] [7] 15.5	
RI71-24	Moran Bros., Inc., Petroleum Bldg., Wichita Falls, Tex. 76301.	2	3	Colorado Interstate Gas Co. (Greenwood Field, Baca County, Colo.).	780	6-22-70	[9] 7-23-70	12-23-70	15.0	[7] [8] 18.0	
RI71-25	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	353	4	Panhandle Eastern Pipe Line Co. (Northeast Sampsel Field, Cimarron County, Okla.) (Panhandle Area).	5,877	6-24-70	[3] 8-1-70	1-1-71	[10] [11] 18.003	[4] [7] [10] [11] 19.002	
RI71-26	Harper Oil Co. (Operator) et al., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	20	3	Colorado Interstate Gas Co. (Moeane Field, Beaver County, Okla.) (Panhandle Area).	1,188	6-24-70	[5] 7-25-70	12-25-70	[10] 18.115	[4] [7] [10] 19.315	RI68-199.
RI71-27	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	90	3	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	3,792	6-24-70	[3] 8-13-70	1-13-71	[10] [12] 17.84	[4] [7] [10] [12] 20.34	
	do	57	1	Natural Gas Pipeline Co. of America (West Panhandle Field, Carson County, Tex.) (RR. District No. 10).	1,078	6-24-70	[3] 8-24-70	1-24-71	[13] 13.2	[9] [7] [13] 14.2	
RI71-28	Walter Duncan et al., Post Office Box 211, La Salle, Ill.	9	2	Arkansas Louisiana Gas Co. (Northeast Hillsdale Area, Garfield County, Okla.) (Oklahoma "Other" Area).	2,700	6-22-70	[5] 7-23-70	12-23-70	[10] 15.0	[7] [10] [14] 17.0	
RI71-29	Earl T. Smith & Associates, Inc. (Operator) et al., 208 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	1	2	Northern Natural Gas Co. (Cambridge Upper Morrow Field, Ochiltree County, Tex.) (RR. District No. 10).	37,800	6-24-70	[3] 8-1-70	1-1-71	[10] 17.0	[7] [10] [16] 20.5	
RI71-30	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, Okla. 73118.	81	[15] 25	Michigan Wisconsin Pipe Line Co. (South Lonewolf and Dane Fields, Major County, Okla.) (Oklahoma "Other" Area).	19,716	6-26-70	[3] 7-27-70	12-27-70	[10] [16] 16.60	[9] [7] [10] [16] [17] 24.815	
RI71-31	Shell Oil Co., One Shell Plaza, Houston, Tex. 77002.	[15] 241	[16] 8	Colorado Interstate Gas Co. (Hugoton Field, Grant, Haskell, and Seward Counties, Kans.).	370	6-15-70	[3] 7-16-70	12-16-70	[10] 11.0	[4] [7] 17.0	
					38	[20] 6-15-70	[3] 7-16-70	12-16-70	[10] 11.5	[4] [7] 17.0	
RI71-32	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	285	2	Northern Natural Gas Co. (Bradford Tonkawa Field, Lipscomb County, Tex.) (RR. District No. 10).	783	6-22-70	[3] 8-1-70	1-1-71	[13] 17.0638	[9] [7] [13] 18.0675	RI70-1160.
	do	298	2	Northern Natural Gas Co. (Hansford Upper Morrow Field, Hansford County, Tex.) (RR. District No. 10).	1,957	6-22-70	[3] 8-1-70	1-1-71	[13] 17.0638	[4] [7] [13] 18.0675	RI70-1160.
RI71-33	Wilmar Oil, Inc. (Operator) et al., Post Office Box 474, Matton, Ill. 61938.	1	7	Cities Service Gas Co. (Priepert and Patterson-Fischer Gas Units, Seward County, Kans.).	4,000	6-22-70	[3] 7-32-70	12-23-70	[13] 16.0	[9] [7] [13] 17.0	
RI71-34	Textar Exploration, Inc., Post Office Box 919, Pampa, Tex. 79065.	1	2	Northern Natural Gas Co. (Bradford-Touisawa Field, Lipscomb County, Tex.) (RR. District No. 10).	13,716	6-23-70	[3] 7-24-70	12-24-70	[10] [21] 19.431	[7] [10] [16] [21] 21.717	
RI71-35	Ruth Phillips Bisiker, Suite 1300, 1407 Main St., Dallas, Tex. 75202.	1	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Seeligson Field, Jim Wells County, Tex.) (RR. District No. 4).	1,706	6-25-70	[3] 7-26-70	12-26-70	15.65850	[4] [7] 16.66225	RI65-233.
RI71-36	Grampian Co., Ltd., Suite 1300, 1407 Main St., Dallas, Tex. 75202.	1	6	do	105	6-25-70	[3] 7-26-70	12-26-70	15.65850	[9] [7] 16.66225	RI65-234.
RI71-37	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	123	15	Texas Eastern Transmission Corp. (San Manuel Field, Hidalgo County, Tex.) (RR. District No. 4).	1,806	6-26-70	[3] 7-27-70	12-27-70	16.6726	[9] [7] 16.8735	RI70-497.

