

(b) After the President has entered into a trade agreement which provides for any new tariff concession, the Special Representative shall submit to the President, for transmission by him to each House of Congress, copies of such trade agreement, together with a draft of the statement relating thereto provided for in section 226 of the Act. In addition, the Special Representative shall transmit to each House of Congress copies of agreements supplementary to trade agreements which do not provide for any new tariff concession, and of such other documents relating to the trade agreements program as he considers appropriate, together with a brief statement describing each such supplementary agreement or other document.

(1) The Special Representative shall make arrangements under which the committee established by section 4 of this order shall provide for public hearings in pursuance of the second sentence of section 252(d) of the Act. The functions conferred upon the President by the first sentence of that section are hereby delegated to the Special Representative.

(j) Advice furnished by the Secretaries of Commerce and Labor under section 351(c) of the Act shall be transmitted by the respective Secretaries to the President through the Special Representative.

(k) Subject to available financing, the Special Representative may employ such personnel as may be necessary to assist him in the performance of his functions.

(l) The Special Representative shall prepare or have prepared for consideration by the President, in a form suitable for inclusion in Title 48 of the Code of Federal Regulations, any proclamation which relates wholly or primarily to the trade agreements program. Any such proclamation shall be subject to the provisions of Executive Order No. 11030 of June 19, 1962 (27 F.R. 5847), except that such proclamation need not be submitted for approval to the Director of the Bureau of the Budget as provided in section 2 (a) and (b) of that order but may be transmitted directly to the Attorney General for his consideration as to both form and legality.

Sec. 4. Trade Expansion Act Advisory Committee. (a) There is hereby established the Trade Expansion Act Advisory Committee (hereinafter referred to as the Committee). The Committee shall be composed of the Special Representative, who shall be its chairman, and the following other members: The Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

(b) Each Secretary referred to in section 4(a) of this order may designate an official from his department, who is in status not below that of an Assistant Secretary of an executive or military department, to serve as a member of the Committee in lieu of the designating Secretary when the latter is unable to attend any meeting of the Committee. In corresponding circumstances, the Special Representative may designate the Deputy Special Representative for Trade Negotiations, for a corresponding purpose. Except for his accountability to his designating authority, any person while so serving shall have in all respects the same status, as a member of the Committee, as do other members of the Committee.

(c) The Special Representative may from time to time designate any member of the Committee (including any person serving as a member of the Committee under the provisions of section 4(b) hereof) to act as chairman of the Committee when the Special Representative is unable to attend any meeting of the Committee.

(d) The Committee shall have the functions conferred by the Act upon the inter-agency organization referred to in section 242 of the Act and shall also perform such other functions as the President may from time to time direct.

(e) The recommendations made by the Committee under section 242(b)(1) of the Act, as approved or modified by the President, shall guide the administration of the trade agreements program.

(f) Before making recommendations to the President under section 242(b)(2) of the Act, the Committee shall, through the Special Representative, request the advice of the Adjustment Assistant Advisory Board, created by the provisions of section 361 of the Trade Expansion Act of 1962, concerning the feasibility of adjustment assistance to workers and firms.

(g) The functions conferred upon the President by the second sentence of section 242(c) of the Act, to the extent that they are in respect of procedures, are hereby delegated to the Committee.

Sec. 5. Tariff Commission. (a) The U.S. Tariff Commission is requested to determine the ad valorem equivalent, and, for this purpose, the authority conferred upon the President by the provisions of section 256(7) of the Act is hereby delegated to the Commission.

(b) Reports required to be made, and transcripts of hearings and briefs required to be furnished, by the Tariff Commission under the provisions of section 301(f)(1) of the Act (1) shall, in respect of investigations made by it under section 301(c)(1) of the Act, be transmitted by the Commission to the President through the Secretary of Commerce, and (2) shall, in respect of investigations made by it under section 301(c)(2) of the Act, be transmitted to the President through the Secretary of Labor.

(c) All other reports, findings, advice, hearing transcripts, briefs, and information which, under the terms of the Act, the Tariff Commission is required to furnish, report, or otherwise deliver to the President shall be transmitted to him through the Special Representative.

(d) Advice of the Tariff Commission under section 221(b) of the Act shall not be released or disclosed in any manner or to any extent not specifically authorized by the President or by the Special Representative.

Sec. 6. Secretary of the Treasury. There is hereby delegated to the Secretary of the Treasury the authority to issue regulations, conferred upon the President by the provisions of section 352(b) of the Act.

