FEDERAL REGISTER

VOLUME 35 NUMBER 70

Friday, April 10, 1970 Washington, D.C.

Pages 5907–5983

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Civil Aeronautics Board
Commerce Department
Consumer and Marketing Service
Customs Bureau
Economic Opportunity Office
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
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Labor-Management and Welfare-Pension Reports Office
Land Management Bureau
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FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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

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

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PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Chattanooga Interstate Air Quality Control Region

On December 9, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19469) to amend Part 81 by designating the Chattanooga Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on December 18, 1969. Due consideration has been given to all relevant material presented, with the result that Dade County, Ga., which was not in the original proposal, has been added to the Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.42, as set forth below, designating the Chattanooga Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.42 Chattanooga Interstate Air Quality Control Region.

The Chattanooga Interstate Air Quality Control Region (Tennessee, Georgia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 32 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Tennessee:
Hamilton County.

In the State of Georgia:
Catoosa County. Walker County.
Dade County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: March 31, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-4177; Filed, Apr. 9, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 10]

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Nonprofit Lunch Programs

The General Regulations concerning the requirements for participation in the National School Lunch Program (7 CFR 210.8(d)) have been amended to provide that a School Food Authority may employ a food service management company. The amendment becomes effective on April 1, 1970 (see 35 F.R. 3900). A complementary amendment to this part is desirable to authorize the use of food service management companies to conduct the feeding operation in schools which use donated foods but are not participating in the National School Lunch Program.

Therefore, the regulations for the operation of the Commodity Distribution Program, as amended (31 F.R. 14297; 32 F.R. 20837; 33 F.R. 402; 33 F.R. 6973; 34 F.R. 547; 34 F.R. 807; 34 F.R. 5629; 34 F.R. 18847; and 34 F.R. 19967) are hereby amended as follows:

1. Paragraph (h) of § 250.3 is revised to read as follows:

§ 250.3 Definitions.

* * * * *

(h) "Nonprofit lunch program" means a food service maintained by a school for the benefit of children, all of the income from which is used solely for the operation or improvement of the food service.

* * * * *

2. Paragraph (a) of § 250.8 is revised to read as follows:

§ 250.8 Eligible recipient agencies.

(a) *Schools.* Schools which operate nonprofit lunch programs under the National School Lunch Act are eligible to receive commodities under section 416, section 32, and section 6. Other schools which operate nonprofit lunch programs are eligible to receive commodities under section 416 and section 32. If any other such school employs a food service management company to conduct its feeding operation, the contract between the school and the food service management company shall expressly provide that:

(1) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the school will need to meet its responsibilities under this part, and shall report thereon to the school promptly at the end of each month;

(2) Any commodities received by the school under this part and made available to the food service management company shall enure only to the benefit of the school's feeding operation and be utilized therein; and

(3) The books and records of the food service management company pertaining to the school's feeding operation shall be available, for a period of 3 years from the close of the Federal fiscal year to which they pertain, for inspection and audit by representatives of the State agency, of the Department, and of the General Accounting Office at any reasonable time and place.

Schools receiving commodities under this part shall not discriminate against any child because of his inability to pay the full price of the lunch or because of his race, color, or national origin. Schools receiving commodities under this part shall also be eligible to receive such foods for use in training students in home economics, including college students if the same facilities and instructors are used for training both high school and college students in home economics courses.

* * * * *

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 32, 49 Stat. 774, as amended; 50 Stat. 323, as amended; secs. 6 and 9, 60 Stat. 231, 233, as amended; sec. 416, 63 Stat. 1068, as amended; sec. 402, 68 Stat. 843, as amended; sec. 210, 70 Stat. 202; sec. 9, 72 Stat. 1792, as amended; 74 Stat. 899, as amended; sec. 709, 79 Stat. 1212, as amended; sec. 3, 82 Stat. 117; 5 U.S.C. 301; 7 U.S.C. 612c; 15 U.S.C. 713, 42 U.S.C. 1755, 1758; 7 U.S.C. 1431, 22 U.S.C. 1922, 7 U.S.C. 1859, 7 U.S.C. 1431b; 7 U.S.C. 1431 note, 7 U.S.C. 1446a-1; 42 U.S.C. 1761)

Effective date. This amendment shall become effective upon filing.

Dated: April 3, 1970.

ELVIN A. ADAMSON,
Deputy Assistant Secretary.

[F.R. Doc. 70-4384; Filed, Apr. 9, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 69-SW-70; Amdt. 39-968]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of certain tail rotor drive shaft assemblies on the Bell Model 47 Series Helicopters and other helicopters incorporating these assemblies was published in 34 F.R. 17963.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to all Bell Model 47 Series Helicopters and all other helicopters incorporating any of the following tail rotor drive shaft assemblies:

47-644-172-3	47-644-186-1
47-644-180-1	47-644-187-5
47-644-180-5	47-644-187-11
47-644-214-1	

Compliance required no later than January 1, 1971; however, replacement is recommended at the next 1,200-hour overhaul.

To prevent failure from internal corrosion, remove and replace all tail rotor drive shaft assemblies installed on applicable helicopters as indicated below in accordance with the applicable maintenance and overhaul manual:

Remove	*Replace with*
47-644-172-3	47-644-172-9
47-644-180-1	47-644-180-9
47-644-180-5	47-644-180-11
47-644-214-1	47-644-214-9
47-644-186-1	47-644-186-5
47-644-187-5	47-644-187-17
47-644-187-11	47-644-187-19

(Bell Service Bulletin No. 47-145, Rev. B, dated Mar. 26, 1970 pertains to this matter.)

This amendment becomes effective May 9, 1970.

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

Issued in Fort Worth, Tex., on March 30, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-4375; Filed, Apr. 9, 1970; 8:46 a.m.]

[Docket No. 70-EA-24; Amdt. 39-969]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend airworthiness directive 70-2-2 (Amdt. 39-922), applicable to Pratt & Whitney JT8D type turbofan engines.

Subsequent to the publication of Airworthiness Directive 70-2-2 it was determined that two disc serial numbers were incorrect digits and two disc serial numbers must be added.

Since the foregoing corrections are corrective in nature and the substance of Airworthiness Directive 70-2-2 relates to failure of compressor rotor discs, expeditious adoption of these amendments is required, and, therefore, notice and public procedure hereon are impractical and the amendments may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending Amendment 39-922, AD 70-2-2, by deleting the serial numbers IV5846 and IV5858 and inserting in lieu thereof IV5864 and IV5878 respectively; adding the serial Nos. 8T7704 and 8T7708.

This amendment is effective April 15, 1970.

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

Issued in Jamaica, N.Y., on March 31, 1970.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 70-4373; Filed, Apr. 9, 1970; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 70-WE-3]

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

Alteration of Transition Area

On February 20, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3235) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Pendleton, 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 amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., May 28, 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 March 27, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (35 F.R. 2134) the Pendleton, Oreg., transition area is amended by deleting all before "* * *; that airspace extending upward from 1,200 feet above the surface * * *" and substituting therefor "That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 45° 41'30" N., longitude 118°47'24" W.; within 4.5 miles each side of the Pendleton VORTAC 254° radial extending from the 12-mile radius area to 12.5 miles west of the VORTAC; within 4.5 miles north and 1 mile south of the Pendleton 273° radial extending from the 12-mile radius area to 8 miles west of the VORTAC; and within 9.5 miles north and 5 miles south of the Pendleton 090° bearing from the Pendleton ILS OM (latitude 45°41'45" N., longitude 118° 43'46" W.), extending from the 12-mile radius area to 18.5 miles east of the OM";

In § 71.181 (35 F.R. 2134) the Pendleton, Oreg., transition area is further amended by deleting "* * * within 6 miles southwest and 9 miles northeast of the Pendleton 310° radial, * * *" and substituting therefor "* * * within 9.5 miles north and 5 miles south of the Pendleton 273° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC; within 6 miles southwest and 9 miles northeast of the Pendleton 310° radial, * * *"

[F.R. Doc. 70-4376; Filed, Apr. 9, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-5]

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

Alteration of Transition Area

On February 19, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3175) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fort Bridger, Wyo., 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 amendments are hereby adopted without change.

Effective date: This amendment shall be effective 0901 G.m.t., May 28, 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 March 27, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

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

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Bridger Municipal Airport (latitude 41°24'00" N., longitude 110°25'00" W.), and within 3.5 miles each side of the Fort Bridger VORTAC 224° radial extending from the 5-mile radius area to 12 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southeast and 9 miles northwest of the Fort Bridger VORTAC 044° and 224° radials, extending from 19 miles southwest to 8 miles northeast of the VORTAC.

[F.R. Doc. 70-4377; Filed, Apr. 9, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-6]

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

Alteration of Control Zone and Transition Area

On February 19, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3176) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Vernal, Utah, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received, however, the FEDERAL REGISTER citation for the transition area was erroneously published in the notice. In view of the foregoing, the proposed amendments are hereby adopted subject to the following change:

Delete the FEDERAL REGISTER citation "(35 F.R. 134)" and substitute "(35 F.R. 2134)" therefor.

Effective date. These amendments shall be effective 0901 G.m.t., May 28, 1970.

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

Issued in Los Angeles, Calif., on March 30, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (35 F.R. 2054) the Vernal, Utah, control zone is amended as follows: In the first line of the description, delete "* * * 2 miles * * *", and substitute "* * * 3 miles * * *" therefor. In the second line, delete "* * * 159° radial * * *" and "* * * 8 miles * * *", and substitute "* * * 157° radial * * *" and "* * * 8.5 miles * * *" therefor.

In § 71.181 (35 F.R. 2134) the Vernal, Utah, transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Vernal VOR 157° and 337° radials, extending from 10 miles northwest to 18.5 miles southeast of the VOR.

[F.R. Doc. 70-4378; Filed, Apr. 9, 1970; 8:46 a.m.]

[Airspace Dockets Nos. 69-SO-69, 135, 137, 140, 141, 142, 145, 147, 148, 151]

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

Extensions of Effective Dates

The effective date of the following Airspace Dockets (FEDERAL REGISTER documents) is changed from 0901 G.m.t., April 2, 1970, to 0901 G.m.t., April 30, 1970:

A.S.D. No.	Terminal affected	FEDERAL REGISTER Publication		
		Dated	Doc. No.	Page
69-SO-69	Savannah, Ga.	Feb. 6, 1970	70-1507	2046
69-SO-135	Tri-City, Tenn.	Jan. 30, 1970	70-1176	1219
69-SO-137	Fort Stewart, Ga.	Jan. 21, 1970	70-758	803
69-SO-140	Jackson, Miss.	Feb. 6, 1970	70-1504	2045
69-SO-141	Vicksburg, Miss.	Jan. 28, 1970	70-1021	1103
69-SO-142	Belzoni, Miss.	Jan. 30, 1970	70-1177	1219
69-SO-145	McComb, Miss.	Feb. 6, 1970	70-1505	2045
69-SO-147	Yazoo City, Miss.	Jan. 30, 1970	70-1178	1220
69-SO-148	Hartsville, S.C.	Jan. 23, 1970	70-867	943
69-SO-151	Charlotte, N.C.	Feb. 6, 1970	70-1506	2046

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

Issued in East Point, Ga., on March 26, 1970.

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

[F.R. Doc. 70-4379; Filed, Apr. 9, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-2]

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

Alteration of Transition Area

On February 18, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3119), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Union City, Tenn., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 28, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Union City, Tenn., transition area is amended to read:

UNION CITY, TENN.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Everett-Stewart Airport (lat. 36°22'50" N., long. 88°59'15" W.); within 3 miles each side of Dyersburg VORTAC 037° radial, extending from the 5.5-mile radius area to 25.5 miles northeast of the VORTAC; within 3 miles each side of the 186° and 347° bearings from Union City RBN (lat. 36°23'06" N., long. 88°58'50" W.), extending from the 5.5-mile radius area to 8.5 miles north and 8.5 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles east and 9.5 miles west of the 347° bearing from Union City RBN, extending from the RBN to 18.5 miles north; excluding the portion within the State of Tennessee.

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

Issued in East Point, Ga., on March 26, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-4380; Filed, Apr. 9, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-57]

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

Alteration of Transition Area

On March 7, 1970, F.R. Doc. 70-2782 was published in the FEDERAL REGISTER (35 F.R. 4257), amending Part 71 of the Federal Aviation Regulations by altering the Nashville, Tenn., control zone and transition area and revoking the Gallatin, Tenn., transition area.

Subsequent to publication of the rule, the Department of the Air Force advised that Sewart Air Force Base, Smyrna, Tenn., will be closed on March 31, 1970. Retention of that portion of controlled airspace designated for the protection of IFR operations at Sewart Air Force Base is no longer required. The associated control tower and navigational aids will be decommissioned at 2400 c.s.t., March 31, 1970. It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 70-2782 is amended as follows: In line 17 of the Nashville, Tenn., transition area description, all after "* * * (lat. 36°22'45" N. * * *" is deleted and "* * * long. 86°24'30" W.) * * *." is substituted therefor.

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

Issued in East Point, Ga., on April 1, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-4381; Filed, Apr. 9, 1970; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 10244; Special Federal Aviation Regulation 25-1]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports; Increase in IFR Operations Per Hour

The purpose of this Special Federal Aviation Regulation is to increase the number of IFR operations allocated under Special Federal Aviation Regulation 25 to air carriers and foreign air carriers, except air taxis, operating to and from the John F. Kennedy, La Guardia, Newark, and O'Hare Airports.

On March 28, 1970, due to the unauthorized absenteeism of air traffic controllers it was found necessary to reduce by 50 percent the number of IFR operations allocated under § 93.123 of the Federal Aviation Regulations for U.S. and foreign air carriers, except air taxi operators, operating at the John F. Kennedy, La Guardia, Newark, and O'Hare Airports. This reduction was ordered under the provisions of Special Federal Aviation Regulation No. 25 (35 F.R. 5466), which further provided that in the event circumstances permitted a change in the number of operations allocated under that regulation, it would be amended accordingly.

The air traffic control capability to handle traffic operating to and from the airports involved will now permit the number of IFR operations allocated for U.S. and foreign air carriers, except air taxis, to be increased to 75 percent of the number specified in § 93.123 of the Federal Aviation Regulations.

In order to provide immediate relief to the airlines and the traveling public, and since this regulation provides relief from a previous restriction, I find that notice and public procedure hereon is impracticable and it may be made effective immediately. A copy of this regulation has been served upon the Airline Scheduling Committees' Reservation Center so that it may immediately notify all affected airlines of the proportionate increase in the movements that may be reserved in their names.

In consideration of the foregoing, Special Federal Aviation Regulation No. 25 (35 F.R. 5466) is hereby amended, effective April 13, 1970, at 0600 hours, e.s.t., to read as follows:

Notwithstanding the provisions of § 93.123 (a) and (b)(2) of the Federal Aviation Regulations, the hourly number of allocated IFR operations that may be reserved by U.S. or foreign air carriers, except air taxis, is as follows:

(a) John F. Kennedy Airport—52 operations, except that between 5 p.m. and 8 p.m. 60 operations are allocated.
(b) La Guardia Airport—36 operations.
(c) Newark Airport—30 operations.
(d) O'Hare Airport—86 operations.

This Special Federal Aviation Regulation shall continue in effect until terminated by the Administrator.

(Secs. 103, 307 (a), (b), (c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), (c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); § 1.4(b), Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(b)))

Issued in Washington, D.C., on April 8, 1970.

G. S. MOORE,
Acting Administrator.

[F.R. Doc. 70-4499; Filed, Apr. 9, 1970; 10:21 a.m.]

[Reg. Docket No. 10250; Amdt. 694]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Idaho Falls, Idaho—Fanning Field, NDB (ADF)-1, Amdt. 5, 31 July 1969 (established under Subpart C).
Logan, Utah—Logan-Cache, NDB (ADF) Runway 17, Amdt. 1, 2 Jan. 1969 (established under Subpart C).
Painesville, Ohio—Casement, ADF 1, Amdt. 1, 25 Dec. 1965 (established under Subpart C).
Peoria, Ill.—Greater Peoria, NDB (ADF) Runway 30, Amdt. 4, 25 Feb. 1967 (established under Subpart C).
Idaho Falls, Idaho—Fanning Field, VOR Runway 2, Amdt. 11, 31 July 1969 (established under Subpart C).
Idaho Falls, Idaho—Fanning Field, VOR Runway 20, Amdt. 7, 31 July 1969 (established under Subpart C).
Peoria, Ill.—Greater Peoria, VOR 1, Amdt. 8, 7 Jan. 1967 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Jackson, Mich.—Reynolds Municipal, ADF 1, Orig., 3 Dec. 1966, canceled, effective 30 Apr. 1970.

3. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Jackson, Mich.—Reynolds Municipal, TerVOR-5, Amdt. 3, 17 Dec. 1966 (established under Subpart C).
Jackson, Mich.—Reynolds Municipal, TerVOR-13, Amdt. 5, 7 Jan. 1967 (established under Subpart C).
Jackson, Mich.—Reynolds Municipal, TerVOR-23, Amdt. 5, 2 Jan. 1969 (established under Subpart C).
Jackson, Mich.—Reynolds Municipal, TerVOR-31, Amdt. 4, 17 Dec. 1966 (established under Subpart C).

4. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Cloquet, Minn.—Cloquet Carlton County, VOR/DME-1, Orig., 14 Sept. 1967 (established under Subpart C).
South Lake Tahoe, Calif.—Lake Tahoe, VOR/DME-1, Amdt. 2, 24 July 1969 (established under Subpart C).

5. By amending § 97.15 of Subpart B to cancel very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Jackson, Mich.—Reynolds Municipal, VOR/DME Runway 23, Orig., 4 Mar. 1967, canceled, effective 30 Apr. 1970.

6. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Peoria, Ill.—Greater Peoria, LOC (BC) Runway 12, Amdt. 9, 14 Mar. 1969 (established under Subpart C).
Peoria, Ill.—Greater Peoria, ILS Runway 30, Amdt. 6, 26 Feb. 1967 (established under Subpart C).

7. By amending § 97.17 of Subpart B to cancel instrument landing system (ILS) procedures as follows:

Jackson, Mich.—Reynolds Municipal, ILS-23, Orig., 3 Dec. 1966, canceled, effective 30 Apr. 1970.

8. By amending § 97.19 of Subpart B to cancel radar procedures as follows:

Pittsburgh, Pa.—Allegheny County, Radar 1, Orig., 29 July 1967, canceled, effective 30 Apr. 1970.

9. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.4 miles after passing ANB VOR.
Branchville Int	ANB VOR (NOPT)	Direct	2200	Climb to 3200' on R 085° ANB VOR within 15 miles.
Chelsea Int	ANB VOR	Direct	3000	Supplementary charting information:
Gossett Int	ANB VOR	Direct	3000	Final approach crs is to center of airport.
Lewis Int	ANB VOR	Direct	3000	
Springville Int	ANB VOR	Direct	3000	
Steele Int	ANB VOR	Direct	3000	

Procedure turn N side of crs, 263° Outbnd, 083° Inbnd, 2500' within 10 miles of ANB VOR.
FAF, ANB VOR. Final approach crs, 083°. Distance FAF to MAP, 9.4 miles.
ANB VOR, 2200'.
MSA: 000°-090°—3200'; 090°-180°—4000'; 180°-270°—3000'; 270°-360°—2700'.
NOTE: Circling minimums not authorized NW of centerline extended Runways 5-23.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1¼	949	1560	1½	949	1560	1¾	949	1560	2	949

Takeoff Standard. Alternate—1000-2.

City, Anniston; State, Ala.; Airport name, Anniston-Calhoun County; Elev., 611'; Fac. Ident., ANB; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 30 Apr. 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GGW VOR.
				Climb to 4200' on R 110° within 10 miles, return to VOR. Supplementary charting information: Runway 12,TDZ elevation 2289'. Final approach crs intercepts runway C/L 3000' from threshold. LRCO 123.6

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 4200' within 10 miles of GGW VOR.
Final approach crs, 130°.
MSA: 000°-090°—4100'; 090-270°—3900'; 270°-300°—4300'.

CAUTION: Runways 7/25 unlighted.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12	2800	1	511	2800	1	511	2800	1	511	2800	1¼	511
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2800	1	507	2800	1	507	2800	1¼	507	2800	2	507

Takeoff Standard. Alternate—Standard.

City, Glasgow; State, Mont.; Airport name, Glasgow International; Elev., 2293'; Fac. Ident, GGW; Procedure No. VOR Runway 12, Amdt. Orig.; Eff. date, 30 Apr. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GGW VOR.
				Climb to 4000' on R 310° within 10 miles, return to VOR. Supplementary charting information: Runway 30, TDZ elevation 2290'. Final approach crs intercepts runway C/L 3000' from threshold. LRCO 123.6.

Procedure turn N side of crs, 110° Outbnd, 290° Inbnd, 4000' within 10 miles of GGW VOR.
Final approach crs, 290°.
MSA: 000°–090°—4100'; 090°–270°—3900'; 270°–360°—4300'.
Caution: Runway 7/25 unlighted.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30	2780	1	490	2780	1	490	2780	1	490	2780	1	490
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2780	1	487	2780	1	487	2780	1¼	487	2860	2	567

Takeoff Standard. Alternate—Standard.

City, Glasgow; State, Mont.; Airport name, Glasgow International; Elev., 2253'; Fac. Ident., GGW; Procedure No. VOR Runway 30, Amdt. Orig.; Eff. date, 30 Apr. 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: IDA VOR.
Terreton Int	IDA VOR	Direct	6500	Climb to 7000' on R 013° within 10 miles.
Rigby Int	IDA VOR	Direct	6500	Supplementary charting information:
Rockford Int	IDA VOR	Direct	6500	Final approach crs intercepts runway
PIH VOR	Moreland Int	Direct	7000	centerline extended 2050' from threshold.
Moreland Int	Shelley Int	Direct	6500	Runway 2, TDZ elevation, 4740'.
Shelley Int	IDA VOR (NOPT)	Direct	5200	

Procedure turn W side of crs, 206° Outbnd, 026° Inbnd, 6500' within 10 miles of IDA VOR.
Final approach crs, 026°.
Minimum altitude over Shelley DME, 6500'.
MSA: 000°–090°—9200'; 090°–180°—8800'; 180°–270°—7900'; 270°–360°—6600'.
%IFR departure procedures: Climb on R 197° IDA VOR within 10 miles, so as to cross IDA VOR at or above: Northeastbound V330, 6400'.

DAY AND NIGHT MIMINUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2	5200	¾	460	5200	¾	460	5200	¾	460	5200	1	460
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5220	1	480	5220	1	480	5220	1¼	480	5340	2	600

Takeoff Standard.% Alternate—Standard.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4740'; Fac. Ident., IDA; Procedure No. VOR Runway 2, Amdt. 12; Eff. date, 30 Apr. 70; Sup. Amdt. No. 11; Dated, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: IDA VOR.
Terreton Int	IDA VOR	Direct	6500	Climb to 7000' on R 197° within 10 miles.
Rockford Int	IDA VOR	Direct	6500	Supplementary charting information:
Rigby Int	IDA VOR (NOPT)	Direct	5320	Final approach crs intercepts runway centerline extended 3300' from threshold. Runway 20, TDZ elevation, 4731'.

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 6500' within 10 miles of IDA VOR.
Final approach crs, 193°.
Minimum altitude over IDA NDB, 5320'.
MSA: 000°-090°—9200'; 090°-180°—8800'; 180°-270°—7900'; 270°-360°—6600'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	5320	¾	589	5320	¾	589	5320	¾	589	5320	1¼	589
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5320	1	580	5320	1	580	5320	1¼	580	5340	2	600
	VOR/ADF Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	5080	¾	349	5080	¾	349	5080	¾	349	5080	1	349

Takeoff Standard;% Alternate—Standard.
% IFR departure procedures: Climb on R 197° IDA VOR within 10 miles, so as to cross IDA VOR at or above: Northeastbound V330, 6440'.

City, Idaho Falls; State, Idaho; Airport name, Farming Field; Elev., 4740'; Fac. Ident., IDA; Procedure No. VOR Runway 20, Amdt. 8; Eff. date, 30 Apr. 70; Sup. Amdt. No. 7; Dated, 31 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: JXN VORTAC.
R 145°, JXN VORTAC CW	R 240°, JXN VORTAC	10-mile Arc	2900	Left-climbing turn to 4000' and proceed direct to Leslie Int and hold.*
R 341°, JXN VORTAC CCW	R 240°, JXN VORTAC	10-mile Arc	2900	Supplementary charting information:
10-mile DME Arc	4-mile DME Fix R 240° (Nopt)	JXN R 240°	1500	Runway 5, TDZ elevation 998'. 1330' tower 2.5 miles SE of airport. *Hold W, 1 minute, right turns, 096° Inbnd.

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2300' within 10 miles of JXN VORTAC.
Final approach crs, 060°.
Minimum altitude over 4-mile DME Fix, 1500'.
MSA: 000°-090°—3000'; 090°-180°—2500'; 180°-270°—2700'; 270°-360°—3000'.
*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5*	1500	1	502	1500	1	502	1500	1	502	1500	1¼	502
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	500	1500	1	500	1500	1¼	500	1640	2	640
	VOR/MDE Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5*	1360	1	362	1360	1	362	1360	1	362	1360	1	362
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	460	1460	1	460	1460	1¼	460	1640	2	640

Takeoff 200-1, Runways 13 and 23; Standard all others. Alternate—Standard.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Ident., JXN; Procedure No. VOR Runway 5, Amdt. 4; Eff. date, 30 Apr. 70; Sup. Amdt. No. Ter VOR-5, Amdt. 3; Dated, 17 Dec. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: JXN VORTAC.
R 231°, JXN VORTAC CW	R 308°, JXN VORTAC	10-mile Arc	2000	Climb to 3000' and proceed direct to Brooklyn Int and hold.*
R 053°, JXN VORTAC CCW	R 308°, JXN VORTAC	10-mile Arc	2000	
10-mile DME Arc	4-mile DME Fix (NOPT) R 308°	JXN R 308°	1440	Supplementary charting information: Runway 13, TDZ elevation 1000'. 1330' tower 2.5 miles SE of airport. *Hold W, 1 minute, right turns, 091° Inbnd

Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2300' within 10 miles of JX VORTAC.
Final approach crs, 128°.
Minimum altitude over 4-mile DME Fix, 1440'.
MSA: 000°–090°—3000'; 090°–180°—2500'; 180°–270°—2700'; 270°–360°—3000'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1440	1	440	1440	1	440	1440	1	440	1440	1	440
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	460	1460	1	460	1460	1½	460	1640	2	640
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1340	1	340	1340	1	340	1340	1	340	1340	1	340
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	460	1460	1	460	1460	1½	460	1640	2	640

Takeoff 200-1, Runways 13 and 23, Standard all others. Alternate—Standard.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Ident., JXN; Procedure No. VOR Runway 13, Amdt. 6; Eff. date, 30 Apr. 70; Sup. Amdt. No. Ter VOR-13, Amdt. 5; Dated, 7 Jan. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: JXN VORTAC.
R 341°, JXN VORTAC CW	R 046°, JXN VORTAC	10-mile Arc	2000	Climb to 3000' and proceed direct to LFD VORTAC and hold.*
R 145°, JXN VORTAC CCW	R 046°, JXN VORTAC	10-mile Arc	2700	
10-mile DME Arc	JXN VORTAC (Nopt)	JXN, R 046°	1620	Supplementary Charting Information: Runway 23, TDZ elevation 998'. 1310' tower 3.5 miles NE of airport. 1113' tower 1.2 miles NE of airport. *Hold S, 1 minute, right turns, 017° Inbnd
Pinckney Int	JXN VORTAC	Direct	2600	
Pinckney Int	10-mile DME Fix, R 046°	270° bearing and JXN, R 046°	2600	

Procedure turn N side of crs, 046° Outbnd, 226° Inbnd, 2300' within 10 miles of JXN VORTAC.
Final approach csr, 226°.
Minimum altitude over 2-miles DME Fix, 1620'.
MSA: 000°–090°—3000'; 090°–180°—2500'; 180°–270°—2700'; 270°–360°—3000'.
NOTE: Inoperative component table does not apply to REIL's Runway 23.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-23	1620	1	622	1620	1	622	1620	1	622	1620	1¼	622
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1620	1	620	1620	1	620	1620	1½	620	1620	2	620
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-23	1400	1	402	1400	1	402	1400	1	402	1400	1	402
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	460	1460	1	460	1460	1¼	460	1640	2	640

Takeoff 200-1, Runways 13 and 23, Standard all others. Alternate—Standard.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Ident., JXN; Procedure No. VOR Runway 23, Amdt. 6; Eff. date, 30 Apr. 70; Sup. Amdt. No. Ter VOR-23, Amdt. 5; Dated, 2 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: JXN VORTAC
R 063°, JXN VORTAC CW	R 143°, JXN VORTAC	10-mile Arc	2800	Climb to 4000' and proceed direct to Leslie Int and hold.
R 231°, JXN VORTAC CCW	R 143°, JXN VORTAC	10-mile Arc	2800	
10-mile DME Arc	2-mile DME Fix R 143° (NOPT)	JXN, R 143°	1640	Supplementary charting information: Runway 31, TDZ elevation 969'. 1330' tower 2.5 miles SE of airport. 1209' tower 2 miles ESE of airport. *Hold W, 1 minute, right turns, 096° Inbnd.

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 2300' within 10 miles of JXN VORTAC.
Final approach crs, 323°.
Minimum altitude over 2-mile DME Fix, 1640'.
MSA: 000°-090°—3000'; 090°-180°—2500'; 180°-270°—2700'; 270°-360°—3000'.
*Sliding scale below ¾ mile not authorized.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31*	1640	1	641	1640	1	641	1640	1¼	641	1640	1½	641
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1640	1	640	1640	1	640	1640	1½	640	1640	2	640
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31*	1460	1	461	1460	1	461	1460	1	461	1460	1	461
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	460	1460	1	460	1460	1¼	460	1640	2	640

Takeoff 200-1, Runways 13, and 23, Standard all others. Alternate—Standard.

City, Jackson; State, Mich; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Ident., JXN; Procedure No. VOR Runway 31, Amdt. 5; Eff. date, 30 Apr. 70; Sup. Amdt. No. Ter VOR-31, Amdt. 4; Dated, 17 Dec. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing PIA VORTAC.
R 048°, PIA VORTAC CCW	R 275°, PIA VORTAC	7-mile Arc	2300	Climbing right turn to 1800' direct to PIA VORTAC, or when directed by ATC,
R 167°, PIA VORTAC CW	R 275°, PIA VORTAC	7-mile Arc	2300	
Elmwood Int	Trivoli Int	185° crs and PIA, R 275° 11.7 miles.	2300	climbing left turn to 2300' on R 076° PIA VORTAC to Bradley Int.
London Int	Trivoli Int	BDF, R 220° and PIA, R 275° 11.5 miles.	2300	Supplementary charting information: Runway 12, TDZ elevation 644'.
Canton Int	Trivoli Int	BDF, R 267°	2300	Depict Bradley Int on AL chart.
Trivoli Int (7-mile DME Fix)	PIA VORTAC (NOPT)	Direct	1800	

Procedure turn S side of crs, 275° outbnd, 095° Inbnd, 1800' within 10 miles of PIA VORTAC.
FAF, PIA VORTAC. Final approach crs, 095°. Distance FAF to map, 4 miles.
Minimum altitude over PIA VORTAC, 1800'.
MSA: 045°-135°—2400'; 135°-225°—2000'; 225°-315°—2100'; 315°-045°—2300'.
NOTE: Inoperative table does not apply to HIRL Runway 12.
$ Sliding scale not authorized below ¾ mile.
CAUTION: Unlighted high-tension towers 2.4 miles NW of airport.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12$	1080	1	436	1080	1	436	1080	1	436	1080	1	436
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	480	1140	1	480	1140	1¼	480	1220	2	560

Takeoff RVR 24, Runway 30. Standard all others. Alternate—Standard.