[2] Applicable to Supplements Nos. 11 and 12 only.
[3] The stated effective date is the effective date requested by respondent.
[4] Periodic rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Includes 1 cent per Mcf minimum guarantee for liquids.
[7] Pressure base is 14.65 p.s.i.a.
[8] The stated effective date is the first day after expiration of the statutory notice.
[9] Increase to contractually due rate.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Includes base rate of 17 cents before increase and 18 cents after increase plus upward B.t.u. adjustment.
[12] Includes 0.84-cent upward B.t.u. adjustment.
[13] Subject to a downward B.t.u. adjustment.
[14] Filing from initial certificated rate to initial contract rate.
[15] Applicable only to production added by Supplement No. 24.
[16] Includes 1.6-cent upward B.t.u. adjustment.
[17] Includes 1.215-cent tax reimbursement.
[18] Supersedes FPC Gas Rate Schedule Nos. 74, 75, 76, and 135 as to formations below Base of Chase Series.
[19] Applicable only to gas produced below the base of the Chase Series.
[20] Corrected by filing of June 29, 1970.
[21] Includes base rates of 17 cents before increase and 19 cents after increase plus upward B.t.u. adjustment.

Reserve Oil and Gas Co. requests that its proposed rate increase be permitted to become effective as of June 23, 1970. Moran Bros., Inc., requests an effective date of July 20, 1970, for its proposed rate increase and Walter Duncan et al., request a retroactive effective date of May 12, 1970, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, sec. 2.56).

[F.R. Doc. 70–9501; Filed, July 23, 1970; 8.45 a.m.]

[Dockets Nos. RI71–38 etc. and RI70–191]

UNION NATIONAL BANK OF WICHITA, KANS., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 16, 1970.

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings shall be deemed to have been accepted.[2]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 1, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71–38	Union National Bank of Wichita, Kans., Executor of the Estate of Walter F. Kuhn, Deceased et al., Union Center Bldg., Wichita, Kans. 67202.	[3] 26	1	Panhandle Eastern Pipe Line Co. (Hugoton Gas Field, Kans.).	$13,500	[4] 6–19–70	[5] 8–1–70	[6] 8–2–70	11.0	[7] [8] 12.0	
RI71–39	A. L. Abercrombie (Operator) et al., 801 Union Center Bldg., Wichita, Kans.	8 [3] 8	[3] 2 3	Kansas-Nebraska Natural Gas Co. (Hugoton Gas Field, Finney County, Kans.).	---------- 350	6–22–70 6–22–70	[10] 7–23–70 [5] 7–23–70	Accepted [6] 7–24–70	---------- [12] 11.0	---------- [8] [11] [12] 12.0	
RI70–171	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	4	1 to 9	Montana-Dakota Utilities Co. (Manderson Field, Big Horn County, Wyo.).	70	6–22–70	[5] 7–23–70	Accepted—Subject to refund in Docket No. RI70–171.	14.09573	[13] [14] [15] 14.16586	RI70–171.
RI70–191	Pan American Petroleum Corp. (Operator) et al.	409	1 to 2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	143	6–22–70	[5] 7–23–70	Accepted—Subject to refund in Docket No. RI70–191.	13.065	[13] [14] [15] 13.130	RI70–191.
RI70–190	Pan American Petroleum Corp.	415	1 to 4	Mountain Fuel Supply Co. (West Side Canal Unit, Carbon County, Wyo.).	750	6–22–70	[5] 7–23–70	Accepted—Subject to refund in Docket No. RI70–190.	15.075	[13] [14] [15] 15.150	RI70–190.
	Do	507	1 to 1	----do----	1,257	6–23–70	[5] 7–24–70	Accepted—Subject to refund in Docket No. refund in RI70–190.	15.075	[13] [14] [15] 15.150	RI70–190.

[3] Basis contract dated after Sept. 28, 1960, the date of issuance of the Commission's General Policy Statement No. 61–1 and the proposed rate does not exceed the area initial rate ceiling.
[4] Corrected by filing of June 25, 1970.
[5] The stated effective date is the effective date requested by respondent.
[6] The suspension period is limited to 1 day.
[7] Periodic rate increase.
[8] Pressure base is 14.65 p.s.i.a.
[9] Agreement dated Jan. 25, 1964, providing for rate increase.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] Renegotiated rate increase.
[12] Subject to a downward B.t.u. adjustment.
[13] Tax reimbursement increase.
[14] Pressure base is 15.025 p.s.i.a.
[15] Tax increase applicable to past production back to Jan. 1, 1968.

The basic contracts related to the rate filings proposed by Union National Bank of Wichita, Kans., Executor of the Estate of Walter F. Kuhn, Deceased et al. (Union National), and A. L. Abercrombie (Abercrombie), were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61–1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Union National and Abercrombie's rate filings should be suspended for 1 day from August 1, 1970 (Union National), and July 23, 1970 (Abercrombie), the proposed effective dates.

The proposed rate increases filed by Pan American Petroleum Corp., and Pan American Petroleum Corp. (Operator) et al. (both referred to herein as Pan American) reflect partial reimbursement of a severance tax enacted by the State of Wyoming, and is applicable to past production back to January 1, 1968. Pan American has previously filed for partial reimbursement of the tax applicable to future production, which is being collected subject to refund. Since Pan American's proposed rate increases reflect tax reimbursement we conclude that they should be accepted for filing to be effective as of July 23, 1970 (Rate Schedules Nos. 4, 409, and 415), and July 24, 1970 (Rate Schedule No. 507), subject to the existing rate suspension proceedings in Docket No. RI70–171 (Rate Schedule No. 4), Docket No. RI70–191 (Rate Schedule No. 409), and Docket No. RI70–190 (Rate Schedules Nos. 415 and 507).