Sec. 7. Secretary of Commerce. The authority to certify, conferred upon the President by the provisions of section 302(c) of the Act, to the extent that such authority is in respect of firms, is hereby delegated to the Secretary of Commerce.

Sec. 8. Secretary of Labor. There are hereby delegated to the Secretary of Labor the authority to certify, conferred upon the President by the provisions of section 302(c) of the Act, to the extent that such authority is in respect of groups of workers, and the authority conferred upon the President by the provisions of section 302(e) of the Act.

Sec. 9. Committees and task forces. To perform assigned duties in connection with functions under the Act or this order and as may be permitted by law, the Special Representative may from time to time cause to be constituted appropriate committees or task forces made up in whole or in part of representatives or employees of interested agencies, of representatives of the committee established by the provisions of section 4 of this order, or of other persons. Assignments of personnel from agencies, in connection with the foregoing, and assignments

of duties to them, shall be made with the consent of the respective heads of agencies concerned.

Sec. 10. Threat of impairment of national security. Executive Order No. 11051 of September 27, 1962, is hereby amended by striking from section 404(a) thereof the text "section 2 of the Act of July 1, 1954 (68 Stat. 360; 19 U.S.C. 1352a)" and inserting in lieu of the stricken text the following: "Section 232 of the Trade Expansion Act of 1962".

Sec. 11. Redlegation. Delegations of authority made by this order to the Special Representative, the Secretary of Commerce, and the Secretary of Labor, and other assignments of authority made by this order to the Special Representative, shall be deemed to include the power of successive redelegation.

Sec. 12. References. Except as may for any reason be inappropriate, references in this order to any other Executive order or to the Act or to the Trade Expansion Act of 1962 or to any other statute, and references in this order or in any other Executive order to this order, shall be deemed to include references thereto, respectively, as amended from time to time.

Sec. 13. Prior bodies and orders. (a) The pending business, and the records and property of the Trade Policy Committee, Trade Agreements Committee, and the Committee for Reciprocity Information (now existing under orders referred to in section 13(b) below) shall be completed or transferred as the Special Representative, consonant with law and with the provisions of this order, shall direct; and the said committees are abolished effective as of the 30th day following the date of this order.

(b) Subject to the foregoing provisions of this section, the following are hereby superseded and revoked:

- (1) Executive Order No. 10082 of October 5, 1949.
- (2) Executive Order No. 10170 of October 12, 1950.
- (3) Executive Order No. 10401 of October 14, 1952.
- (4) Executive Order No. 10741 of November 25, 1957.

JOHN F. KENNEDY.

THE WHITE HOUSE,
January 15, 1963.

[FR Doc.71-18169 Filed 12-10-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6866]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Contractual Plans for Mutual Fund Shares and Variable Annuities; Correction

On June 10, 1971, in Release No. IC-6559, which was published in the FEDERAL REGISTER for June 14, 1971 at 36 F.R. 11645, the Commission announced, among other things, an amendment to § 270.27a-3 of Chapter II of Title 17 of the Code of Federal Regulations to include therein a reference to paragraph (5) of section 27(h) of the Investment Company Act of 1940.

Because of a typographical error, the caption to § 270.27a-3 included a reference to "section 27(f) (5)" instead of the correct reference as intended.

Commission action: The reference in the caption to § 270.27a-3 of Chapter II of Title 17 of the Code of Federal Regulations which reads "section 27(f) (5)" is amended to read "section 27(h) (5)", and as so amended said caption will read as follows:

§ 270.27a-3 Exemption from section 27(a) (4) and section 27(h) (5) of the Act for certain registered separate accounts.

For the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 6, 1971.

[FR Doc. 71-18160 Filed 12-10-71; 8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Coumaphos

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40-001V) filed by Chemagro, Division of Baychem Corp., Hawthorn Road, Post Office Box 4913, Kansas City, Mo. 64120, proposing that labeling for coumaphos be revised to permit use of the drug in pelleted feeds. The supplemental application is approved.

As requested by the sponsor, the name of the firm is being changed in the list of firms in § 135.501 (21 CFR 135.501).

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

1. Section 135.501 is amended in paragraph (c) by changing the firm name for Code 007, Chemagro Corp., as follows:

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

Code No. Firm name and address

007 ----- Chemagro, Division of Baychem Corp., Hawthorn Road, Post Office Box 4913, Kansas City, Mo. 64120.

2. Section 135e.39 is amended in paragraph (f) by revising the text in the "Limitations for use" column for item 3 to read as follows:

§ 135e.39 Coumaphos.