City, Peoria; State, Ill.; Airport name, Greater Peoria; Elev., 660'; Fac. Ident., PIA; Procedure No. VOR Runway 12, Amdt. 9; Eff. date, 30 Apr. 70; Sup. Amdt. No. VOR 1, Amdt. 8; Dated, 7 Jan. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SRQ VOR.
Murdock Int	SRQ VOR	Direct	1600	Left turn, climb to 2000' direct to Murdock
Parrish Int	SRQ VOR	Direct	1600	Int., via SRQ R 110°.
Egmont Key NDB	SRQ VOR	Direct	1600	Supplementary charting information: Final approach crs intercepts runway centerline 2200' from threshold. HIRLS Runways 13-31; 4-22. VASI Runway 13. Runway 22, TDZ elevation, 24'.

Procedure turn S side of crs, 049° Outbnd, 229° Inbnd, 1600' within 10 miles of SRQ VOR.
Final approach crs, 229°.
MSA: 180°-270°—1400'; 270°-180°—1600'.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL Runways 13-31 and 4-22.
*#When control zone not effective, the following limitations apply except for operators with approved weather reporting service: (a) Use PIE FSS altimeter setting. (b) Straight-in and circling MDAs increase 135' and visibility straight-in category D increase to 1¼ mile. (c) Alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22*	420	1	396	420	1	396	420	1	396	429	1	39
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	480	1	456	480	1	456	480	1¼	456	580	2	556

Takeoff Standard. Alternate—Standard.#

City, Sarasota (Bradenton); State, Fla.; Airport name, Sarasota-Bradenton; Elev., 24'; Fac. Ident., SRQ; Procedure No. VOR Runway 22, Amdt. Orig; Eff. date, 30 Apr. 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SRQ VOR.
Murdock	SRQ VOR	Direct	1600	Right turn, climb to 2000' direct to Parrish
Parrish Int	SRQ VOR	Direct	1600	Int., via SRQ R 029°.
Egmont Key NDB	SRQ VOR	Direct	1600	Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. HIRLS Runways 13-31; 4-22. VASI Runway 13. Runway 31, TDZ elevation, 24'.

Procedure turn W side of crs, 141° Outbnd, 321° Inbnd, 1600' within 10 miles of SRQ VOR.
Final approach crs 321°.
MSA: 180°-270°—1400'; 270°-180°—1600'.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL Runways 13-31 and 4-22.
*# When control zone not effective, the following limitations apply except for operators with approved weather reporting service: (a) Use PIE FSS altimeter setting. (b) Straight-in and circling MDAs increase 135'; straight-in visibilities, all categories, increase ¼ mile and circling visibility Categories A, B, C, increase ¼ mile. (c) Alternate minimums not authorized.

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31*	860	1	836	860	1¼	836	860	1¼	836	860	1¼	836
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	860	1	836	860	1¼	836	860	1¼	836	860	2	836

Take off Standard. Alternate—Standard.#

City, Sarasota (Bradenton); State, Fla.; Airport name, Sarasota-Bradenton; Elev., 24'; Fac. Ident., SRQ; Procedure No. VOR Runway 31, Amdt. Orig.; Eff. date, 30 Apr. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 13.9-mile DME Fix.
R 095°, DLH VORTAC CW	R 239°, DLH VORTAC	25-mile Arc	3300	Climbing left turn to 3000' via R 239° to 19-mile DME Fix.
R 040°, DLH VORTAC CCW 25-mile Arc	R 239°, DLH VORTAC	25-mile Arc	3300	
	19-mile DME Fix	DLH VORTAC R 239°	2800	

Procedure turn S side of crs, 239° Outbnd, 059° Inbnd. 3000' between 19- and 29-mile DME Fix.
Final approach crs, 059°.
Minimum altitude over 19-mile DME Fix, 2800'.
MSA: 000°-360°—3100'.
NOTES: (1) Use Duluth, Minn., altimeter setting. (2) Radar vectoring.
CAUTION: Runway 7/25 unlighted.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS
C	1760	1	482	1780	1	502	1780	1¼	502		NA

Takeoff Standard. Alternate—Not authorized.

City, Cloquet; State, Minn.; Airport name, Cloquet Carlton County Airport; Elev., 1278'; Fac. Ident, DLH; Procedure No. VOR/DME-1, Amdt. 1; Eff. date, 30 Apr. 70; Sup. Amdt. No. Orig.; Dated, 14 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5-mile DME R 133°.
40-mile DME CDB, R 133°	25-mile DME CDB R 133° (NOPT)	Direct	4000	Climb to 3000' direct to CDB VORTAC, thence on R 318° within 15 miles.
CDB VORTAC	15-mile DME CDB R 133°	Direct	6000	Supplementary charting information: Final approach crs to approach end Runway 26. 1100' Mount Simeon 2.4 miles W of airport. 5784' Frosty Peak 7 miles S of airport.

Procedure turn S side of crs, 133° Outbnd, 313° Inbnd, 3500' within 10 miles of 15-mile DME.
Descent below 6000' not authorized until passing 15-mile DME Outbnd.
FAF Final approach crs, 313°.
Minimum altitude over 15-mile DME, 1500'; over 8-mile DME, 1100'.
MSA: 000°-090°—6000'; 090°-180°—6800'; 180°-270°—6800'; 270°-360°—2800'.
NOTES: (1) During conditions of strong wind, turbulence may be expected throughout approach. (2) Air carrier will not reduce takeoff visibility due to local conditions Runway 26. (3) Approach reference lights, Runway 32, not to be construed as lead-in lights.
*Night circling Runway not authorized.
%Southbound (026° through 235°) IFR departures must comply with published Cod Bay SID's.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	700	1	602	700	1	602	700	1¼	602	1400	2	1302

Takeoff %Runway 26, 800-2; All others standard. Alternate—Standard.

City, Cold Bay; State, Alaska; Airport name, Cold Bay; Elev., 98'; Fac. Ident, CDB; Procedure No. VORTAC-1, Amdt. Orig.; Eff. date, 30 Apr. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: LTA R 115°/18-mile DME Fix.
Marklee Int	Richardson Int	Direct	13,000	Climbing right turn to 11,000' to intercept R 115° to LTA R 115°/14-mile DME Fix and hold.*
Richardson Int	LTA R 115°/14-mile DME Fix	Direct	12,000	
LTA VOR	LTA R 115°/14-mile DME Fix (NOPT).	Direct	10,400	

Supplementary charting information:
*Hold SE, right turns, 4-mile leg length, 295° Inbnd.
Chart VFR track MAP to airport 165°—4.2 miles.

Procedure turn N side of crs, 295° Outbnd, 115° Inbnd, 11,000' within 10 miles of LTA R 115°/14-mile DME Fix.
Final approach crs, 115°.
Minimum altitude over 14-mile DME Fix, 10,400'; over 18-mile DME Fix, 8800'.
MSA: 000°-180°—11,900'; 180°-360°—10,100'.
% IFR departure procedures: Runway 18 departures proceed visually to a point N of the airport. All departures climb heading 330° to cross Lake Tahoe south shoreline at or above 7200'. Continue climb on heading 330° at a minimum climb rate of 350' per mile to intercept LTA R 115°/16-mile DME at or above 8500'. Continue climb northwestbound on LTA R 115° to LTA VOR. Aircraft cleared via Richardson Int reverse crs to the right after reaching 10,400'.
**Night minimums not authorized Runway 36.
@Night IFR takeoff not authorized Runway 18.
$Alternate minimums not authorized when Lake Tahoe control zone not effective.
NOTES: (1) Approach not authorized when Lake Tahoe tower not in operation. (2) Air carrier will not reduce landing or takeoff visibility due to local conditions.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C**	8800	3	2538	8800	3	2538	8800	3	2538	8800	3	2538

Takeoff 1000-3. %@ Alternate—4000-5.$

City, South Lake Tahoe; State, Calif.; Airport name, Lake Tahoe; Elev., 6262'; Fac. Ident. LTA; Procedure No. VOR/DME-1, Amdt. 3; Eff. date, 30 Apr. 70; Sup. Amdt. No. 2; Dated, 24 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 19.1-mile DME Fix, R 226°.
Beallsville Int	14-mile DME Fix	DR, 010° and AIR, R 226° (046° crs).	3000	Climb to 3000'; left turn heading 065° to intercept R 221° AIR VORTAC thence to Beallsville Int and hold.
AIR VORTAC	14-mile DME Fix (NOPT)	AIR, R 226°	3000	

Supplementary charting information:
Hold SW, 5 miles, right turns, 041° Inbnd.
Runway 25 TDZ elevation, 1191'.

Procedure turn N side of crs, 046° Outbnd, 226° Inbnd, 3000' within 10 miles of 14-mile DME Fix.
Final approach crs, 226°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over 14-mile DME Fix AIR R 226, 3000'.
MSA: 000°-360°—3100'.
NOTE: Use Wheeling, W. Va., altimeter setting.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS
S-25	1780	1	589	1780	1	589	1780	1	589		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	1840	1	640	1840	1	640	1840	1¼	640		NA

Takeoff Standard. Alternate—Not authorized.

City, Woodsfield; State, Ohio; Airport name, Monroe County; Elev., 1200'; Fac. Ident., AIR; Procedure No. VOR/DME Runway 25, Amdt. Orig.; Eff. date, 30 Apr. 70

10. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: APN VORTAC.
R 070°, APN VORTAC CW	R 190°, APN VORTAC	10-mile DME Arc	2600	Climb to 2100' on APN R 010°, return to APN VORTAC within 10 miles.
R 309°, APN VORTAC CCW	R 190°, APN VORTAC	10-mile DME Arc	2600	
10-mile DME Arc	4-mile DME Fix (NOPT)	APN R 190°	1160	Supplementary charting information: Runway 26, TDZ elevation, 684'.

Procedure turn E side of crs, 190° Outbnd, 010° Inbnd, 2100' within 10 miles of APN VORTAC.
Final approach crs 010°.
Minimum altitude over 4-mile DME Fix, 1160'.
MSA: 000°-090°—1800'; 090°-180°—2000'; 180°-270°—2300'; 270°-360°—2300'.
NOTES: (1) Runway lights on Runways 18/36 only. (2) Nine bar nonstandard ALS 1200' from displaced threshold Runway 36. (3) Inoperative component or visual aids table does not apply to REILs or ALS Runway 36.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1160	¾	476	1160	¾	476	1160	¾	476	1160	1	476
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1160	1	471	1160	1	471	1160	1¼	471	1240	2	551
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1100	¾	416	1100	¾	416	1100	¾	416	1100	1	416

Takeoff Standard. Alternate—Standard.

City, Alpena; State, Mich.; Airport name, Phelps-Collins; Elev., 689'; Fac. Ident., APN; Procedure No. VOR Runway 36, Amdt. 2; Eff. date, 30 Apr. 70; Sup. Amdt. No. 1; Dated, 3 Oct. 68

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 18-mile DME Fix or 3.8 miles after passing Cedar Creek Int.
JEF VOR	Stephens Int	Direct	2800	Climbing left turn to 2400', return to Stephens Int and hold.*
Algoa Int	Stephens Int	Direct	2800	
CBI VOR	Stephens Int	Direct	2400	Supplementary charting information:
Shaw Int	Stephens Int	Direct	2400	*Hold N, left turn, 187° Inbnd.
HLV VORTAC	Stephens Int (NOPT)	Direct	2400	Chart Stephens and Cedar Creek Ints for Dual VOR and DME.
				Chart holding at Stephens Int: Runway 20, TDZ elevation, 889'.

Procedure turn E side of crs, 007° Outbnd, 187° Inbnd, 2400' within 10 miles of Stephens Int.
FAF, Cedar Creek Int. Final approach crs 187°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over Stephens Int (9-mile DME), 2400'; over Cedar Creek Int (14.2-mile DME), 2000'.
MSA: 000°-090°—2300'; 090°-180°—2800'; 180°-270°—2800'; 270°-360°—2400'.
NOTE: Inoperative table does not apply to HIRL.
$Dual VOR or VOR/DME required.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20$	1200	1	311	1200	1	311	1200	1¼	311	1200	1½	311
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	1240	1	351	1340	1	451	1340	1½	451	1440	2	551

Takeoff Standard. Alternate—Standard.

City, Columbia; State, Mo.; Airport name, Columbia Regional; Elev., 889'; Fac. Ident., HLV; Procedure No. VOR Runway 20, Amdt. 3; Eff. date, 30 Apr. 70; Sup. Amdt. No. 2; Dated, 28 Aug. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing Highline Int.
DAL VORTAC	ADS VOR (NOPT)	Direct	2100	Climb to 2000', left turn, direct to DAL VORTAC.
GSW VORTAC	ADS VOR	Direct	2300	Supplementary charting information:
De Soto Int	ADS VOR	Direct	2100	Runway 18, TDZ elevation, 481'.
Lavon Int	ADS VOR	Direct	2100	
Garza Int	ADS VOR (NOPT)	Direct	2100	
Fitch Int	ADS VOR	Direct	2100	
Red Oak Int	ADS VOR	Direct	2100	

Procedure turn E side of crs, 359° Outbnd, 179° Inbnd, 2100' within 10 miles of ADS VOR.
FAF, Highline Int. Final approach crs, 179°. Distance FAF to MAP, 3.8 miles.
Minimum altitude over ADS VOR, 2000'; over Highline Int, 1500'.
MSA: 160°–250°—3400'; 250°–160°—2300'.

NOTE: ASR.
Dual VOR equipment required.
*RVR 24, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18#	880	1	399	880	1	399	880	1	399	880	1	399
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	960	1	473	1000	1	513	1000	1¼	513	1080	2	593
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., ADS; Procedure No. VOR Runway 18, Amdt. 12; Eff. date, 30 Apr. 70; Sup. Amdt. No. 11; Dated, 11 July 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing Golf Int.
GSW VORTAC	Golf Int	Direct	2800	Climb to 2000' direct to ADS VOR or climb
DAL VORTAC	Golf Int	Direct	2800	to 2000', right turn, direct to DAL VORTAC.
				Supplementary charting information:
				Runway 36, TDZ elevation, 478'.

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2800' within 10 miles of Golf Int.
FAF, Golf Int. Final approach crs, 359°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over Golf Int., 1600'.
MSA: 160°–250°—3400'; 250°–160°—2300'.

NOTE: ASR.
#Dual VOR equipment required.
*RVR 24, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36#	900	1	422	900	1	422	900	1	422	900	1	422
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	960	1	473	1000	1	513	1000	1¼	513	1080	2	593
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., ADS; Procedure No. VOR Runway 36, Amdt. 4; Eff. date, 30 Apr. 70; Sup. Amdt. No. 3; Dated, 31 July 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.6 miles after passing CRL VORTAC.
				Climb to 2400', right turn, return to CRL VORTAC.
				Supplementary charting information:
				Final approach crs to intercept runway centerline 2000' from threshold Runway 20.
				915' tower 3 miles S of airport.
				1382' stack 5 miles ENE of airport.
				Runway 20, TDZ elevation, 614'.

Procedure turn E side of crs, 352° Outbnd, 172° Inbnd, 2400' within 10 miles of CRL VORTAC.
FAF, CRL VORTAC. Final approach crs 172°. Distance FAF to MAP, 6.6 miles.
Minimum altitude over CRL VORTAC, 2400'.
MSA: 090°-270°—3100°; 270°-090°—2800'.
NOTES: (1) Radar vectoring. (2) Use Detroit Metropolitan altimeter setting.
%IFR departure procedure: Plan departures to avoid 1382' stack 5 miles ENE of airport.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	1140	1	526	1140	1	526		NA			NA	
	MDA	VIS	HAA	MDA	VIS	HAA						
C	1140	1	526	1140	1	526		NA			NA	

Takeoff Standard.% Alternate—Not authorized.

City, Monroe; State, Mich.; Airport name, Custer; Elev., 614'; Fac. Ident., CRL; Procedure No. VOR Runway 20, Amdt. 1; Eff. date, 30 Apr. 70; Sup. Amdt. No. Orig.; Dated, 26 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SQR VOR.
Murdock Int	SRQ VOR	Direct	1600	Climb to 2000' direct to Murdock Int via SRQ R 110°.
Parrish Int	SRQ VOR	Direct	1600	
Egmont Key NDB	SRQ VOR	Direct	1600	Supplementary charting information:
				Final approach crs intercepts runway centerline 1600' from threshold.
				VASI Runway 13.
				HIRLs Runways 13-31; 4-22.
				Runway 13, TDZ elevation, 23'.