After the amount of tax reimbursement applicable to past production has been recovered, Pan American shall file appropriate rate decreases under its rate schedules to reduce the rates proposed herein so as to provide for tax reimbursement for future production only. Pan American will also be required to refund any reimbursement relating to the Wyoming tax collected in these proceedings in the event the tax is for any reason held invalid upon judicial review.

Concurrently with the filing of his rate increase, A. L. Abercrombie (Operator) et al., submitted a contract agreement dated January 25, 1964, designated as Supplement No. 2 to Abercrombie's FPC Gas Rate Schedule No. 8, which provides the basis for his proposed rate increase. We believe that it would be in the public interest to accept for filing Abercrombie's proposed contract agreement to become effective as of July 23, 1970, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended herein for one day from July 23, 1970, the proposed effective date.

[F.R. Doc. 70–9500; Filed, July 23, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

[Regs. G, T, U]

OTC MARGIN STOCKS

List

In accordance with § 207.2(f)(2) of Regulation G, "Securities Credit by Persons Other than Banks, Brokers, or Dealers", § 220.2(e)(2) of Regulation T, "Credit by Brokers and Dealers", and § 221.3(d)(2) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks", there is set forth below the list of stocks traded over the counter, current as of July 20, 1970, that the Board of Governors has determined (in accordance with the criteria set forth in the Supplements to those regulations) to have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer, and the character and permanence of the issuer to warrant subjecting such stock to the requirements of such regulations.

Stocks appearing on the list have not been approved, in any way, by the Board and representation by any person that their appearance on the list indicates approval by the Board or any Government agency is unlawful.

Board of Governors of the Federal Reserve System acting by its Director of the Division of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), July 20, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

OTC MARGIN STOCKS

AITS, Inc., common.
AVM Corporation, $1 par common.
Acushnet Co., common.
Addison-Wesley Publishing Co., Inc., class B, no par common.
Advance Ross Corp., $0.10 par common.
Alexander & Baldwin, Inc., no par common.
Allegheny Beverage Corp., $1 par common.
Allyn and Bacon, Inc., $0.50 par common.
Alphanumeric Inc., common.
Alpine Geophysical Associates, Inc., $0.10 par common.
American Express Co., $1.66⅔ par common, $1.50 convertible preferred.
American Fidelity Life Insurance Co., $1 par common.
American Furniture Co., Inc., $1 par common.
American Greetings Corp., class A, $1 par common.
American Heritage Life Investment Corp., $1 par common.
American Medicorp, Inc., common.
American National Insurance Co., $1 par common.
American Nuclear Corp., $0.04 par common.
American Re-Insurance Co., $3 par capital.
American Savings & Loan Association, permanent reserve guarantee stock.
American Security and Trust Co., (unit) capital.
American Welding & Manufacturing Co., The, no par common.
Anadite, Inc., common.
Anheuser-Busch, Inc., $1 par common.
Anixter Brothers, Inc., common.
Applebaums' Food Markets, Inc., common.
Arden-Mayfair, Inc., common.
Arkansas-Missouri Power Co., $2.50 par common.
Arkansas Western Gas Co., $2.50 par common.
Arrow-Hart, Inc., common.
Arvida Corp., common.
Associated Coca-Cola Bottling Co., Inc., $1 par common.
Associated Truck Lines, Inc., common.
Atlantic Gas Light Co., $5 par common.
BMA Corp., $2 par common.
Baird-Atomic, Inc., $1 par common.
Bangor Hydro-Electric Co., $5 par common.
Bank of Hawaii, common.
Bankamerica Corp., $6.25 par common.
Bankers National Life Insurance Co., $2 par capital.
Barber-Greene Co., $5 par common.
Barden Corp, The, $1 par common.
Barnes-Hind Pharmaceuticals, Inc., common.
Baystate Corp., $7.50 par common.
Beecham Inc., $1 par common.
Beefland International, Inc., common.
Betz Laboratories, Inc., $0.10 par common.
Bibb Manufacturing Co., $12.50 par common.
Bio-Dynamics, Inc., no par common.
Black Hills Power and Light Co., $1 par common.
Bolt, Beranek and Newman Inc., no par common.
Brenco, Inc., $1 par common.
Browning Arms Co., capital.
Brush Beryllium Co., The, common.
Buckbee-Mears Co., $0.10 par common.
Buckeye International, Inc., common.
CP Financial Corp., $1 par common.
California-Western States Life Insurance Co., common capital.
Capital Holding Corp., $1 par common.
Capitol International Airways, Inc., common.
Carolina Caribbean Corp., common.
Carte Blanche, class A, capital.
Cascade Natural Gas Corp., $1 par common.
Central Vermont Public Service Corp., $6 par common.
Chance, A. B., Co., $2.50 par common.
Chemical Leaman Tank Lines, Inc., $2.50 par common.
Chesapeake Instrument Corp., $1 par common.
Chubb Corp., The, capital.
Citizens and Southern National Bank, The, $2.50 par common.
Citizens Utilities Co., $1 par common, Series A, $1 par common, Series B.
Clark, J. L., Manufacturing Co., common.
Cleveland Trust Co., The, $20 par capital.
Clinton Oil Co., common.
Coastal States Life Insurance Co., common.
Cognitronics Corp., $0.20 par common.
Colonial Life & Accident Insurance Co., class B, nonvoting.
Colonial Stores Inc., $2.50 par common.
Combined Insurance Company of America, $1 par common.
Commonwealth Telephone Co., $6.66⅔ par common.
Community Health Facilities, Inc., $0.50 par common.
Computer Usage Co., Inc., common.
Connecticut General Insurance Corp., $2.50 par common.
Continental Bank, $5 par common.
Continental Investment Corp., common.
Continental Mortgage Insurance Co., common.
Contran Corp., $1 par common.
Cooper Laboratories, Inc., $0.10 par common.
Cornelius Co., The, common.
Crocker National Corp., $10 par common.
Cross Co., The, $5 par common.
Crutcher Resources Corp., common.
Dallas Airmotive, Inc., common.
Dalto Electronics Corp., $0.50 par common.
Dasa Corp., $1 par common.