(f) Conditions of use. It is used as follows:

Amount	Limitations	Indications for use
***	***	***
3. Coumaphos.....	For chickens in complete feed; administer continuously for from 10 to 14 days; do not feed to chickens under 8 weeks of age nor within 10 days of vaccination or other conditions of stress; when reinfection occurs, treatment should be repeated 3 weeks after end of previous treatment; as sole medication; treatment of colored breeds of commercial layers should be avoided while in production since these breeds appear to be more sensitive to coumaphos than white breeds.	***

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (12-11-71).

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

Dated: December 1, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc. 71-18077 Filed 12-10-71; 8:45 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 312—IMPORTATION AND EXPORTATION OF CONTROLLED SUBSTANCES

Hearing Procedures for Denial of Import and/or Export Permits

On November 3, 1971, the Bureau of Narcotics and Dangerous Drugs published a notice of proposed rule making amending the hearing procedures provided for denial of import and/or export permits (36 F.R. 21057). No comments nor objections were received within the 30-day period so provided.

Therefore, under the authority vested in the Attorney General by sections 1002, 1003, 1007, and 1008 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513) and re-delegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that Part 312 of Title 21 of the Code of Federal Regulations be amended as follows:

1. By deleting § 312.13 and replacing it with the following:

§ 312.13 Issuance of import permit.

(a) The Director may authorize importation of any controlled substance listed in schedule I or II or any narcotic drug listed in schedule III, IV, or V if he finds:

(1) That the substance is crude opium or coca leaves in such quantity as he finds necessary to provide for medical, scientific, or other legitimate purposes;

(2) That the substance is necessary to provide for medical and scientific needs

or other legitimate needs of the United States during an emergency where domestic supplies of such substance or drug are found to be inadequate, or in any case in which the Director finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 of the Controlled Substances Act (21 U.S.C. 823); or

(3) That the domestic supply of any controlled substance is inadequate for scientific studies, and that the importation of that substance for scientific purposes is only for delivery to officials of the United Nations, of the United States, or of any State, or to any person registered or exempted from registration under sections 1007 and 1008 of the Act (21 U.S.C. 957 and 958).

(b) If after careful consideration of the application, it is found that approval cannot be given, and if additional information is required, or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded the prospective importer by the Director to furnish such additional information or to correct such mistake or irregularity before the application is finally disapproved.

(c) Each import permit shall be issued in sextuplet and serially numbered, with all six copies bearing the same serial number and being designated "original" (Copy 1), "duplicate" (Copy 2), etc., respectively. All copies of import permits shall bear the signature of the Director or his delegate, and facsimiles of signatures shall not be used. No permit shall be altered or changed by any person after being signed by the Director or his delegate and any change or alteration upon the face of any permit after it shall have been signed by the Director or his delegate shall render it void and of no effect. Permits are not transferable. Each copy of the permit shall have printed or stamped thereon the disposition to be made thereof. Each permit shall be dated and shall certify that the importer named therein is thereby permitted as a registrant under the Act, to import, through the port named, one shipment of not to exceed the specified quantity of

the named controlled substances, shipment to be made before a specified date. Not more than one shipment shall be made on a single import permit. The permit shall state that the Director is satisfied that the consignment proposed to be imported is required for legitimate purposes.

2. By deleting § 312.23 and replacing it with the following:

§ 312.23 Issuance of export permit.

(a) The Director may authorize exportation of any controlled substance listed in schedule I or II or any narcotic controlled substance listed in schedule III or IV if he finds that such exportation is permitted by subsections 1003 (a), (b), (c), or (d) of the Act (21 U.S.C. 953 (a), (b), (c), or (d)).

(b) If after careful consideration of the application it is found that approval cannot be given, and additional information is required, or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded the prospective exporter by the Director to furnish such additional information or to correct such mistake or irregularity before the application is finally disapproved.

(c) Each export permit shall be issued in septuplet and serially numbered, with all seven copies bearing the same serial number and being designated "original" (Copy 1), "duplicate" (Copy 2), etc., respectively. Each export permit shall be predicated upon an import certificate or other documentary evidence. Export permits are not transferable.

(d) No export permit shall be issued for the exportation of any narcotic drug to any country when the Director has information to show that the estimates submitted with respect to that country for the current period, under the Narcotic Limitation Convention of 1931, or the Single Convention on Narcotic Drugs of 1954, have been, or, considering the quantity proposed to be imported, will be exceeded. If it shall appear through subsequent advice received from the International Narcotic Control Board of the United Nations that the estimates of the country of destination have been adjusted to permit further importation of the narcotic drug, an export permit may then be issued if otherwise permissible.