Procedure turn S side of crs, 301° Outbnd, 121° Inbnd, 1600' within 10 miles of SRQ VOR.
Final approach crs, 121°.
MSA: 180°-270°—1400'; 270°-180°—1000'.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL Runways 13-31 and 4-22.
*#When control zone not effective, the following limitations apply except for operators with approved weather reporting service: (a) Use PIE FSS altimeter setting. (b) Straight-in and circling MDAs increase 135' and visibility straight-in Category D increase to 1¼ mile. (c) Alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13*	420	1	397	420	1	397	420	1	397	420	1	397
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	480	1	455	480	1	465	480	1¼	456	580	2	556

Takeoff Standard. Alternate—Standard.#

City, Sarasota (Bradenton); State, Fla.; Airport name, Sarasota-Bradenton; Elev., 24'; Fac. Ident., SRQ; Procedure No. VOR Runway 13, Amdt. 8; Eff. date, 30 Apr. 70; Sup. Amdt. No. 7; Dated 10 July 69.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing Donnelly Int.
HCH VORTAC, R 060° CW	HCH VORTAC, R 153°	7-mile DME Arc	5000	Climb to 4000', right-climbing turns to 5000' to Pomona Int, via HCH VORTAC R 348° and hold.
HCH VORTAC, R 282° CCW	HCH VORTAC, R 153°	7-mile DME Arc	5000	
7-mile DME Fix	HCH VORTAC (NOPT)	HCH, R 153°	4500	

Supplementary charting information:
Hold N, 1 minute, right turns, 168° Inbnd.
Final approach crs to center of landing area.

Procedure turn E side of crs, 153° Outbnd, 333° Inbnd, 5000' within 10 miles of HCH VORTAC.
Final approach crs, 333°.
Minimum altitude over HCH VORTAC, 4500'; over Donne ly Int or 6.4-mile DME Fix, 3600'.
MSA: 000°-090°—5400'; 090°-360°—5100'.
NOTE: Operating VOR/DME or ADF receivers required for this approach.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C	2340	1	459	2340	1	459	2340	1½	459	NA	
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Crossville; State, Tenn.; Airport name, Crossville Memorial; Elev., 1881'; Fac. Ident., HCH; Procedur No. VOR/DME-1, Amdt. 3; Eff. date, 30 Apr. 70; Sup. Amdt. No. 2; Dated, 28 Aug. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5-mile DME Fix, R 147°.
FSD VORTAC	Cliff 10-mile DME Fix	Direct	3800	Climb to 3800' direct to VOTAC.
R 046°, FSD VORTAC CW	R 135°, FSD VORTAC	16-mile DME Arc	4400	Supplementary charting information:
R 135°, FSD VORTAC CW	Alvin 16-mile DME Fix	16-mile DME Arc	3800	3444' tower 10 miles SE of airport at 43°29'00" /96°38'20".
R 319°, FSD VORTAC CCW	Alvin 16-mile DME Fix	16-mile DME Arc	3900	
Alvin 16-mile DME Fix	Cliff 10-mile DME Fix (NOPT)	FSD, R 147°	2900	Runway 33, TDZ elevation, 1421'.

Procedure turn W side of crs, 147° Outbnd, 327° Inbnd, 3800' within 10 miles of Cliff 10-mile DME Fix.
Final approach crs, 327°.
Minimum altitude over Cliff 10-mile DME Fix, 2900'.
MSA: 000°-090°—3800'; 090°-180°—4500'; 180°-360°—3100'.
NOTE: Final approach from holding pattern at the Cliff 10-mile DME Fix not authorized, procedure turn required.
*Sliding scale below ¾-mile not authorized.
%IFR departure procedures: Aircraft departing southeastbound when weather is below 2100-2, flight below 3900' beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of FSD VORTAC. Aircraft departing Runways 21 and 33 climb to 1800' on runway heading before turning on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33*	1920	1	499	1920	1	499	1920	1	499	1920	1	499
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1960	1	532	1960	1	532	1960	1½	532	1980	2	552
A	Standard.		T 2-eng. or less—300-1, Runway 15; RVR 24, Runway 3, Standard all others.%				T over 2-eng.—300-1, Runway 15; RVR 24, Runway 3, Standard all others.%					

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428'; Fac. Ident., FSD; Procedure No. VOR/DME Runway 33, Amdt. 3; Eff. date, 30 Apr. 70; Sup. Amdt. No. 2; Dated, 27 Nov. 69

11. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing JX LOM.
JXN VORTAC	JX LOM	Direct	2600	Climb to 3000' and proceed direct to LFD VORTAC and hold.*
R 341°, JXN VORTAC CW	JXN LOC	11-mile Arc, R 043° lead radial.	2600	
R 145°, JXN VORTAC CCW	JXN LOC	11-mile Arc, R 063° lead radial.		Supplementary charting information:
11-mile DME Arc	JX LOM (Nopt)	LOC crs	2700	Runway 23, TDZ elevation, 998'.
Pinckney Int	JX LOM (Nopt)	Direct	2600	1310' tower 3.5 miles NE of airport.
			2600	1113' tower 1.2 miles NE of airport.
			2600	*Hold S, 1 minute, right turns, 017° Inbnd.

Procedure turn N side of crs, 053° Outbnd, 233° Inbnd, 2600' within 10 miles of JX LOM.
FAF, JX LOM. Final approach crs, 233°. Distance FAF to MAP, 5 miles.
Minimum altitude over JX LOM, 2600'.
MSA: 000°-180°—2500'; 180°-270°—2700'; 270°-000°—3000'.

NOTES: (1) Inoperative component table does not apply to REILs Runway 23. (2) Back crs unusable.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-23	1400	1	402	1400	1	402	1400	1	402	1400	1	402
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	460	1460	1	460	1460	1¼	460	1640	2	640

Takeoff 200-1, Runways 13 and 23, Standard all others. Alternate—Standard.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Ident., I-JXN; Procedure No. LOC Runway 23, Amdt. Orig.; Eff. date, 30 Apr. 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 miles after passing Norwood Int.
R 048°, PIA VORTAC CCW	PIA LOC	12-mile Arc PIA, R 327° lead radial.	2300	Climbing right turn to 1800' direct to PIA VORTAC, or when directed by ATC,
R 167°, PIA VORTAC CW	PIA LOC	9-mile Arc PIA, R 290° lead radial.	2300	climb to 2400' on R 076° PIA VORTAC to Bradley Int.
9- and 12-mile DME Arc	Norwood Int(NOPT)	LOC crs	1300	Supplementary charting information:
PIA VORTAC	Norwood Int	Direct	2300	Runway 12, TDZ elevation, 644'.
				Depict Bradley Int on AL Chart.

Procedure turn S side of crs, 303° Outbnd, 123° Inbnd, 2300' within 10 miles of Norwood Int.
FAF, Norwood Int. Final approach crs, 123°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over Norwood Int, 1300'.
*Sliding scale not authorized below ¾ mile.
CAUTION: Unlighted high tension towers 2.4 miles NW of airport.

NOTES: (1) Final approach from holding pattern at Norwood Int not authorized, procedure turn required. (2) Dual VOR receivers required.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12*	1080	¾	436	1080	¾	436	1080	¾	436	1080	1	436
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	480	1140	1	480	1140	1¼	480	1220	2	560

Takeoff RVR 24, Runway 30, Standard all others. Alternate—Standard.

City, Peoria; State, Ill.; Airport name, Greater Peoria; Elev., 660'; Fac. Ident., I-PIA; Procedure No. LOC (BC) Runway 12, Amdt. 10; Eff. date, 30 Apr. 70; Sup. Amdt. No. 9; Dated, 14 Mar. 69

12. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing Duck Int.
CHS VORTAC	Duck Int	R 148°, CHS VORTAC	2000	Climb to 2000' on R 317° CHS VORTAC
R 062°, CHS VORTAC CW	LOC (BC)	8-mile Arc, R 136° lead radial	2000	within 15 miles.
R 233°, CHS VORTAC CCW	LOC (BC)	8-mile Arc, R 160° lead radial	2000	Supplementary charting information:
8-mile Arc	Duck Int (NOPT)	LOC (BC)	1500	VASI Runways 15, 21, and 33.
				HIRLS Runways 15/33.
				Runway 33, TDZ elevation, 45'.

One-minute holding pattern SE of Duck 5-mile DME/Radar Int, 329° Inbnd, left turns, 2000'.
FAF, Duck 5-DME/Radar Int. Final approach crs, 329°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over Duck 5-mile DME/Radar Int, 1500'.
MSA: Not authorized.
NOTES: (1) ASR. (2) Radar required for aircraft not DME equipped. (3) Inoperative components table does not apply to HIRLs Runway 33.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-33	380	1	335	380	1	335	380	1	335	380	1	335
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	435	500	1	455	500	1¼	455	600	2	555

Takeoff RVR 24, Runway 15; Standard all other runways. Alternate—Standard.

City, Charleston; State, S.C.; Airport name, Charleston AFB/Municipal; Elev., 45'; Fac. Ident., I-CHS; Procedure No. LOC (BC) Runway 33, Amdt. 1; Eff. date, 30 Apr. 70; Sup. Amdt. No. Orig.; Dated, 26 Mar. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing Elm Fort Int.
				Climb to 2000' on LOC crs 128° within 20 miles or climb to 2000', left turn, direct to Dallas VORTAC.
				Supplementary charting information:
				Depict Quarry VHF INT as stepdown fix.
				Runway 13R, TDZ elevation, 475'.

Procedure turn not authorized. Approach crs (profile) starts at Elm Fork Int.
FAF, Elm Fork Int. Final approach crs, 128°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over Elm Fork Int, 1700'; over Quarry Int, 900'.
#Radar required.
*RVR 24, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	900	¾	425	900	¾	425	900	¾	425	900	1	425
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	473	1000	1	513	1000	1¼	513	1080	2	593
	LOC/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	840	¾	365	840	¾	365	840	¾	365	840	1	365
A	Standard.			T 2-eng. or less—Standard.*					T over 2-eng.—Standard.*			

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., I-LVF; Procedure No. LOC (BC) Runway 13R, Amdt. 3; Eff. date, 30 Apr. 70; Sup. Amdt. No. 2; Dated, 25 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing Ross Ave Int.
Argyle Int	Fair Park Int	Direct	2500	Climb to 2000' on LOC crs 308° within 20 miles or climb to 2000', right turn, direct to Dallas VORTAC.
Kleberg Int	Fair Park Int (NOPT)	Direct	2500	Supplementary charting information: Depict DDA NDB as stepdown fix. TERPs Par. 289, 7:1 descent applied to Ross Ave Int and 1049' building 24,500' from threshold, 4800' left of centerline. Runway 31R, TDZ elevation, 487'.

Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2500' within 10 miles of Ross Ave Int.
FAF, Ross Ave Int. Final approach crs, 308°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over Fair Park Int, 2500'; over Ross Ave Int, 1500'; over DDA NDB, 1000'.
NOTES: (1) ASR.
*RVR 24, Runways 31L and 13L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	1000	1	513	1000	1	513	1000	1	513	1000	1	513
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1000	1	513	1000	1	513	1000	1½	513	1080	2	593
	LOC/NDB Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	880	1	393	880	1	393	880	1	393	880	1	393
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., I-DAL; Procedure No. LOC (BC) Runway 31R, Amdt. 16; Eff. date, 30 Apr. 70; Sup. Amdt. No. 15; Dated, 26 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.7 miles after passing Surf Int.
Westlake Int	Snapper Int	Direct	3000	Climb to 4000' via LOC crs and LAX R 046° to Stadium Int and hold.*
LAX VOR	Surf Int	Direct	2000	Supplementary charting information: *Hold SW, 1 minute, right turns, 046° Inbnd. Chart I—OSS 1.5-mile DME at MAP. Runways 6L/R, TDZ elevation, 115'.
Snapper Int	Surf Int (NOPT)	Direct	1600	

Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 2000' within 10 miles of Surf Int.
FAF, Surf Int. Final approach crs, 068°. Distance FAF to MAP, 4.7 miles.
Minimum altitude over Surf Int, 1600'.
MSA: Not authorized.
CAUTION: LOC unusable beyond 15° S of back crs.
NOTES: (1) ASR/PAR. (2) DME should not be used to determine aircraft position over runway threshold or runway touchdown point. (3) Inoperative table does not apply to HIRL Runway 6L/R and REIL Runway 6R.
%IFR departure procedures: Northbound (280° CW through 069°) published SID's must be used or be radar vectored.
#Runways 6L/R, 7R, RVR 50; Runways 24L/R, RVR 40; Runways 25L/R, 7L, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6R	420	RVR 50	305	420	RVR 50	305	420	RVR 50	305	420	RVR 50	305
S-6L	640	RVR 50	525	640	RVR 50	525	640	RVR 50	525	680	RVR 60	565
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	514	640	1	514	640	1¼	514	689	2	554
A	Standard.		T 2-eng. or less—Runway 8/26, Standard.%#				T over 2-eng.—Runway 8/26, Standard; all other runways RVR 24.%					

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126'; Fac. Ident., I-OSS; Procedure No. LOC (BC) Runway 6R, Amdt. 2; Eff. date, 30 Apr. 70; Sup. Amdt. No. 1; Dated, 22 Jan. 70

13. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: EDE NDB.
CVI VORTAC	EDE NDB	Direct	1600	Climbing left turn to 1600' direct to EDE NDB and hold.
Sunbury Int	EDE NDB	Direct	1600	Supplementary charting information:
Zang Int	EDE NDB	Direct	1600	Hold N, 1 minute, right turns, 178° Inbnd.
Bertie Int	EDE NDB	Direct	1600	Final approach crs intercepts runway centerline extended 3000' from threshold.
V-310	EDE NDB	290° bearing	1600	Runway 1 threshold displaced 250' N.
				Runway 19 threshold displaced 1000' S.
				Runway 23 threshold displaced 1000' SW.
				Depict R-5301A, R-5301B, R-5302.
				Runway 5, TDZ elevation, 19'.

Procedure turn W side of crs, 224° Outbnd, 044° Inbnd, 1600' within 10 miles of EDE NDB
Final approach crs, 044°.
MSA: 090°–180°—2100'; 180°–270°—1500'; 270°–090°—1400'.
NOTES: (1) Use ECG FSS altimeter setting. (2) Approaches not authorized from 2200 to 0700 local time. (3) Night operation not authorized Runways 5-23. (4) No weather reporting.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	580	1	561	580	1	561	580	1	561		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	564	580	1	561	580	1¼	561		NA	

Takeoff Standard. Alternate—Not authorized.

City, Edenton; State, N.C.; Airport name, Edenton Municipal; Elev., 19'; Fac. Ident., EDE; Procedure No. NDB (ADF) Runway 5, Amdt. Orig.; Eff. date, 30 Apr. 70.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: EDE NDB.
CVI VORTAC	EDE NDB	Direct	1600	Climbing right turn to 1600' direct to EDE NDB and hold.
Sunbury Int	EDE NDB	Direct	1600	Supplementary charting information:
Zang Int	EDE NDB	Direct	1600	Hold North, 1 minute, right turns, 178° Inbnd.
Bertie Int	EDE NDB	Direct	1600	Final approach crs intercepts runway centerline extended 3000' from threshold.
V-310	EDE NDB	290° bearing	1600	Runway 1 threshold displaced 250' N.
				Runway 19 threshold displaced 1000' S.
				Runway 23 threshold displaced 1000' SW.
				Depict R-5301A, R-5301B, R-5302.
				Runway 19, TDZ elevation, 19'.

Procedure turn W side of crs, 358° Outbnd, 178° Inbnd, 1600' feet within 10 miles of EDE NDB.
Final approach crs, 178°.
MSA: 090°–180°—2100'; 180°–270°—1500'; 270°–090°—1400'.
NOTES: (1) Use ECG FSS altimeter setting. (2) Approaches not authorized from 2200 to 0700 local time. (3) Night opeations not authorized Runways 5-23. (4) No weather reporting.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS
S-19	680	1	661	680	1	661	680	1¼	661		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	680	1	661	680	1	661	680	1¼	661		NA

Takeoff Standard. Alternate—Not authorized.