DeLuxe Check Printers, Inc., $1 par common.
Delhi International Oil Corp., $0.10 par common.
Detrex Chemical Industries, Inc., common.
Detroit Bank and Trust Co., The, $10 par capital.
Diamond Crystal Salt Co., $2.50 par common.
Diebold Computer Leasing, Inc., class A, $0.03⅓ par common.
Disc, Inc., class A, $1 par common.
Downtowner Corp., The, common.
Doyle Dane Bernbach Inc., common.
Duriron Co., Inc., The, $1.25 par common.
Eastern Shopping Centers, Inc., $5 par common.
Economics Laboratory, Inc., common.
El Paso Electric Co., no par common.
Electro-Nucleonics, Inc., $.02½ par common.
Electronic Data Systems Corp., no par common.
Empire Life Insurance Company of America, $1 par common.
Energy Conversion Devices, Inc., $0.01 par common.
Energy Resources Corp., $1 par common.
Epsco, Inc., no par common.
Equity Oil Co., $1 par common.
Erie Technological Products, Inc., $2.50 par common.
Fabri-Tek Inc., $0.10 par common.
Farmers New World Life Insurance Co., common.
Farrington Manufacturing Co., $1 par common.
Fidelity Corp. (Virginia), common.
Fidelity Corporation of Pennsylvania, $1 par common.
Fidelity Union Life Insurance Co., $1 par common.
Fidelity Union Trust Co., $5 par capital.
First & Merchants Corp., $10 par common.
First Bank System, Inc., $5 par common.
First City National Bank of Houston, common.
First Empire State Corp., $5 par common.
First Jersey National Corp., $5 par common.
First Merchants National Bank, Asbury Park, $2.50 par common.
First National Bank in Dallas, $10 par common.
First National Bank of Boston, The, $12.50 par capital.
First National Corp., class A.
First National Holding Corp. (Memphis, Tenn.), common.
First Pennsylvania Corp., $5 par common.
First Virginia Bankshares Corp., $1 par common.
Flickinger, S. M., Co., Inc., $2.50 par common.
Florida Telephone Corp., class A, $2.50 par common.
Food Fair Properties, Inc., $0.10 par common.
Fotomat Corp., no par common.
Founders Financial Corp., common.
Franklin Life Insurance Co., The, common.
Franklin New York Corp., common, convertible preferred.
Friendly Ice Cream Corp., $1 par common.
GRT Corp., no par common.
Gas Service Co., The, $5 par common.
Gates Learjet Corp., $1 par common.
Gelman Instrument Co., no par common.
General Aircraft Corp., $1 par common.
General Medical Corp., common.
General United Group, Inc., $0.25 par common.
Georgia International Corp., $1 par common.
Gifford-Hill & Co., Inc., $2 par common.
Girard Co., The, $1 par common.
Gleason Works, common.
Golden Cycle Corp., The, no par common.
Government Employees Insurance Co., $4 par common.
Government Employees Life Insurance Co., $1.50 par common.
Graphic Controls Corp., $1 par common.
Graphic Sciences, Inc., $0.50 par common.
Great Commonwealth Life Insurance Co., $1 par common.
Great Southwest Corp., common.
Green Mountain Power Corp., common.
Gyrodyne Company of America, Inc., $1 par common.
Hamilton International Corp., class A, common.
Hanover Insurance Co., The, common.
Hardee's Food Systems, Inc., no par common.
Harris Trust and Savings Bank, capital.
Hartford Fire Insurance Co., common.
Hasbro Industries, Inc., $0.50 par common.
Haven Industries, Inc., $0.01 par common.
Hawaiian Airlines, Inc., common.
Hawthorne Financial Corp., capital.
Heath Tecna Corp., no par common, $0.25 stated value.
Herff Jones Co., no par common.
Hillhaven Inc., $0.16⅔ par common.
Honolulu Gas Co., Ltd., $10 par common.
Hoover Co., The, $2.50 par common.
Horizon Corp., $0.01 par common.
Hospital Corporation of America, $1 par common.
Hyatt Corp., common.
Hyster Co., $0.50 par common.
ISI Corp., no par common.
Independent Life and Accident Insurance Co., The, nonvoting common.
Indiana Gas Co., Inc., no par common.
Indianapolis Water Co., $7.50 par common.
Industrial Nucleonics, no par common.
Inexco Oil Co., $0.02 par common.
Informatics, Inc., $0.10 par common.
Integon Corp., common.
Integrated Container Service Industries Corp., $1 par common.
Interfinancial Inc., common.
International Book Corp., $0.02 par common.
International Multifoods Corp., $1 par common.
International Textbook Co., (Intext), no par common.