3. By adding seven new sections as follows:

§ 312.41 Hearings generally.

(a) In any case where the Director shall hold a hearing regarding the denial of an application for an import or export permit, the procedures for such hearing shall be governed generally by the rule making procedures set forth in the Administrative Procedure Act (5 U.S.C. 551-559) and specifically by sections 1002 and 1003 of the Act (21 U.S.C. 952 and 953), by §§ 312.42-312.47, and by the procedures for administrative hearings

under the Act set forth in §§ 316.41-316.67 of this chapter.

§ 312.42 Purpose of hearing.

(a) If requested by an interested person who presents reasonable grounds therefor, the Director shall hold a hearing for the purpose of receiving factual evidence regarding the issues involved in the denial of an application for an import or export permit.

(b) The Director need not hold a hearing on the denial of an application for an import or export permit separate from a hearing on the suspension, revocation or denial of a registration to import or export, held pursuant to §§ 311.51-311.53 of this chapter.

(c) Extensive argument should not be offered into evidence but rather presented in opening or closing statements of counsel or in memoranda or proposed findings of fact and conclusions of law.

§ 312.43 Waiver or modification of rules.

The Director or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this part by notice in advance of the hearing, if he determines that no party in the hearing will be unduly prejudiced and the ends of justice will thereby be served. Such notice of modification or waiver shall be made a part of the record of the hearing.

§ 312.44 Request for hearing or appearance; waiver.

(a) Any person who desires a hearing on the denial of his application for an import or export permit shall, within 30 days after the date of receipt of the denial of his application for an import or export permit, file with the Director a written request for a hearing in the form prescribed in § 316.47 of this chapter.

(b) Any interested person who desires to participate in a hearing on the denial of an application for an import or export permit shall, within 30 days of the date of publication of notice of the hearing in the FEDERAL REGISTER, file with the Director a written notice of his intention to participate in such hearing in the form prescribed in § 316.48 of this chapter. Any person filing a request for a hearing need not also file a notice of appearance; the request for a hearing shall be deemed to be a notice of appearance.

(c) Any person entitled to a hearing or to participate in a hearing pursuant to § 312.13 or § 312.23 may, within the period permitted for filing a request for a hearing or a notice of appearance, file with the Director a waiver of an opportunity for a hearing or to participate in a hearing, together with a written statement regarding his position on the matters of fact and law involved in such hearing. Such statement, if admissible, shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in

determining the weight to be attached to matters of fact asserted therein.

(d) If any person entitled to a hearing or to participate in a hearing pursuant to § 312.13 or § 312.23, fails to file a request for a hearing or a notice of appearance, or if he so files and fails to appear at the hearing, he shall be deemed to have waived his opportunity for the hearing or to participate in the hearing, unless he shows good cause for such failure.

(e) If all persons entitled to a hearing or to participate in a hearing waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing, if scheduled, and issue his final order pursuant to § 312.47 without a hearing.

§ 312.45 Burden of proof.

At any hearing regarding the denial of an application for an import or export permit, each person entitled to, or participating in, the hearing shall have the burden of proving any propositions of fact or law asserted by him in the hearing.

§ 312.46 Time and place of hearing.

(a) If any person entitled to a hearing or to participate in a hearing pursuant to § 312.13 or § 312.23 requests a hearing on the denial of an application for an import or export permit, the Director shall hold such hearing. Notice of the time and place of the hearing shall be given at least 30 days prior to the hearing, unless such notice is waived and it is requested that the hearing be held at an earlier time, in which case the Director shall fix a date for such hearing as early as reasonably possible.

(b) The hearing will commence at the place and time designated in the notice given pursuant to paragraph (a) of this section or in the notice of hearing published in the FEDERAL REGISTER pursuant to § 312.44(b), but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

§ 312.47 Final order.

As soon as practicable after the presiding officer has certified the record to the Director, the Director shall issue his order on the denial of the application for an import or export permit. The order shall include the findings of fact and conclusions of law upon which the order is based. The Director shall serve one copy of his order upon each party in the hearing.

This order is effective upon its publication in the FEDERAL REGISTER (12-11-71).

Dated: December 8, 1971.

JOHN E. INGERSOLL,
Director, Bureau of
Narcotics and Dangerous Drugs.

[FR Doc.71-18201 Filed 12-10-71;8:49 am]