City, Edenton; State, N.C.; Airport name, Edenton Municipal; Elev., 19'; Fac. Ident., EDE; Procedure No. NDB (ADF) Runway 19, Amdt. Orig.; Eff. date, 30 Apr. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.2 miles after passing IDA NDB.
IDA VOR	IDA NDB	Direct	7000	Climb to 7000' on 197° crs of IDA NDB. within 10 miles.
Rigby Int	IDA NDB (NOPT)	Direct	5500	Supplementary charting information: Runway 20, TDZ elevation, 4731'.

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 7000' within 10 miles of IDA NDB.
FAF, IDA NDB. Final approach crs, 199°. Distance FAF to MAP, 2.2 miles.
Minimum altitude over IDA NDB, 5500'.
MSA: 000°-090°—10,100'; 090°-180°—8800'; 180°-270°—7900'; 270°-360°—7200'.
% IFR departure procedures: Climb on R 197° IDA VOR within 10 miles, so as to cross IDA VOR at or above: Northeast bound V-330, 6400'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-20	5140	1	400	5140	1	400	5140	1	400	5140	1	400
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	5220	1	480	5220	1	480	5220	1¼	480	5340	2	600

Takeoff Standard.% Alternate—Standard.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4740'; Fac. Ident, IDA; Procedure No. NDB (ADF) Runway 20, Amdt. 6; Eff. date, 30 Apr. 70; Sup. Amdt. No. NDB (ADF)-1, Amdt. 5; Dated, 31 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing JX LOM.
JXN VORTAC	JX LOM	Direct	2600	Climb to 3000' and proceed direct to LFD VORTAC and hold.*
Pinckney Int	JX LOM (NOPT)	Direct	2600	Supplementary charting information: Runway 23, TDZ elevation, 998'. 1310' tower 3.5 miles NE of airport. 1113' tower 1.2 miles NE of airport. *Hold S, 1 minute, right turns, 017° Inbnd.

Procedure turn N side of crs, 053° Outbnd, 233° Inbnd, 2600' within 10 miles of JX LOM.
FAF, JX LOM. Final approach crs, 233°. Distance FAF to MAP, 5 miles.
Minimum altitude over JX LOM, 2600'.
MSA: 090°-180°—2500'; 180°-270°—2700'; 270°-090°—3000'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-23	1620	1	622	1620	1	622	1620	1	622	1620	1¼	622
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1620	1	620	1620	1	620	1620	1¼	620	1640	2	640

Takeoff 200-1, Runways 13 and 23, Standard all others. Alternate—Standard.

City, Jackson; State, Mich.; Airport name, Reynolds Municipal; Elev., 1000'; Fac. Ident., JX; Procedure No. NDB (ADF) Runway 23, Amdt. Orig.; Eff. date, 30 Apr. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitude (feet)	* MAP: 2.9 miles after passing LGU NDB.
Cornish Int	LGU NDB	Direct	8500	Climbing right turn direct to LGU NDB, continue climb in holding pattern to 9500'.* **
OGD VOR	LGU NDB	Direct	11,800	Supplementary charting information: *Hold N, 1 minute, right turns, 160° Inbnd. Chart Salt Lake City ARTCC frequencies 126.6 and 263.1.

Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 7900' within 10 miles of LGU NDB.
FAF, LGU NDB. Final approach crs, 136°. Distance FAF to MAP, 2.9 miles.
Minimum altitude over LGU NDB, 5900'.
MSA: 000°-360°—12,000'.
#Use Hill AFB, Utah, altimeter setting.
$Circling not authorized E of Runways 17-35.
¢Alternate minimums not authorized, except operators with approved weather reporting service.
%IFR departure procedures: Climb visually over airport to 4900', thence direct to LGU RBN, continue climb in holding pattern to cross LGU RBN at or above 8800'.
**Maximum IAS during climb in holding pattern on missed approach and IFR departure, limited to 175 kts maximum.
NOTE: Final approach from holding pattern not authorized, procedure turn required.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#$	5220	1	767	5220	1¼	767	5220	1¼	767	5220	2	767

Takeoff 1 mile.**% Alternate—Standard.¢

City, Logan; State, Utah; Airport name, Logan-Cache; Elev., 4453'; Fac. Ident., LGU; Procedure No. NDB (ADF) Runway 17, Amdt. 2; Eff. date, 30 Apr. 70; Sup. Amdt. No. 1; Dated, 2 Jan. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.8 miles after passing MXO NDB.
CID VORTAC	MXO NDB	Direct	2600	Climb to 2600' on 317° bearing from NDB within 10 mile, return to NDB.
DBQ VORTAC	MXO NDB	Direct	2600	Supplementary charting information: Departure end at 42°14'18"/91°11'36". 1044' water tank 0.8 mile from Runway 31. Runway 31, TDZ elevation, 847'.

Procedure turn N side of crs, 130° Outbnd, 310° Inbnd, 2600' within 10 miles of MXO NDB.
FAF, MXO NDB. Final approach crs 317°. Distance FAF to MAP, 1.8 miles.
Minimum altitude over MXO NDB, 1500'.
MSA: 000°-090°—2600'; 090°-180°—2200'; 180°-270°—3000'; 270°-360°—2400'.
NOTES: (1) Final approach from holding pattern at MXO NDB not authorized; procedure turn required. (2) Use Cedar Rapids, Iowa, altimeter setting.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS
S-31	1340	1	493	1340	1	493	1340	1	493		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	1480	1	633	1480	1	633	1480	1¼	633		NA

Takeoff 300-1, Runway 31; Standard all others. Alternate—Not authorized.

City, Monticello; State, Iowa; Airport name, Monticello Municipal; Elev., 847'; Fac. Ident., MXO; Procedure No. NDB (ADF) Runway 31, Amdt. Orig.; Eff. date, 30 Apr. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MRN NDB.
Glenwood Int	MRN NDB	Direct	5200	Climbing left turn, climb in MRN NDB holding pattern to 4700'.
Jefferson Int	MRN NDB	Direct	6200	
HKY VOR	MRN NDB	Direct	4700	Supplementary charting information: Hold SW, 1 minute, left turns, 060° Inbnd. Final approach crs to airport.

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 4700' within 10 miles of MRN NDB.
Final approach crs, 060°.
MSA: 000°-090°—6300'; 090°-180°—4000'; 180°-270°—5000'; 270°-360°—7300'.
% IFR departure procedures: Runway 3—Climbing left turn, climb in holding pattern to 5000' before proceeding on crs. Runway 21—Climbing right turn to MRN NDB, climb in holding pattern to 5000' before proceeding on crs.
NOTES: (1) Use HKY altimeter setting. (2) No weather reporting.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS
C	1840	1	574	1840	1	574	1840	1¼	574		NA

Takeoff % Alternate—Not authorized.

City, Morganton; State, N.C.; Airport name, Morganton-Lenoir; Elev., 1266'; Fac. Ident., MRN; Procedure No. NDB (ADF)-1, Amdt. Orig.; Eff. date, 30 Apr. 70

Terminal routes				Missed aproach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.8 miles after passing LNN NDB.
Chardon VORTAC	LNN NDB	Direct	3000	Climb to 2000' on 070° crs, left turn, climb to 3000', return to LNN NDB and hold.
Mentor Int	LNN NDB	Direct	3000	
Fairport Int	LNN NDB	Direct	3000	Supplementary charting information: Hold W, 1 minute, right turns, 092° Inbnd. Lights on S side of runways 9/27 only. Tower 1.5 miles N of airport, 980'. Tower 0.5 mile NW of airport, 845'.

Procedure turn N side of crs, 250° Outbnd, 070° Inbnd, 3000' within 10 miles of LNN NDB.
FAF, LNN NDB. Final approach crs, 070°. Distance FAF to MAP, 7.8 miles.
Minimum altitude over LNN NDB, 2200'; over Jackson Int, 1540'.
MSA: 000°-090°—2300'; 090°-180°—2700'; 180°-270°—3000'; 270°-360°—2000'.
NOTES: (1) Radar vectoring. (2) Use Cleveland, Ohio, altimeter setting. (3) Approach from holding pattern not authorized. Procedure turn required.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS
C	1540	1	855	1540	1¼	855	1540	1½	855		NA
	NDB/VOR Minimums:										
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	1380	1	695	1380	1	695	1440	1½	755		NA

Takeoff Standard Runways 9 and 12; 300-1, Runways 27 and 30. Alternate—Not authorized.

City, Painesville; State, Ohio; Airport name, Casement; Elev., 685'; Fac. Ident., LNN; Procedure No. NDB (ADF)-1, Amdt. 2; Eff. date, 30 Apr. 70; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 25 Dec. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing PI LOM.
PIA VORTAC	PI LOM	Direct	2400	Climbing left turn to 2400' direct to PI LOM or when directed by ATC, climb to 3000' on R 076° PIA VORTAC to Bradley Int.
Pekin Int	PI LOM	Direct	2400	
Canton Int	PI LOM	Direct	2400	
Mora Int	PI LOM	Direct	2400	
Mossville Int	PI LOM	Direct	2400	
Bradley Int	PI LOM	Direct	2400	Supplementary charting information:
CAP VORTAC	PI LOM	Direct	3000	Runway 30, TDZ elevation, 649'.
Dunlap Int	PI LOM	Direct	2400	7:1 drift down applied to tower at 89°35' N./40°37' W.

Procedure turn N side of crs, 123° Outbnd, 303° Inbnd, 2400' within 10 miles of PI LOM.
FAF, PI LOM. Final approach crs, 303°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over PI LOM 2400'.
MSA: 000°-360°—2400'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-30	1080	4000	431	1080	4000	431	1080	4000	431	1080	5000	431
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1140	1	480	1140	1	480	1140	1¼	480	1220	2	560

Takeoff RVR 24, Runway 30, Standard all others. Alternate—Standard.

City, Peoria; State, Ill.; Airport name, Greater Peoria; Elev., 660'; Fac. Ident., PI; Procedure No. NDB (ADF) Runway 30, Amdt. 5; Eff. date, 30 Apr. 70; Sup. Amdt. No. 4; Dated, 25 Feb. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing TO NDB/OM.
Banks Int	TO NDB/OM	Direct	2100	Left turn, climb to 2100' direct TO NDB/OM and hold, or when directed by ATC, right turn climb to 3000' to R 256° EUF VOR to Banks Int.
Troy VOR	TO NDB/OM	Direct	2100	Supplementary charting information: Hold SW of the TO NDB, 1 minute, left turns, 067° Inbnd. Runway 7, TDZ elevation, 390'.

Procedure turn not authorized.
One-minute holding pattern, SW of TO NDB, 067° Inbnd, left turns, 2100'.
FAF, TO NDB/OM. Final approach crs, 067°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over TO NDB/OM, 1800'.
MSA: 040°-130°—1900'; 130°-220°—2100'; 220°040°—2500'.
NOTES: (1) Procedure not authorized when control zone not effective. (2) Night landing not authorized Runways 7-25 and 1-19.
CAUTION: Trees approach end of all runways.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS
S-7	940	1	550	940	1	550	940	1	550		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	940	1	541	940	1	541	940	1¼	541		NA

Takeoff 300-1. Alternate—1000-2.

City, Troy; State, Ala.; Airport name, Troy Municipal; Elev., 390'; Fac. Ident., TO; Procedure No. NDB (ADF) Runway 7, Amdt. Orig.; Eff. date, 30 Apr. 70

14. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing ADM NDB.
ADM VORTAC	ADM NDB	Direct	2500	Climb to 2700' on crs, 076° within 20 miles
DUC VOR	ADM NDB	Direct	2600	Supplementary charting information: Tower 1.7 miles N 1075'.

Procedure turn N side of crs, 256° Outbnd, 076° Inbnd, 2700' within 10 miles of ADM NDB.
FAF, ADM NDB. Final approach crs, 076°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over ADM NDB, 2300'.
MSA: 000°–090°—2800'; 090°–180°—2900'; 180°–270°—2500'; 270°–360°—2700'.
#Night operations not authorized Runways 4/22.
*When control zone not effective, the following limitations apply except for operators with approved weather reporting service: (1) Use Perrin AFB altimeter setting; (2) Circling and straight-in MDA's increased 180'; (3) Alternate minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8*	1300	1	538	1300	1	538	1300	1	538	1300	1¼	538
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*#	1300	1	538	1300	1	538	1380	1¼	618	1400	2	638
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Ardmore; State, Okla.; Airport name, Ardmore Municipal; Elev., 762'; Fac. Ident., ADM; Procedure No. NDB (ADF) Runway 8, Amdt. 8; Eff. date, 30 Apr. 70; Sup. Amdt. No. 7; Dated, 9 Apr. 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ASX NDB.
Grandview Int	ASX NDB	Direct	3100	Make left-climbing turn to 3100' on 205°
Washburn Int	ASX NDB	Direct	3100	bearing within 10 miles, return to NDB. Supplementary charting information: Runway 2, TDZ elevation 824'. Final approach crs intercepts runway C/L 2300' from threshold.

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 3100' within 10 miles of ASX NDB.
Final approach crs, 025°.
MSA: 000°–090°—2300'; 090°–180°—3000'; 180°–270°—2900'; 270°–360°—2600'.
Use Ashland, Wis., altimeter setting through UNICOM; when not available, use Duluth, Minn., altimeter setting and all MDA's are increased 240', S–2 Category B visibility increased ¼ mile, Categories C and D, ½ mile.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-2	1440	1	616	1440	1	616	1440	1	616	1440	1¼	616
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1440	1	614	1440	1	614	1440	1½	614	1440	2	614

Takeoff Standard. Alternate—Not authorized.

City, Ashland; State, Wis.; Airport name, John F. Kennedy Memorial; Elev., 826'; Fac. Ident., ASX; Procedure No. NDB (ADF) Runway 2, Amdt. 3; Eff. date, 30 Apr. 70; Sup. Amdt. No. 2; Dated, 17 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing DA LOM.
DAL VORTAC	DA LOM	Direct	2200	Climb to 2000' on bearing 128° within 15 miles or climb to 2000', left turn, direct to Dallas VORTAC.
GSW VORTAC	DA LOM	Direct	2200	
ADS VOR	DA LOM	Direct	2200	
Fair Park Int	DA LOM	Direct	2200	Supplementary charting information:
Kleberg Int	DA LOM	Direct	2200	TDZ elevation: Runway 13L, 485'. Runway 13R, 475'.

Procedure turn N side of crs, 308° Outbnd, 128° Inbnd, 2200' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs; 13L—128°, 13R—135°. Distance FAF to MAP, 13L—4.1 miles, 13R—4.2 miles.
Minimum altitude over DA LOM, 1800'.
MSA: 160°–250°—3400'; 250°–160°—2300'.
NOTE: ASR.
*RVR 24, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13L	900	RVR 40	415	900	RVR 40	415	900	RVR 40	415	900	RVR 50	415
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	900	1	425	900	1	425	900	1	425	900	1	425
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	473	1000	1	513	1000	1¼	513	1080	2	593
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., DA; Procedure No. NDB (ADF) Runways 13L/13R, Amdt. 3; Eff. date, 30 Apr. 70; Sup. Amdt. No. 2; Dated, 9 Oct. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.9 miles after passing LV LOM.
DAL VORTAC	LV LOM	Direct	2000	Climb to 2200' on bearing 308° within 15 miles or climb to 2000', right turn, direct to Dallas VORTAC.
GSW VORTAC	LM LOM	Direct	2000	
ADS VOR	LV LOM	Direct	2000	
Forest Int	LV LOM (NOPT)	Direct	2000	Supplementary charting information: Depict Central LFINT as stepdown fix. Depict 1049' building 23,300' from threshold, 1800' left of centerline. Runway 31L, TDZ elevation, 475'.
Hutchins Int	LV LOM (NOPT)	Direct	2000	

Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2000' within 10 miles of LV LOM.
FAF, LV LOM. Final approach crs, 308°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over LV LOM, 2000'; over Central LF INT, 1500'.
MSA: 000°–180°—2200'; 180°–270°—3400'; 270°–360°—2300'.
NOTE: ASR
*RVR 24, Runways 31L and 13L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31L	1500	RVR 50	1025	1500	RVR 50	1025	1500	RVR 60	1025	1500	1¼	1025
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	1013	1500	1	1013	1500	1¼	1013	1500	2	1013
	NDB/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31L	1160	RVR 40	685	1160	RVR 40	685	1160	RVR 50	685	1160	RVR 50	685
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1160	1	673	1160		673	1160	1¼	673	1160	2	673
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., LV; Procedure No. NDB (ADF) Runway 31L, Amdt. 2; Eff. date, 30 Apr. 70; Sup. Amdt. No. 1; Dated 11 July 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing Ross Ave Int.
DAL VORTAC	DDA NDB	Direct	2000	Climb to 2200' on bearing 308° within 20 miles or climb to 3000', right turn, direct to Dallas VORTAC.
GSW VORTAC	DDA NDB	Direct	2000	
ADS VOR	DDA NDB	Direct	2000	
Kleberg Int	Fair Park Int (NOPT)	DDA Bearing 128°	2000	Supplementary charting information: Depict DDA NDB as stepdown fix. TV tower 858', 18,200' from threshold, 5600' left of runway centerline. Runway 31R, TDZ elevation, 487'.

Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2000' within 10 miles of Ross Ave Int.
FAF, Ross Ave Int. Final approach crs, 308°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over Fair Park Int, 2000'; over Ross Ave Int, 1500'; over DDA NDB, 1040'.
MSA: 000°-180°—2200'; 180°-270°—3400'; 270°-360°—2300'.
NOTE: ASR.
*RVR 24, Runways 31L and 13L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	960	1	473	960	1	473	960	1	473	960	1	473
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	473	1000	1	513	1000	1¼	513	1080		593
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., DDA; Procedure No. NDB (ADF) Runway 31R, Amdt. 6; Eff. date, 30 Apr. 70; Sup. Amdt. No. 5; Dated, 11 July 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DEH NDB.
UKN VOR	DEH NDB	Direct	2800	Climb to 2800' on 297° bearing from NDB within 10 miles, return to NDB. Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. Runway 29, TDZ elevation, 1154'.

Procedure turn N side of crs, 117° Outbnd, 297° Inbnd, 2800' within 10 miles of DEH NDB.
Final approach crs, 297°
Minimum altitude over Church Int, 1800'.
MSA: 090°-180°—2600'; 180°-090°—2500'.
NOTES: (1) Use La Crosse, Wis., altimeter setting except for operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 180'.
*Standard alternate minimums for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-29	1800	1	646	1800	1	646	1800	1¼	646	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1800	1	646	1800	1	646	1839	1½	666	NA
	NDB/VOR Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-29	1680	1	526	1680	1	526	1680	1	526	NA
A	Not authorized.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Decorah; State, Iowa; Airport name, Decorah Municipal; Elev., 1154'; Fac. Ident, DEH; Procedure No. NDB (ADF) Runway 29, Amdt. 1; Eff date, 30 Apr 70; Sup. Amdt. No. Orig; Dated, 18 Sept. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MFI NDB.
Chili Int	MFI NDB	Direct	3000	Climb to 2800′ on 033° bearing from NDB within 10 miles, turn left, return to NDB; or when directed by ATC, make left-climbing turn to 2800′ on 213° bearing from NDB, return to NDB.
Junction City Int	MFI NDB	Direct	3000	Supplementary charting information: Final approach crs intercepts runway centerline 3700′ from threshold. 1378′ stack ½ mile north of airport. Runway 4, TDZ elevation, 1261′.

Procedure turn E side of crs, 213° Outbnd, 033°, Inbnd, 2800′ within 10 miles of MFI NDB.
Final approach crs, 033°.
MSA: 000°-090°—3600′; 090°-270°—2600′; 270°—360°—2900′.
%IFR departure procedures: Aircraft departing Runways 4 and 34, climb to 1000′ on runway heading before proceeding on crs.
NOTE: Use Marshfield, Wis., altimeter setting through UNICOM; when not available use Wausau, Wis., altimeter setting and all MDAs are increased 120′, S-4 category D, visibility increased ¼ mile.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4	1660	1	399	1660	1	399	1660	1	399	1660	1	399
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAT
C	1740	1	479	1740	1	479	1820	1½	559	1820	2	559

Takeoff Standard. % Alternate—Not authorized.

City, Marshfield; State, Wis.; Airport name, Marshfield Municipal; Elev., 1261′; Fac. Ident., MFI; Procedure No. NDB (ADF) Runway 4, Amdt. 4; Eff. date, 30 Apr. 70; Sup. Amdt. No. 3; Dated, 16 Oct. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MFI NDB.
Chili Int	MFI NDB	Direct	3000	Climb to 2800′ on 142° bearing from NDB within 10 miles, turn right, return to NDB.
Junction City Int	MFI NDB	Direct	3000	Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. 1378′ stack ½ mile N of airport. Runway 16, TDZ elevation, 1261′.

Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2800′ within 10 miles MFI NDB.
Final approach crs, 142°.
MSA: 000°-090°—3600′; 090°-270°—2600′; 270°-360°—2900′.
%IFR departure procedures: Aircraft departing Runways 4 and 34, climb to 1000′ on runway heading before proceeding on crs.
NOTE: Use Marshfield, Wis., altimeter setting through UNICOM; when not available use Wausau, Wis., altimeter setting and all MDAs are increased 120′, S-16 Category D visibility increased ¼ mile.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	1740	1	479	1740	1	479	1740	1	479	1740	1	479
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	479	1740	1	479	1820	1½	559	1820	2	559

Takeoff Standard.% Alternate—Not authorized.

City, Marshfield; State, Wis.; Airport name, Marshfield Municipal; Elev., 1261′; Fac. Ident., MFI; Procedure No. NDB (ADF) Runway 16, Amdt. 1; Eff. date, 30 Apr. 70; Sup. Amdt. No. Orig.; Dated, 21 Aug 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.4 miles after passing PNE NDB.
				Climbing right turn to 2000' direct to PNE NDB and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 238° Inbnd. Runway 24, TDZ elevation, 115'.

Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 2000' within 10 miles of PNE NDB.
FAF, PNE NDB. Final approach crs, 238°. Distance FAF to MAP, 2.4 miles.
Minimum altitude over PNE NDB, 900'.
MSA: 000°–090°—3000'; 090°–180°—1600'; 180°, 360°—2400'.
NOTES: (1) Radar vectoring. (2) Inoperative components table does not apply to HIRLs Runway 24. (3) Approach from a holding pattern not authorized procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	640	1	525	640	1	525	640	1	525	640	1¼	525
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAT	MDA	VIS	HAA
C	640	1	520	640	1	520	640	1½	520	680	2	560
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Philadelphia; State, Pa.; Airport name, North Philadelphia; Elev., 120'; Fac. Ident., PNE; Procedure No. NDB (ADF) Runway 24, Amdt. 4; Eff. date, 30 Apr. 70; Sup. Amdt. No. 3; Dated, 5 Mar. 70

15. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 849'. LOC 5.3 miles after passing PI LOM.
R 014°, PIA VORTAC CW	PIA LOC(NOPT)	17-mile Arc PIA, R 108° lead radial.	2400	Climb to 1800' direct to PIA VORTAC, or when directed by ATC climb to 2400' on R 076° PIA VORTAC to Bradley Int. Supplementary charting information: Runway 30, TDZ elevation, 649'. 7:1 drift down applied to tower at 40°35' N./89°35' W.
R 192°, PIA VORTAC CCW	PIA LOC(NOPT)	17-mile Arc PIA, R 126° lead radial	2400	
17-mile Arc	PI LOM	Direct	2400	
Pekin Int	PI LOM	Direct	2400	
Canton Int	PI LOM	Direct	2400	
Mora Int	PI LOM	Direct	2400	
Mossville Int	PI LOM	Direct	2400	
Bradley Int	PI LOM	Direct	2400	
CAP VORTAC	PI LOM	Direct	3000	
Dunlap Int	PI LOM	Direct	2400	
PIA VORTAC	PI LOM	Direct	2400	

Procedure turn N side of crs, 123° Outbnd, 303° Inbnd, 2400' within 10 miles of PI LOM.
FAF, PI LOM. Final approach crs, 303°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over PI LOM, 2400'.
Minimum glide slope interception altitude 2400'. Glide slope altitude at OM, 2331'; MM, 883'.
Distance to runway threshold at: OM, 5.3 miles; MM, 0.6 mile.
MSA: 000°–360°—2400'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	BIS	HAT
S-ILS 30	849	2400	200	849	2400	200	849	2400	200	849	2400	200
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-LOC 30	1020	2400	371	1020	2400	371	1020	2400	371	1020	4000	371
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
Circling	1140	1	480	1140	1	480	1140	1¼	480	1220	2	560

Takeoff RVR 24, Runway 30, Standard all others. Alternate—Standard.

City, Peoria; State, Ill.; Airport name, Greater Peoria; Elev., 660'; Fac. Ident., I-PIA; Procedure No. ILS Runway 30, Amdt. 7; Eff. date, 30 Apr. 70; Sup. Amdt. No. 6; Dated, 26 Feb. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 880'; LOC 4.5 miles after passing TO NDB/OM.
Banks Int	TO NDB/OM	Direct	2100	Left turn, climb to 2100', direct TO NDB/OM and hold, or when directed by ATC, right turn, climb to 3000' to R 256° EUF VOR to Banks Int.
Troy VOR	TO NDB/OM	Direct	2100	Supplementary charting information: Hold SW, 1 minute, left turns, 067° Inbnd. GPI, 750' from threshold. Runway 7, TDZ elevation, 390'.

Procedure turn not authorized.
One-minute holding pattern, SW of TO NDB/OM, 067° Inbnd, left turns, 2100'.
FAF, TO NDB/OM. Final approach crs 067°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over TO NDB/OM, 1800'.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1779'; MM, 592'.
Distance to runway threshold at OM: 4.5 miles; MM, 0.53 mile.
MSA: 040°–130°—1900'; 130°–220°—2100'; 220°–040°—2500'.
NOTE: (1) Procedure not authorized when control zone not effective. (2) Night landing not authorized Runways 7–25 and 1–19.
CAUTION: Trees at approach end of all runways.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-ILS 7	880	1	490	880	1	490	880	1	490		NA	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-LOC 7	880	1	490	880	1	490	880	1	490		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
Circling	940	1	541	940	1	541	940	1½	541		NA	

Takeoff 300–1. Alternate: ILS, 900–2; LOC, 1000–2.

City, Troy; State, Ala.; Airport name, Troy Municipal; Elev., 389'; Fac. Ident., I-TOI; Procedure No. ILS Runway 7, Amdt. Orig.; Eff. date, 30 Apr. 70

16. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 685', LOC 4.1 miles after passing DA LOM.
DAL VORTAC	DA LOM	Direct	2200	Climb to 2200' on LOC (BC) 128° within 20 miles or climb to 2000', left turn direct to Dallas VORTAC.
GSW VORTAC	DA LOM	Direct	2200	
ADS VOR	DA LOM	Direct	2200	
Fair Park Int	DA LOM	Direct	2200	Supplementary charting information: Runway 13L, TDZ elevation, 485'.
Kleberg Int	DA LOM	Direct	2200	
Argyle Int	Lewisville Int	Direct	2000	
Lewisville Int	DA LOM (NOPT)	Direct	1800	

Procedure turn N side of crs, 308° Outbnd, 128° Inbnd, 2200' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 128°. Distance FAF to MAP, 4.1 miles.
Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1783'; at MM, 711'.
Distance to runway threshold at OM, 4.1 miles; at MM, 0.6 mile.
MSA: 160°–250°—3400'; 250°–160°—2300'.
NOTES: (1) ASR. (2) Glide slope unusable below 677'.
*RVR 24, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-13L	685	RVR 24	200	685	RVR 24	200	685	RVR 24	200	685	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13L	840	RVR 24	355	840	RVR 24	355	840	RVR 24	355	840	RVR 40	355
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	473	1000	1	513	1000	1½	513	1080	2	593
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., I-DAL; Procedure No. ILS Runway 13L, Amdt. 15; Eff. date, 30 Apr. 70; Sup. Amdt. No. 14; Dated, 26 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 675'. LOC 4.9 miles after passing LV LOM.
DAL VORTAC	LV LOM	Direct	2000	Climb to 2200' on bearing 308° from LV
GSW VORTAC	LV LOM	Direct	2000	LOM within 15 miles or climb to 2000',
ADS VOR	LV LOM	Direct	2000	right turn, direct to Dallas VORTAC.
Forest Int	LV LOM (NOPT)	Direct	2000	Supplementary charting information:
Hutchins Int	LV LOM (NOPT)	Direct	2000	Runway 31L, TDZ elevation, 475'.

Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2000' within 10 miles of LV LOM.
FAF, LV LOM. Final approach crs, 308°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over Central VHF INT, 1500'.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 2000'; at MM, 687'.
Distance to runway threshold at OM, 4.9 miles; at MM, 0.6 mile.
MSA: 000°-180°—2200'; 180°-270°—3400'; 270°-360°—2300'.
NOTE: ASR.
*RVR 24, Runways 31L and 13L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-31L	675	RVR 24	200	675	RVR 24	200	675	RVR 24	200	675	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31L	1500	RVR 50	1025	1500	RVR 50	1025	1500	RVR 60	1025	1500	1¼	1025
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-LOC	1500	1	1013	1500	1	1013	1500	1¼	1013	1500	2	1013
	LOC/VOR Minimums:											
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31L	1120	RVR 40	645	1120	RVR 40	645	1120	RVR 50	645	1120	RVR 50	645
A	Standard.		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident. I-LVF; Procedure No. ILS Runway 31L, Amdt. 4; Eff. date, 30 Apr. 70; Sup. Amdt. No. 3; Dated, 19 Sept. 68

17. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance Altitude
"As established by DAL ASR minimum altitude vectoring chart."										ASR Runways 31L and 31R: Intermediate approach fix 5 miles from threshold 2000'. Descent aircraft to MDA after FAF. ASR Runways 31L and 31R, FAF 3 miles from threshold 1500'. Minimum altitude over 1.3-mile Radar Fix on final approach crs, 1000'. TDZ elevation: Runway 31L, 475'; Runway 31R, 487'.

Missed approach: Climb to 2200' on runway heading within 10 miles or climb to 2000', right turn, direct to DAL VORTAC.
*RVR 24, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31R	900	1	413	900	1	413	900	1	413	900	1	413
S-31L	900	RVR 40	425	900	RVR 40	425	900	RVR 40	425	900	RVR 50	425
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	473	1000	1	513	1000	1¼	513	1080	2	593
A	Standard		T 2-eng. or less—Standard.*				T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., DAL ASR; Procedure No. ASR-1, Amdt. 16; Eff. date, 30 Apr. 70; Sup. Amdt. No. 15; Dated, 9 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR—Continued

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
"As established by DAL ASR minimum altitude vectoring chart."										Descend aircraft to MDA after FAF. ASR Runway 13R. ASR Runway 13L. FAF 5 miles from threshold 2000'. TDZ elevation: Runway 13R, 475'; Runway 13L, 485'.

Missed approach: Climb to 2000' on runway heading within 10 miles or climb to 2000', left turn, direct to DAL VORTAC.
*RVR 24, Runways 13L and 31L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13R	880	¾	405	880	¾	405	880	¾	405	880	1	405
S-13L	880	RVR 50	395	880	RVR 50	395	880	RVR 50	395	880	RVR 50	395
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	960	1	473	1000	1	513	1000	1¼	513	1080	2	593
A	Standard.			T 2-eng. or less—Standard.*			T over 2-eng.—Standard.*					

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487'; Fac. Ident., DAL ASR; Procedure No. ASR-2, Amdt. 4; Eff. date, 30 Apr. 70; Sup. Amdt. No. 3, Dated, 9 Oct. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on March 30, 1970.

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

[F.R. Doc. 70-4097; Filed, Apr. 9, 1970; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-609; Amdt. 6]

PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS; REALISTIC SCHEDULING REQUIRED

Updating of Schedule Arrival Performance Reporting Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of April 1970.