Interstate Corp., The, $1 par common, capital.
Investment Corp. of Florida., common.
Iowa Southern Utilities Co., $10 par common.
James, Fred S., & Co., Inc., $0.50 par common.
Jamesbury Corp., $1 par common.
Jet Avion Corp., $0.10 par common.
KDI Corp., $0.35 par common.
KMS Industries, Inc., $0.01 par common.
Kaiser Steel Corp., $0.66⅔ par common, $1.46 preferred.
Kalvar Corp., $0.02 par capital.
Kaman Corp., class A, common.
Kearney & Trecker Corp., $2 par common.
Kellwood Co., common.
Kentucky Central Life Insurance Co., class A, nonvoting.
Keyes Fibre Co., $1 par common.
Keystone Custodian Funds, Inc., class A, common.
King Resources Co., common.
Kuhlman Corp., $1 par common.
Lance Inc., $2.50 par common.
Landa Industries, Inc., $0.10 par common.
Lane Wood, Inc., no par common.
Lehigh Coal and Navigation Co., The, $1 par common.
Liberty Equities Corp., $1 par common.
Liberty National Life Insurance Co., $2 par common, capital.
Lilly, Eli and Co., $1.25 par common.
Lin Broadcasting Corp., common.
Lincoln American Corp., $1 par common.
Lincoln Consolidated, Inc., $1 par common.
Lincoln First Banks Inc., $10 par common.
Lomas & Nettleton Financial Corp., $2 par common.
Louisiana and Southern Life Insurance Co., $1 par common.
MPB Corp., $1 par common.
Maine Sugar Industries, Inc., $1.25 par common.
Major Realty Corp., $0.01 par common.
Mallinckrodt Chemical Works, class A, nonvoting common.
Management Assistance Inc., $0.10 par common.
Manufacturers National Bank of Detroit, $10 par common.
Marathon Manufacturing Co., common.
Medic-Home Enterprises Inc., common.
Mellon National Bank and Trust Co., common.
Midas-International Corp., class A, $1 par, common.
Midlantic Banks, Inc., $10 par capital.
Millipore Corp., $0.33⅓ par common.
Mogul Corp., The, no par common.
Mohawk Rubber Co., The, $1 par common.
Monarch Capital Corp., $1 par common.
Monmouth County National Bank, The (Red Bank), common capital.
Monumental Corp., $5 par common.
Moore, Samuel, and Co., no par common.
Murphy Pacific Marine Salvage Co., no par common.
Mutual Savings Life Insurance Co., common.
NCNB Corp., $5 par common.
NLT Corp., $5 par common.
National Bank of Detroit, common capital.
National City Bank of Cleveland, The, $8 par common.
National Liberty Corp., common.
National Life of Florida Corp., common.
National Medical Enterprises, class A, common.
National Old Line Insurance Co., class BB, nonvoting, $1 par common.
National Semiconductor Corp., common.
National Student Marketing Corp., $0.01 par common.
National Western Life Insurance Co., class A, common.
Nationwide Corp., class A, common.
New England Gas and Electric Association, $4 par common.
New England Merchants National Bank, $5 par capital.
New Jersey National Bank and Trust Co., common.
Newhall Land and Farming Co., The, common.
Nicholson File Co., $1 par common.
Nielsen, A. C., Co., class A, common, class B, common.
North American Life & Casualty Co., $1 par common.
North Carolina Natural Gas Corp., $2.50 par common.
North Central Airlines Inc., $0.20 par common.
Northwest Natural Gas Co., $3.00⅙ par common.
Northwestern National Life Insurance Co., $2.50 par common.
Noxell Corp., class B, nonvoting, $1 par common.
Ocean Drilling & Exploration Co., $0.50 par common.
Ohio Art Co., common.
Ohio Casualty Corp., $0.50 par common.
Oil Shale Corp., The, $0.15 par common.
Old Line Life Insurance Co., of America, The, $1.33⅓ par common.
Ormont Drug & Chemical Co., Inc., $0.10 par common.
Otter Tail Power Co., common.
Overseas National Airways, Inc., $1 par common.
Ozite Corp., $1 par common.
PNB Corp., $1 par common.
Pabst Brewing Co., common.
Panoil Co., $0.10 par common.
Parker Drilling Co., $1 par common.
Parkview-Gem, Inc., common.
Pauley Petroleum Inc., common.
Pavelle Corp., The, $0.10 par common.
Pay'n Save Corp., no par common.
Pennsylvania Engineering Corp., common.
Pennsylvania Gas and Water Co., common.
Pennsylvania Life Co., $1 par common.
Pettibone Corp., $10 par common.
Philadelphia Life Insurance Co., $1 par common.
Philadelphia Suburban Corp., $1 par common.

