2. Amend § 305.12 to read as follows:

§ 305.12 Motions to quash or modify an investigation subpena.

Any person upon whom an investigation subpena is served may, within seven (7) days after such service or at any time prior to the return date thereof, whichever is earlier, file a motion to quash or modify such subpena with the hearing examiner who issued such subpena, or in the event the examiner is not available, with the chief examiner for action by himself or by a member of the Board. Such motions shall be made in writing in conformity with Rules 3 and 4 of the rules of practice (Part 302 of this subchapter); shall state with particularity the grounds therefor and the relief sought; shall be accompanied by the evidence relied upon and all such factual matter shall be verified in accordance with the provisions of Rule 202 of the aforesaid rules of practice. Written memoranda or briefs may be filed with the motions, stating the points and authorities relied upon. No oral argument will be heard on such motions unless the chief examiner, the examiner or a member of the Board directs otherwise. A subpena will be quashed or modified if the evidence whose production is required is not reasonably relevant to the matter under investigation, or the demand made does not describe with sufficient particularity the information sought, or the subpena is unlawful or unduly burdensome. The filing of a motion to quash or modify an investigation subpena shall stay the return date of such subpena until such motion is granted or denied. The Board may at any time review, upon its own initiative, the ruling of an examiner or the chief examiner or a member of the Board denying a motion to quash a subpena. In such cases, the Board may order that the return date of a subpena which it has elected to review be stayed pending Board action thereon.

(Secs. 204 and 1004 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 792; 49 U.S.C. 1324, 1484; 80 Stat. 386, 5 U.S.C. 556)

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-8202; Filed, June 26, 1970; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

Replacement Bags for Vacuum Cleaners

The Federal Trade Commission proposed a new section 501.3 of the Fair Packaging and Labeling Act regulations, published in the FEDERAL REGISTER of April 3, 1970 (35 F.R. 5559). This proposal would exempt replacement bags for vacuum cleaners from certain of the mandatory regulations of Part 500 of the regulations. The proposal was based on a conclusion that the varied shapes and sizes of vacuum cleaner bags are such that it would not be a matter of significant interest to consumers to require the quantity of contents statement of such bags to include the dimensions of the bags when the label of the package containing such bags specified the make and model of the vacuum cleaner which the bags were designed to effectively fit.

Comment was invited by the publication of the proposal. Eleven industry proposals and two State weights and measures responses favored the proposal. Two industry responses favored a requirement that the number of square inches of filter material per bag be specified. Two industries commented adversely and suggested rewording of paragraph (b) of the proposal. The latter adverse comments were premised on the potential of the conspicuous declaration of a make of vacuum cleaner to mislead the consumer into believing that the replacement bags were produced by the maker of the named vacuum cleaner. One adverse comment also included reference to "effectively fits" as that term was relevant to the vacuum cleaner. It was indicated that the term "effectively fits" was not sufficiently inclusive since fitting was only one facet of the proper use of a replacement bag in a particular cleaner. One favorable comment suggested the requirement that the name and place of business of the manufacturer, packer, or distributor appear on the lower 30 percent of the principal display panel of the package.

Having considered all the comments, the Commission has concluded that the proposed exemption with some modifications in the language appearing on April 3, 1970, should be adopted.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455); Part 501 of subchapter E is amended by adding thereto the following new section.

§ 501.3 Replacement bags for vacuum cleaners.

Replacement bags for vacuum cleaners, packaged and labeled for retail sale are exempt from the requirements of § 500.15a of this chapter which specifies how measurement of container type commodities should be expressed, provided:

(a) The quantity of contents is expressed in terms of numerical count of the bags;

(b) A statement appears on the principal display panel of the package accurately identifying the make and model of the vacuum cleaner or cleaners in which the replacement bag is intended to effectively function;

(c) The name and place of business of the manufacturer, packer, or distributor of the replacement bags, in addition to the requirements of § 500.5 of the regulations, appears on the principal display panel of the package.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a publice hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) if they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which has been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of valid objections.

Issued: June 23, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-8122; Filed, June 26, 1970; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965_____)

Subpart Q—Conditions of Participation; Rehabilitation Agencies, Clinics, and Public Health Agencies as Providers of Outpatient Physical Therapy Services

On November 27, 1968, there was published in the FEDERAL REGISTER (33 F.R. 17691) a notice of proposed rule making and proposed regulations relating to the conditions of participation by rehabilitation agencies, clinics, and public health agencies as providers of outpatient physical therapy services. Interested persons