Section 234.8(a) requires that each certificated route air carrier scheduling nonstop passenger flights (1) between any of the 100 top-ranking pairs of points in terms of passenger volume as set forth in Table 4 of the Domestic Origin-Destination Survey or (2) between the State of Hawaii or Alaska, on the one hand, and points in the 48 contiguous States, on the other hand, or within the State of Hawaii with a passenger volume, as determined from the International Origin-Destination Survey, greater than the 100th ranked pair in the Domestic Survey, shall file monthly reports of schedule arrival performance on CAB Form 438. Beginning January 1968, the passenger origin-destination survey was revised to include all of the 50 States, rather than the 48 contiguous States, in the "domestic" category. The table of domestic top city pairs in passenger traffic now includes Hawaiian and Alaskan cities in their appropriate rankings. The special provisions for reporting Hawaiian, intra-Hawaiian, and Alaskan points are therefore no longer required and paragraph (a) is being revised accordingly.

Paragraph (b) provides that the "List of City Pairs for Use in Reporting on CAB Form 438" issued by the Board will be revised whenever the Surveys show a change in the top ranking city pairs. In the former O&D Survey the list of top-ranked city pairs covering a 12-month period was available only on a calendar year basis, and the List was revised accordingly. In the revised Survey, the tabulation of top-ranked city pairs is available quarterly covering a moving 12-month period each quarter. Thus, it is now possible for the Board to issue a revised List each quarter. However, the degree of change from one quarter to another would be so minimal that the burden falling upon the carriers in adjusting to a new List each quarter would not be justifiable. Therefore, the Board will monitor the changes in the top-ranked city pairs each quarter but will issue a new List only when the cumulative effect of the changes has caused a significant change in the List of city pairs.

Inasmuch as the amendment reflects current agency practice and procedure, the Board finds that notice and public procedure hereon are unnecessary and the amendment will be effective immediately.

Accordingly, the Board hereby amends § 234.8 (14 CFR 234.8), effective April 6, 1970, by revising paragraphs (a) and (b) to read as follows:

§ 234.8 Reporting of schedule arrival performance.

(a) Each certificated route air carrier scheduling nonstop passenger flights between any of the 100 top-ranking pairs of points in terms of revenue-passenger volume as set forth in Table 6 "Domestic City-Pair Summary: Top-Ranked 1000 City Pairs in Terms of Number of Passengers" in the Board's "Domestic Origin-Destination Survey of Airline Passenger Traffic" shall, with respect to any such flights for each month, file in duplicate with the Board a "Monthly Report of Scheduled Arrival Performance on Designated Passenger Flights," CAB Form 438 (Rev. 5-69): [1] *Provided*, That such report shall not be required with respect to flights between any pair of points which are less than 200 miles apart. The same information may be submitted on any comparable form prepared on automatic data processing equipment. Such substitute form shall be subject to Board approval and shall be submitted in duplicate and contain the same column headings arranged in the same sequence as CAB Form 438. During any period that a carrier's obligation to provide service between a pair of points is suspended by the Board, the report need not be filed for such pair of points. The report shall be filed within 45 days of the end of the month which it covers and shall be certified to be correct by a responsible officer of the reporting carrier.

(b) The pairs of points on which reports are to be filed are shown in the current "List of City Pairs for Use in Reporting on CAB Form 438," which is issued by the Board and revised from time to time as the need arises.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[1] CAB Form 438 (Rev. 5-69) is filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-4408; Filed, Apr. 9, 1970; 8:49 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-37; Amdt. 3]

PART 378a—BULK INCLUSIVE TOURS BY TOUR OPERATORS

Extension of Effective Date of Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of April 1970.

In Order 70-2-123, February 27, 1970, the Board approved CAB Agreement 21537, which, inter alia, provided for an effective date through March 31, 1971, of IATA Resolutions 079a and 079c. These resolutions concern the terms and conditions of furnishing contract bulk inclusive tours (BIT's) in foreign air transportation by tour operators.

Part 378a exempts tour operators from certain provisions of the Federal Aviation Act of 1958 to enable them to provide BIT's consistent with Resolutions 079a and 079c. Section 378a.4 presently provides that the relief granted shall be effective until October 1, 1970. We are therefore amending § 378a.4 to reflect the Board's approval of IATA Resolutions 079a and 079c through March 31, 1971.

Inasmuch as the Board has previously determined that it is in the public interest that tour operators be relieved of various provisions of title IV of the Act to enable such tour operators to engage in indirect air transportation and to provide bulk inclusive tours and that such exemption authority be effective for such period as the Board approves IATA Resolutions 079a and 079c,[1] notice and public procedure hereon are unnecessary and the amendment shall be effective immediately.

Accordingly, the Board hereby amends § 378a.4 (14 CFR 378a.4), effective April 6, 1970, to read as follows:

§ 378a.4 Duration of exemption.

The relief granted by § 378a.3 shall continue in effect until April 1, 1971.

(Secs. 101(3), 204(a), 416, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 771; 49 U.S.C. 1301, 1324, 1386)

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-4409; Filed, Apr. 9, 1970; 8:49 a.m.]

[1] SPDR-16, June 25, 1969; SPR-32, adopted Oct. 14, 1969.

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-363; Order 393A]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

Nuclear Fuel; Supplemental Order

APRIL 2, 1970.

Revisions in uniform system of accounts for public utilities and licensees (Classes A and B) and FPC Form No. 1 regarding nuclear fuel; Docket No. R-363.

On December 18, 1969, the Commission issued Order No. 393 in this proceeding. By that order, the Commission amended and added certain accounts in its Uniform System of Accounts for Class A and Class B Public Utilities and Licensees and certain schedules of FPC Form No. 1 used by public utilities and licensees for annual reporting of data relating to nuclear fuel.

Item 2 of new Account 120.1, Nuclear fuel in process of refinement, conversion, enrichment and fabrication, set forth in Attachment A of the order lists the "[v]alue of recovered nuclear materials not in process of fabrication" as a representative item in that account. This wording is ambiguous. Item 2 as presently written is intended to cover salvaged nuclear materials which are to be returned to fuel assemblies. They are thus through one stage of the recycling process with further fabrication to follow. The text of Account 120.1 provides that it is applicable to "Nuclear fuel in process of * * * fabrication." Accordingly, this item shall be amended to read "2. Value of recovered nuclear materials being reprocessed for use."

Inasmuch as the aforesaid Item 2 was listed as "Value of recovered nuclear materials to be recycled" in the Commission's rulemaking notice issued July 1, 1969, in this proceeding, no further notice of this change in the wording thereof is necessary.

The Commission further finds:

(1) The revision of the Commission's Uniform System of Accounts herein prescribed is necessary and appropriate for the administration of the Federal Power Act.

(2) Since the amendments to the Commission's Uniform System of Accounts prescribed by Order No. 393 issued December 18, 1969, are effective January 1, 1970, good cause exists for making this revision to the Uniform System of Accounts also effective January 1, 1970.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 301 and 309 thereof (49 Stat. 854, 858; 16 U.S.C. secs. 825, 825h), orders:

(A) Effective January 1, 1970, Item 2 of Account 120.1 of the Commission's Uniform System of Accounts prescribed for Class A and Class B Public Utilities and Licensees by Part 101, Title 18, Code of Federal Regulations, as set forth on Attachment A of Order No. 393 issued December 18, 1969 (published in F.R. Doc. 69-15307 at pages 20268-20270 in the issue dated December 25, 1969), is hereby amended to read as follows:

§ 120.1 Nuclear fuel in process of refinement, conversion, enrichment and fabrication.

* * * * *

ITEMS

* * * * *

2. Value of recovered nuclear materials being reprocessed for use.

* * * * *

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-4386; Filed, Apr. 9, 1970; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

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

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart F—Overpayments, Underpayments, Waiver of Adjustment or Recovery of Overpayments, and Liability of a Certifying Officer

PARTIAL ADJUSTMENT OF OVERPAYMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. Section 404.502 is amended to read as follows:

§ 404.502 Overpayments.

Upon determination that an overpayment has been made, adjustments will be made against monthly benefits and lump sums as follows:

(a) *Individual overpaid is living.* (1) If the individual to whom an overpayment was made is at the time of a determination of such overpayment entitled to a monthly benefit or a lump sum under title II of the Act, or at any time thereafter becomes so entitled, no benefit for any month and no lump sum is payable to such individual, except as provided in paragraphs (c) and (d) of this section, until an amount equal to the amount of the overpayment has been withheld or refunded. Such adjustments will be made against any monthly benefit or lump sum under title II of the Act

to which such individual is entitled whether payable on the basis of such individual's earnings or the earnings of another individual.

(2) If any other individual is entitled to benefits for any month on the basis of the same earnings as the overpaid individual, except as adjustment is to be effected pursuant to paragraphs (c) and (d) of this section by withholding a part of the monthly benefit of either the overpaid individual or any other individual entitled to benefits on the basis of the same earnings, no benefit for any month will be paid on such earnings to such other individual until an amount equal to the amount of the overpayment has been withheld or refunded.

(b) *Individual overpaid dies before adjustment.* If an overpaid individual dies before adjustment is completed under the provisions of paragraph (a) of this section, no lump sum and no subsequent monthly benefit will be paid on the basis of earnings which were the basis of the overpayment to such deceased individual until full recovery of the overpayment has been effected, except as provided in paragraphs (c) and (d) of this section or under § 404.515. Such recovery may be effected through:

(1) Payment by the estate of the deceased overpaid individual,

(2) Withholding of amounts due the estate of such individual under title II of the Act,

(3) Withholding a lump sum or monthly benefits due any other individual on the basis of the same earnings which were the basis of the overpayment to the deceased overpaid individual, or

(4) Any combination of the above.

(c) *Adjustment by withholding part of a monthly benefit.* Adjustment under paragraphs (a) and (b) of this section may be effected by withholding a part of the monthly benefit payable to an individual where it is determined that:

(1) Withholding the full amount each month would "defeat the purpose of title II," i.e, deprive the person of income required for ordinary and necessary living expenses (see § 404.508); and

(2) Recoupment can be effected in an amount of not less than $10 a month and at a rate which would not result in extending the period of adjustment beyond the earlier of the following:

(i) The expected last month of entitlement; or

(ii) Three years after the initiation of the adjustment action (except that in cases where the individual was "without fault" (see §§ 404.507 and 404.510), the period of adjustment may be extended beyond 3 years, if necessary); and

(3) The overpayment was not caused by the individual's intentional false statement or representation, or willful concealment of, or deliberate failure to furnish, material information.

(d) *Individual overpaid enrolled under supplementary insurance plan.* Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, if the individual liable for the overpayment is an enrollee under Part B of title XVIII of the Act and the overpayment was not caused by such individual's intentional false statement or representation, or willful concealment of, or deliberate failure to furnish, material information, an amount of such individual's monthly benefit which is equal to his obligation for supplementary medical insurance premiums will be applied toward payment of such premiums, and the balance of the monthly benefit will be applied toward recovery of the overpayment. Further adjustment with respect to such balance may be made if the enrollee so requests and meets the conditions of paragraph (c) of this section.

(Secs. 204, 205, 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 404, 405, 1302)

2. *Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: March 16, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: April 7, 1970.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 70-4414; Filed, Apr. 9, 1970; 8:49 a.m.]

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

REOPENING OF REVISED DETERMINATIONS; DEFINITION OF INITIAL DETERMINATION

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Paragraph (a) of § 404.905 is amended to read as follows:

§ 404.905 Administrative actions that are initial determinations.

(a) *Entitlement to monthly benefits, lump sums, hospital insurance benefits, and supplementary medical insurance benefits.* The Administration shall make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to the entitlement to monthly benefits (including special payments at age 72) or a lump sum under title II of the Act, or entitlement to hospital insurance benefits or supplementary medical insurance benefits under title XVIII of the Act, of any party to the determination who has filed an application for such entitlement. In the case of monthly benefits or a lump sum, the determination shall include the amount, if any, to which the party is entitled and, where applicable, such amount as reduced or increased pursuant to sections 202(j)(1), 202(k)(3), 202(m), 202(q), 203(a), 203(b), 203(c), 203(d), 203(f), 203(g), 204(a), 222(b), 223, section 224 of the Act before its repeal in 1958, or section 224 of the Act as enacted on July 30, 1965 (sec. 335 of Public Law 89-97), or section 228 of the Act. Where an individual is entitled to an old-age or a disability insurance benefit for any month and to any other insurance benefit for such month, the determination as to the total amount of benefits to which such individual is entitled shall constitute an initial determination whether or not the applicable reduction under section 202(k)(3)(A) has been made.

* * * * *

2. Sections 404.956 and 404.957 are revised to read as follows:

§ 404.956 Revision for error or other reason; time limitation generally.

(a) *Initial, revised, or reconsidered determinations.* Except as otherwise provided in §§ 404.960 and 404.960a, an initial, revised, or reconsidered determination (see §§ 404.905 and 404.914) may be revised by the appropriate unit of the Social Security Administration having jurisdiction over the proceedings (§ 404.902), on its own motion or upon the petition of any party for a reason, and within the time period, prescribed in § 404.957.

(b) *Decision or revised decision of a hearing examiner or the Appeals Council.* Either upon the motion of the hearing examiner or the Appeals Council, as the case may be, or upon the petition of any party to a hearing, except as otherwise provided in §§ 404.960 and 404.960a, any decision of a hearing examiner provided for in § 404.939 or any revised decision of a hearing examiner may be revised by such hearing examiner, or by another hearing examiner if the hearing examiner who issued the decision is unavailable, or by the Appeals Council for a reason and within the time period prescribed in § 404.957. Any decision of the Appeals Council provided for in § 404.950 or any revised decision of the Appeals Council, may be revised by the Appeals Council for a reason and within the time period prescribed in § 404.957. For the purposes of this paragraph (b), a hearing examiner shall be considered to be unavailable if, among other circumstances, such hearing examiner has died, terminated his employment, is on leave of absence, has had a transfer of official station, or is unable to conduct a hearing because of illness.

§ 404.957 Reopening initial, revised, or reconsidered determinations of the Administration and decisions or revised decisions of a hearing examiner or the Appeals Council; finality of determination and decisions.

An initial, revised, or reconsidered determination of the Administration or a decision or revised decision of a hearing examiner or of the Appeals Council which is otherwise final under § 404.908, § 404.916, § 404.940, or § 404.951 may be reopened:

(a) Within 12 months from the date of the notice of the initial determination (see § 404.907), to the party to such determination, or

(b) After such 12-month period, but within 4 years after the date of the notice of the initial determination (see § 404.907) to the party to such determination, upon a finding of good cause for reopening such determination or decision, or

(c) At any time when:

(1) Such initial, revised, or reconsidered determination or decision or revised decision was procured by fraud or similar fault of the claimant or some other person; or

(2) An adverse claim has been filed against the same earnings account; or

(3) An individual previously determined to be dead, and on whose account entitlement of a party was established, is later found to be alive, or

(4) The death of the individual on whose account a party's claim was denied for lack of proof of death is established by reason of his unexplained absence from his residence for a period of 7 years (see § 404.705); or

(5) The Railroad Retirement Board, pursuant to the Railroad Retirement Act, has awarded duplicate benefits on the same earnings accounts; or

(6) The initial, revised, or reconsidered determination or decision or revised decision (for purposes of entitlement under title II or Part A and Part B of title XVIII, or for purposes of the amount of benefits under title II) either:

(i) Denies the individual on whose earnings account such benefit claim is based gratuitous wage credits for World War II or post-World War II military or naval service because another Federal Government agency (other than the Veterans' Administration) has erroneously certified that it has awarded benefits based on such service; or

(ii) Credits the earnings account of the individual on which such benefit claim is based with such gratuitous wage credits and another agency of the Federal Government (other than the Veterans' Administration) thereafter certifies that it was awarded a benefit based on the period of service for which such wage credits were granted.

(7) Such initial, revised, or reconsidered determination or decision or revised decision was that the claimant did not have the necessary quarters of coverage for an insured status but thereafter earnings were credited to his account pursuant to section 205(c)(5) (C), (D), or (G) of the Act, which would have given him an insured status at the time of such determination or decision if such earnings had been credited to his account then.

(8) Such initial, revised, or reconsidered determination or decision or revised decision is unfavorable, in whole or in part, to the party thereto but only for the purpose of correcting clerical error or error on the face of the evidence on which such determination or decision was based.

3. Section 404.962 is revised to read as follows:

§ 404.962 Effect of revised determination.

Except as provided in § 404.612, the revision of a determination or decision shall be final and binding upon all parties thereto unless a party authorized to do so (see § 404.961) files a written request for a hearing with respect to a revised determination in accordance with § 404.963 or a revised decision is reviewed by the Appeals Council as provided in this Subpart J, or such revised determination or decision is further revised in accordance with §§ 404.956 and 404.957.