Photon, Inc., $1 par common.
Piedmont Aviation, Inc., $1 par common.
Pittsburgh National Corp., $10 par common.
Pizza Hut, Inc., $0.01 par common.
Professional Golf Co., Inc., common.
Provident Life & Accident Insurance Co., common.
Provident Life Insurance Co., $2.50 par common.
Provident National Corp., $1 par common.
Public Service Company of New Hampshire, $5 par common.
Public Service Company of New Mexico, $5 par common.
Public Service Co. of N.C., Inc., $1 par common.
Publishers Co., Inc., $0.40 par common.
Ransburg Electro-Coating Corp., common.
Recognition Equipment Inc., $0.25 par common.
Republic National Bank of Dallas, $6 par capital.
Republic National Life Insurance Co., common.
Richmond Corp., common.
Riggs National Bank, common.
Rival Manufacturing Co., common.
Roberts Co., $1 par common.
Russell Stover Candies, Inc., common.
Safeco Corp., $5 par common.
Scientific Control Corp., $0.20 par common.
Scott, O. M., & Sons Co., The, class A, nonvoting, $0.10 par common.
Scripto, Inc., $0.50 par common.
Seattle-First National Bank, $10 par common.
Security National Bank (Huntington, N.Y.), $5 par common.
Security Pacific National Bank, $10 par capital.
Seismic Computing Corp., $0.10 par common.
Seven-Up Co., The, $1 par common.
Shakespeare Co., common.
Shareholders Capital Corp., $0.50 par common.
Shawmut Association, Inc., common.
Shop Rite Foods, Inc., common.
Simon & Schuster Inc., common.
Smith's Transfer Corp., $2.50 par common.
Southern Industries Corp., no par common.
Southern New England Telephone Co., The, $25 par common.
Southern Union Gas Co., $1 par common.
Southland Corp., The, $0.01 par common.
Southwest Gas Corp., common.
Southwest Gas Producing Co., Inc., $1 par common.
Southwestern Life Insurance Co., $2.50 par capital.
Sovereign Industries, Inc., $0.04 par common.
Spang Industries Inc., $1 par common.
St. Paul Cos., Inc., The, common.
Standard Register Co., The, common.
State Street Bank and Trust Co., $10 par common.
Subscription Television, Inc., $0.01 par capital.
Sugardale Foods, Inc., no par common.
Superior Electric Co., The, $1 par common.
Tampax Inc., $1 par common.
Tassette, Inc., common.
Taylor Wine Co., Inc., The, $2 par common.
Texas American Oil Corp., common.
Texas International Airlines, Inc., common.
Tiffany and Co., $1 par common.
Titan Group, Inc., $1 par common.
Tracor, Inc., common.
Transcontinental Gas Pipe Line Corp., $0.50 par common.
Travelodge International, Inc., no par common.
Trico Products Corp., no par common.
Tropicana Products, Inc., common.
Trust Company of New Jersey, The, $2.50 par common capital.
Tyson's Foods, Inc., common.
Unicoa Corp. (United Insurance Company of America), $2.50 par common.
United Convalescent Hospitals, Inc., $1 par common.
United Illuminating Co., The, no par common.
United Life & Accident Insurance Co., capital.
United Services Life Insurance Co., $1 par common.
United States Banknote Corp., $1 par common.
United States Fidelity and Guaranty Co., common.
United States Trust Company of New York, $5 par capital.
United Virginia Bankshares Inc., $10 par common.
Valley National Bank of Arizona, The, $2.50 par common.
Variable Annuity Life Insurance Co., The, $1 par common.
Virginia Commonwealth Bankshares, $5 par common.
Virginia National Bank, $5 par capital.
WPNB Corp., $5 par common.
Wallace Business Forms, Inc., $5 par common.
Warner Electric Brake & Clutch Co., $1 par common.
Washington National Corp., $5 par common.
Washington Natural Gas Co., $5 par common.
Water Treatment Corp., common.
Webb Resources, Inc., $0.10 par common.
Wellington Management Co., class A, common.
Werner Continental, Inc., $0.50 par common.
Western Gear Corp., $1 par common.
Western Publishing Co., Inc., $1 par, $2.50 stated common.
Westgate-California Corp., class A, $5 par common.
White Shield Corp., $0.05 par common.
Winnebago Industries, Inc., $0.50 par common.
Wisconsin Power & Light Co., common.
Woodward & Lothrop Inc., $10 par common.

[F.R. Doc. 70-9549; Filed, July 23, 1970; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1495]

ARNOLD CONSTABLE CORP.

Notice of Application To Withdraw From Listing and Registration

JULY 20, 1970.

The above-named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Philadelphia-Baltimore-Washington Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Due to the limited trading activity on the Exchange. The proposed withdrawal was approved by stockholders on June 17, 1970, in accordance with the rules of the Exchange.

Any interested person may, on or before August 5, 1970, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 70-9548; Filed, July 23, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

NORTH CENTRAL CAPITAL CORP.

Notice of Issuance of Small Business Investment Company License

On June 25, 1970, a notice of application for a license as a small business investment company (SBIC) was published in the FEDERAL REGISTER (35 F.R. 10400) stating that an application has been filed with the Small Business Administration (SBA) pursuant to section 107.102 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) for a license as a small business investment company by North Central Capital Corp., 201 North Main Street, Rockford, Ill. 61101.

Interested parties were given to the close of business July 6, 1970, to submit their comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/07-0079 to North Central Capital Corp. to operate as a small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

JULY 9, 1970.

[F.R. Doc. 70-9561; Filed, July 23, 1970; 8:48 a.m.]

WATER RESOURCES COUNCIL

POLICIES AND PROCEDURES IN PLAN FORMULATION AND EVALUATION OF WATER AND RELATED LAND RESOURCES PROJECTS

Notice of Change in Discount Rate

Notice is hereby given that the interest rate to be used by Federal agencies in the fomulation and evaluation of plans for water and related land resources is 5⅛ percent for the period July 1, 1970, through and including June 30, 1971.

The rate has been computed in accordance with section 704.39 of the rules and regulations of the Water Resources Council, 18 CFR 704.39, and is to be used

by all Federal agencies in plan formulation and evaluation of water and related land resources projects for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

The interest rate shall apply to all Federal and federally assisted water and related land resources project evaluation reports submitted to the Congress, or approved administratively, after the close of the 90th Congress, subject however to the provisions of 18 CFR 704.39 (d) regarding projects authorized prior to the close of the second session of the 90th Congress where State or local governmental agencies have given, prior to December 31, 1969, satisfactory assurances to pay the required non-Federal share of project costs.

The Treasury Department informed the Water Resources Council pursuant to 18 CFR 704.39(b) that the interest rate would be 6⅜ percent based upon the formula set forth in 18 CFR 709.39 (a): "* * * the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States, which, at the time the computation is made, have terms of 15 years or more remaining to maturity * * *". This higher rate, however, cannot be used for plan formulation and evaluation for fiscal year 1971 because a further provision of the Council's rules and regulations provides "* * * [t]hat in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year." 18 CFR 704.39(a). Since the rate in fiscal year 1970 was 4⅞ percent, 18 CFR 704.39(e), the rate for fiscal year 1971 is 5⅛ percent.

Dated: July 21, 1970.

HARRY A. STEELE,
Acting Director.

[F.R. Doc. 70-9567; Filed, July 23, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 21, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42004—*Rates from and to points in Iowa, Minnesota, and South Dakota.* Filed by Chicago and North Western Railway Co. (No. 102), for interested rail carriers. Rates on property moving on class and commodity rates, between points in Iowa, Minnesota, and South Dakota, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—Abandonment of segments of railroad.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42005—*Foodstuffs to Chicago, Ill.* Filed by Chicago and North Western Railway Co. (No. 101), for itself and interested rail carriers. Rates on foodstuffs, canned or preserved, in carloads, as described in the application, from Jackson, Wis., and Rochester, Minn., to Chicago, Ill.

Grounds for relief—Maintenance of depressed rates without use of such rates as factors in constructing combination rates.

Tariff—Supplement 38 to Chicago and North Western Railway Co. tariff ICC 11496.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-9564; Filed, July 23, 1970; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 20, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42001—*Salt from Watkins Glen, N.Y.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2980), for interested rail carriers. Rates on salt, common (sodium chloride), in bulk, in covered hopper cars, in carloads, as described in the application, from Watkins Glen, N.Y., to Henderson and Lexington, N.C., also Danville, Va.

Grounds for relief—Market competition.

Tariff—Supplement 93 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC A-907.

FSA No. 42002—*Soda ash to St. Gabriel, La.* Filed by Western Trunk Line Committee, agent (No. A-2629), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in hopper cars, in carloads, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to St. Gabriel, La.

Grounds for relief—Rate relationship.

Tariff—Supplement 126 to Western Trunk Line Committee, agent, tariff ICC A-4374.

FSA No. 42003—*Talc and talc tailings from specified points in Montana.* Filed by Trans-Continental Freight Bureau, agent (No. 462), for interested rail carriers. Rates on talc and talc tailings and related articles, in carloads, as described in the application, from specified points in Montana, to points in official and southern territories.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariffs—Supplement 82 to Trans-Continental Freight Bureau, agent, tariff ICC 1785, and supplement 219 to Western Trunk Line Committee, agent, tariff ICC A-4620.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-9565; Filed, July 23, 1970; 8:49 a.m.]

[Notice 118]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 17, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 40270 (Sub-No. 8 TA), filed July 15, 1970. Applicant: CRABBS TRANSPORT, INC., Route No. 2, Enid, Okla. 73701. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northeast 23d, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, from Chickasha and Enid, Okla., to points in New Mexico, for 180 days. Supporting shipper: Farmland Industries, Post Office Box 7305, Kansas City, Mo. 64116. Send protests to: C.L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 108722 (Sub-No. 4 TA), filed July 15, 1970. Applicant: THEODORE MARABELLI AND JOSEPH M. MARABELLI, a partnership, Rural Delivery No. 2, Tunkhannock, Pa. 18657. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points

in Luzerne and Schuylkill Counties, Pa., to points in Wayne County, Pa., for 180 days. Supporting shipper: Lehigh Valley Coal Sales Co., Post Office Box 450, Pittston, Pa. 18640. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503. NOTE: Applicant intends to tack with its existing authority in MC 108722 Sub. 2.

No. MC 109462 (Sub-No. 11 TA), filed July 15, 1970. Applicant: LUMBER TRANSPORT, INC., Post Office Box 576, Benton, Ark. 72015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe and accessories* used in the installation of clay pipe, from Seminole, Okla., to points in Arkansas, Colorado, Kansas, Missouri, New Mexico, and Texas, for 180 days. Supporting shipper: United Clay Pipe Co., Post Office Box 552, Seminole, Okla. 74868. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 110884 (Sub-No. 14 TA), filed July 13, 1970. Applicant: AUBREY FREIGHT LINES, INC., Post Office Box 527, Elizabeth, N.J. 07030. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and products and supplies used in the manufacturing of cheese and cheese products*, from Monroe, Wis., to points in Nassau County, N.Y., and Neptune City, N.J., under contract with N. Dorman & Co., New York, N.Y., for 150 days. Supporting shipper: N. Dorman & Co., Inc., 73 Hudson Street, New York, N.Y. 10013. Send protests to: District Supervisor Walter J. Grossman, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark N.J. 07102.

No. MC 113158 (Sub-No. 13 TA), filed July 13, 1970. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: Harry H. Todd, Secretary, Md. 21664. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers for agricultural commodities*, from Salisbury, Md., to points in Blair, Juniata, Lancaster, Lebanon, and Northumberland Counties, Pa., for 180 days. Supporting shipper: Olinkraft, Inc., Post Office Box 488, West Monroe, La. 71291, H. T. Nichols, Manager, Transportation Rates and Research. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 119012 (Sub-No. 7 TA), filed July 15, 1970. Applicant: RIVER TERMINALS TRANSPORT, INC., 208 Broadway, Aurora, Ind. Applicant's representative: Don J. Meyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke breeze*, in bulk, in dump vehicles, from plantsite of Armco Steel Corp. at New Miami and Middletown, Ohio, to plantsite of Aurora Terminals Co., Inc., Aurora, Ind., for 180 days. Supporting shipper: Philipp Brothers, Division of Engelhard, Minerals & Chemicals Corp., 299 Park Avenue, New York, N.Y. 10017. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124505 (Sub-No. 9 TA), filed July 13, 1970. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. 59801. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter*, when moving in the same vehicle, from Tacoma, Wash., to Sheridan and Cody, Wyo., for 180 days. Supporting shipper: Carling Brewing Co., 9400 Quincy Avenue, Cleveland, Ohio 44106. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134716 (Sub-No. 1 TA), filed July 15, 1970. Applicant: RUSH TRUCKING, INC., 803 Northwest Seventh Terrance, Fort Lauderdale, Fla. 33311. Applicant's representative: James E. Wharton, Suite 506, First National Bank Building, Post Office Box 231, Orlando, Fla. 32802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, toilet articles, and premiums, and equipment and supplies* in connection therewith, from Fort Lauderdale, Fla., to points in Broward and Palm Beach Counties, Fla., for 120 days. Supporting shipper: Avon Products, Inc., 2200 Cotillion Drive, Chamblee, Ga. 30302. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 134757 TA, filed July 13, 1970. Applicant: INTERNATIONAL CARRIERS, LTD., No. 1 First Street, Los Altos, Calif. 94022. Applicant's representative: John A. McWilliams (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk shipping containers requiring special equipment and special handling, having a prior or subsequent movement by water carrier, between the ports of Los Angeles, Wilmington, San Pedro, Long Beach, San Francisco, and Oakland, Calif., and points in California, for 180 days. Supporting shippers: Janich Bros., Inc., 6821 Central Avenue, Newark, Calif.; E. Martinoni Co., 543 Forbes Avenue, South San Francisco, Calif. 94080.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-9562; Filed, July 23, 1970; 8:49 a.m.]

[Notice 562]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 20, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72224. *Corrected*[1] By order of June 29, 1970, the Motor Carrier Board approved the transfer to Sherman & Boddie, Inc., Oxford, N.C., of the operating rights in No. MC-127810, issued December 6, 1966, to T. J. Pendergrass, Henderson, N.C., authorizing the transportation of: fertilizer and fertilizer materials from specified points in Virginia to specified points in North Carolina.

Charles B. Morris, Jr., Box 1606, Raleigh, N.C. 27602, attorney for applicants.

No. MC-FC-72225. By order of July 15, 1970, the Motor Carrier Board approved the transfer to Fisher's Moving & Storage Co., a corporation, Jonesboro, Ark., of the operating rights in certificates Nos. MC-126176 (Sub-No. 2), and MC-126176 (Sub-No. 3) issued October 10, 1969, and August 16, 1965, respectively, to Harold L. Fisher, doing business as Fisher's Moving & Storage, Blytheville, Ark., authorizing the transportation of used household goods, betweeen points in Randolph, Clay, Lawrence, Greene, Craighead, Mississippi, Poinsett, and Crittenden Counties, Ark., Carter, Ripley, Butler, Stoddard, Scott, Mississippi, Dunklin, New Madrid, and Pemiscot Counties, Mo., and Dyer, Gibson, Crockett, and Lauderdale Counties, Tenn., and household goods, as defined by the Commission, between Jonesboro, Ark., and points in Arkansas within 50 miles of Jonesboro, on the one hand, and, on the other, points in Alabama, Illinois, Iowa, Kansas, Mississippi, Missouri, Oklahoma, Tennessee, and that part of Kentucky west of U.S. Highway 45, that part of Louisiana north of U.S. Highway 80, and that part of Texas north of U.S. Highway 80 and east of U.S. Highway 81, including points on the indicated portions of the highways specified. Graham Partlow, Jr., Post Office Box 406, Blytheville, Ark. 72315, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-9563; Filed, July 23, 1970; 8:49 a.m.]

[1] This corrects the publication of July 8, 1970, inadvertently reversing the names of transferee and transferor.

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