(Secs. 205(a), 205(n), 1102, 53 Stat. 1370, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 1302)

4. *Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: March 11, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: April 7, 1970.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 70-4415; Filed, Apr. 9, 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 SYSTEM

Olympic National Park, Wash.; Dogs and Cats

A proposal was published at page 14035 of the FEDERAL REGISTER of September 4, 1969, to amend § 7.28 of Title 36 of the Code of Federal Regulations. The effect of this amendment is to revise and clarify the special regulation on dogs and cats in the park.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed amendment. As a result of comments received, the proposed regulation is adopted with the following change: The prohibition of pets on trails in paragraph (c) was revised in order to define more clearly where pets would be allowed. This amendment will become effective 30 days after publication of this notice in the FEDERAL REGISTER.

§ 7.28 Olympic National Park.

* * * * *

(c) *Dogs and cats.* Dogs and cats are prohibited on any park land or trail, except within one-quarter mile of an established automobile campground or concessioner overnight facility.

* * * * *

S. T. CARLSON,
Superintendent, Olympic National Park.

[F.R. Doc. 70-4364; Filed, Apr. 9, 1970; 8:45 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Certain Employee Benefit Plans Utilizing Aetna Life Insurance Co.

On pages 2994 and 2995 of the FEDERAL REGISTER of February 13, 1970, there was published a notice of a proposed variation under which employee benefit plans which utilize the services of the Aetna Life Insurance Co., and which do not maintain separate experience records are excused from the requirement of section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act (WPPDA), 29 U.S.C. 306(d)(2)(a), that they attach a copy of the Aetna Life Insurance Co. financial report to their annual reports. Interested persons were invited to submit objections to the proposed variance within 15 days of the date of publication.

No objections have been received, and the proposed variations are hereby adopted without change and are set forth below.

Effective date. This variation shall be effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 3d day of April 1970.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

New §§ 462.31 and 462.32 and their preceding undesignated centerhead read as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE AETNA LIFE INSURANCE CO.

§ 462.31 Rule of variation.

Every employee benefit plan which utilizes the Aetna Life Insurance Co., 151 Farmington Avenue, Hartford, Conn. 06115, to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the Aetna Life Insurance Co. will no longer be required to do so, subject to the following conditions.

§ 462.32 Condition of variation.

(a) The Aetna Life Insurance Co. shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section

7(d)(2)(A) of the Act that the Aetna Life Insurance Co. has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the Aetna Life Insurance Co., each plan administrator of an employee benefit plan to which this variation applies shall report in part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the Aetna Life Insurance Co. and shall place in Item 6 of said part and section the symbol "VAR" in the space provided for the code number.

(c) The Aetna Life Insurance Co. is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the Aetna Life Insurance Co. maintains separate experience records, since said plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the Aetna Life Insurance Co. to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

[F.R. Doc. 70-4397; Filed, Apr. 9, 1970; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 16—MACARONI AND NOODLE PRODUCTS

Confirmation of Effective Date of Order Amending Identity Standards for Enriched Products To List Inactive Dried Torula Yeast as Optional Ingredient

In the matter of amending the identity standards for enriched macaroni products, enriched noodle products, and enriched macaroni products made with nonfat milk (21 CFR 16.9, 16.10, 16.14) to list inactive dried torula yeast as an optional ingredient:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 21, 1970 (35 F.R. 805). Accordingly, the amendments promulgated by that order became effective March 22, 1970.

Dated: April 1, 1970.

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

[F.R. Doc. 70-4370; Filed, Apr. 9, 1970; 8:45 a.m.]

PART 121—FOOD ADDITIVES

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

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 0B2442) filed by Hercules, Inc., 910 Market Street, Wilmington, Del. 19899, and other relevant material, concludes that § 121.2526 of the food additive regulations should be amended by changing the "molar percent" in the item set forth below from "5" to "10." As originally filed, the petition proposed a change of from "5" to "20"; however, the petitioner subsequently revised the petition to propose "10."

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by revising the item "Acrylamide- * * *" to read as follows:

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

* * * * *

(a) * * *

(5) * * *

List of Substances	*Limitations*
* * *	* * *
Acrylamide-β-methacrylyloxyethyltrimethylammonium methyl sulfate copolymer resins containing not more than 10 molar percent of β-methacrylyloxyethyltrimethylammonium methyl sulfate and containing less than 0.2% of residual acrylamide monomer.	For use only as a retention aid and flocculant employed prior to the sheet-forming operation in the manufacture of paper and paperboard.
* * *	* * *

* * * * *

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 Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

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

Dated: April 3, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-4371; Filed, Apr. 9, 1970; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 754—NAVY AFFIRMATIVE SALVAGE CLAIMS

Miscellaneous Amendments

1. In § 754.1, paragraph (b)(3), is amended to read as follows:

§ 754.1 Settlement of Navy affirmative salvage claims.

* * * * *

(b) *Delegation of authority.* * * *

(3) The Assistant Supervisor of Salvage, Naval Ships Systems Command, Department of the Navy, 17 Battery Place, New York, N.Y. 10004.

2. In § 754.2, paragraph (a) is amended, subparagraph (1) of paragraph (a) is revised, and paragraphs (e) and (f) are revised so that the amended and revised material reads as follows:

§ 754.2 Per diem rates for salvage services.

(a) Effective 1 January 1970, and subject to the rules set forth in paragraphs (b) through (f) of this section, the following vessel and deep-dive-system rates per day of 24 hours or part thereof have been established for salvage services rendered by the Department of the Navy to any vessel:

(1) *Fleet-type ships.*

Large Salvage Tugs (ATS) (6,000–10,000 hp.)	$5,700
Salvage Ships or Fleet Tugs (ARS, AFT) (3,000 hp.)	4,700
Ocean Tugs (ATA, ANL, YTB) (1,000–2,200 hp.)	3,000
Medium Harbor Tugs (YTM) (600–900 hp.)	1,700
Small Harbor Tugs (YTL) (under 600 hp.)	1,400

Rates for other types of ships used for search, communications, control, and the like will be established on a case-by-case basis, with consideration being given to their special features as required for the particular operation.

* * * * *

(e) The extent of the salvage services rendered by naval activities in any given case will, of necessity, be governed

by the magnitude of the salvage effort required and the problems encountered. Accordingly, the nature and amount of salvage equipment and other naval equipment, supplies, and materials will vary in each case. In addition, the number of naval personnel, both military and civilian (Civil Service), and their required specialized skills will also vary in each case. For these reasons it is not feasible to detail in this regulation the rates, costs, or charges for each item of naval equipment, material, supplies or personnel, both military and civilian (Civil Service), that may be utilized in any given salvage operation. It is the policy of the Supervisor of Salvage to utilize the Navy Comptroller Manual (NAVEXOS P-1000) as the basis for determining the costs and charges for naval equipment, supplies, materials, and personnel, both military and civilian (Civil Service), for which there are no published rates established by this regulation or previously determined by the Supervisor of Salvage. The Navy Comptroller Manual also provides a basis for computing statistical charges where salvage services are rendered on "in-house" Navy salvage operations, and to Military Sea Transportation Service, Maritime Administration, and other non-Navy public vessels and aircraft. However, in determining the costs and charges for equipment, supplies, materials, and personnel the Supervisor of Salvage refers to the Navy Comptroller Manual for guidance only; he is not required to adhere to the rates set forth therein.

(f) Submission of Navy salvage claims on a per diem basis is solely a matter of administrative convenience and policy. That policy is not a waiver or surrender of the U.S. legal right to claim on a salvage-bonus basis in any individual case. If per diem billing is rendered, then it is submitted on the express condition that it be promptly paid in full; and until receipt by the Department of the Navy of such payment, all salvage rights are reserved, including the right to withdraw the per diem billing without notice and present claim on a salvage-bonus basis.

3. New § 754.3 is added to read as follows:

§ 754.3 Per diem for salvage equipment rental.

(a) *Authority.* Under 10 U.S.C. 7362, the Secretary of the Navy may acquire or transfer, by charter or otherwise, for operation by private salvage companies, such vessels and equipment as he considers necessary.

(b) *Delegation of Authority.* Each of the following has been designated by the Secretary of the Navy to exercise the authority contained in section 7362:

(1) The Commander, Naval Ship Systems Command, Department of the Navy.

(2) The Supervisor of Salvage, Naval Ship Systems Command, Department of the Navy.

(c) *Policy and effective date.* The aforementioned statutory authority of the Secretary of the Navy does not obligate the United States or the Department of the Navy either to maintain salvage ships and equipment in excess of its own needs, to transfer, by charter or otherwise, such vessels and equipment to private salvage companies, or to render salvage assistance on all occasions. However, it is the policy of the Secretary of the Navy to render required assistance in the salvage of private vessels where adequate private salvage facilities are not readily available and to assist private salvage companies in any given salvage operation conducted by them by transferring, by charter or otherwise, such salvage vessels or equipment as the Secretary considers necessary in the interests of the United States. However, such transfer normally will not be effected where adequate private salvage vessels and equipment are reasonably available.

(d) *Procedures.* Pursuant to the authority contained in section 7362 of title 10, United States Code, and the policy outlined in this part above, the following rules pertain to the transfer by charter, contract, lease, rental, or loan of such salvage vessels and equipment as the Secretary of the Navy, or his designees, consider necessary to assist public and private vessels:

(1) Normally the per diem rates set forth in paragraph (a) of § 754.2 will be utilized as the basis for charging public and private users for the salvage vessels and equipment enumerated therein when chartered, contracted, leased, rented, or loaned.

(2) Rates for types of salvage vessels and equipment not listed in paragraph (a) of § 754.2 will be established on a case-by-case basis, with consideration being given to the special features of such ships and equipment as are required for the particular operation for which requested.

(e) *Insurance.* When salvage ships and salvage equipment of any nature are chartered, contracted, leased, rented, or loaned to private users under this section, they shall obtain insurance to cover the interest of the Government in such forms, amounts, and periods of time as may be required by the Secretary of the Navy or his designees.

(f) *Rates.* The rates charged for the rental of the salvage vessels set forth in paragraph (a) of § 754.2 do not cover any special equipment thereon, which shall be charged for at separate rates.

(g) *Conditions.* The charter, contract, lease, rental, or loan of salvage vessels and salvage equipment is subject to the conditions that they shall be utilized only in accordance with their designated operational organic capability, as set forth in applicable regulations and instructions, and for a specific commercial salvage operation under the terms of the charter, contract, lease, rental, or loan agreement. Breach of any of these conditions shall entitle the U.S. Navy unilaterally to cancel the agreement and require immediate return of the vessels and equipment covered thereby.

[SEAL] D. D. CHAPMAN,
Read Admiral, JAGC, U.S. Navy,
Judge Advocate General of the Navy Acting.

APRIL 3, 1970.

[F.R. Doc. 70-4361; Filed, Apr. 9, 1970; 8:45 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Applications for Exemption

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended by deleting paragraph (d)(3) in its entirety and inserting in lieu thereof the following:

§ 1455.6 Subcontracts as to which it is not administratively feasible to segregate profits.

* * * * *

(d) *Application for "stock item" exemption; amounts received or accrued after October 31, 1968.* * * *

(3) An Application For Stock Item Exemption shall be filed not later than the first day of the fifth month following the close of the fiscal year in which the contractor received or accrued the amounts to which such application relates.

* * * * *

§ 1467.55 [Amended]

Section 1467.55 *Application for commerical exemption* is amended by deleting from the first sentence of paragraph (d) "but in no event later than the date upon which the contractor is required to file the Standard Form of Contractor's Report with respect to such fiscal year" and inserting in lieu thereof "but in no event later than the first day of the fifth month following the close of such fiscal year".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: April 7, 1970.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 70-4399; Filed, Apr. 9, 1970; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart—OEO Income Poverty Guidelines

GUIDELINES FOR ALASKA AND HAWAII

Chapter X, Part 1060 of the Code of Federal Regulations is amended by adding a new § 1060.2–4, reading as follows:

§ 1060.2–4 OEO Income Poverty Guidelines for Alaska and Hawaii.

(a) *General.* In view of substantially higher costs of living in Alaska and Hawaii, the OEO Income Poverty Guidelines for determining program eligibility in Alaska will be 25 percent higher, and in Hawaii 15 percent higher, than the national guidelines. The provisions of § 1060.2–2 remain in effect for those States.

(b) *OEO Poverty Guidelines for Alaska.*

Family size	Nonfarm family	Farm family
1	$2,250	$1,875
2	3,000	2,500
3	3,750	3,125
4	4,500	3,750
5	5,250	4,375
6	6,000	5,000
7	6,750	5,625
8	7,500	6,250
9	8,250	6,875
10	9,000	7,500
11	9,750	8,125
12	10,500	8,750
13	11,250	9,375

For families with more than 13 members, add $750 for each additional member in a nonfarm family and $625 for each additional member in a farm family.

(c) *OEO Poverty Guidelines for Hawaii.*

Family size	Nonfarm family	Farm family
1	$2,100	$1,725
2	2,800	2,300
3	3,500	2,875
4	4,200	3,450
5	4,900	4,025
6	5,600	4,600
7	6,300	5,175
8	7,000	5,750
9	7,700	6,325
10	8,400	6,900
11	9,100	7,475
12	9,800	8,050
13	10,500	8,625

For families with more than 13 members, add $700 for each additional member in a nonfarm family and $575 for each additional member in a farm family.

(Sec. 602, Economic Opportunity Act of 1964, as amended, 78 Stat. 530; 42 U.S.C. 2942)

DONALD RUMSFELD,
Director.

[F.R. Doc. 70–4365; Filed, Apr. 9, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18689; FCC 70–336]

PART 15—RADIO FREQUENCY DEVICES

Radiation Interference Limits; Extension of Effective Date

In the matter of amendment of Part 15 to revise the limit for radiation of electromagnetic energy in the band 470–1000 MHz from television receivers, RM–1413, RM–1441.

Supplemental order changing effective date of § 15.63(c) from January 1, 1970, to July 31, 1970.

1. On January 28, 1970, the Commission adopted a report and order,[1] effective January 31, 1970, which required that emission of RF energy in the band 470–1000 MHz from television receivers be limited to 350 μV/m at 100 feet, compliance being determined by an averaging procedure set out in the order.[2]

2. Acting for the domestic manufacturers of television receivers (hereafter Industry), on February 24, 1970, the Consumer Products Division of the Electronic Industries Association (hereafter EIA) filed a request for an interpretive ruling of the aforementioned regulation. EIA points out that the mentioned regulation has a far reaching impact on Industry and that immediate compliance in the middle of the model year[3] can produce serious disruption and hardship within the Industry. Moreover, EIA points out that the small percentage of receivers which do not comply with the 350 μV/m limit should no longer be in production after July 31, 1970. To take these receivers out of production immediately will work an unnecessary hardship on Industry and would, in the opinion of EIA, not be in the best interest of the consumer. EIA accordingly requests the Commission to accept a schedule of compliance in meeting the requirements of the Commission's report and order of January 28, 1970, which in effect would permit the continuation of production of such receivers until July 31, 1970.

3. While the Commission remains of the determination that the new requirements for receiver radiation should be made applicable as soon as practicably possible, we do not contemplate the immediate cessation of manufacture of receiver models which were already in production where outstanding certificates were still in effect. In order to avoid this result which is both unnecessary and unduly harsh: *It is ordered,* That the Commission's report and order in Docket No. 18689, dated January 28, 1970, 21 FCC 2d 297, is revised to specify a new effective date of July 31, 1970. This will mean that all receivers produced after July 31, 1970, must fully comply with the new requirements and must be accompanied by a certificate attesting to compliance with the new requirements.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; sec. 330, 76 Stat., 151; 47 U.S.C. 154, 303, 330)

Adopted: April 1, 1970.

Released: April 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70–4407; Filed, Apr. 9, 1970; 8:49 a.m.]

[Docket No. 18110; FCC 70–310]

PART 73—RADIO BROADCAST SERVICES

Multiple Ownership of Standard, FM and Television Broadcast Stations

First report and order. 1. The Commission has before it (1) a notice of proposed rule making (33 F.R. 5315) adopted March 27, 1968, which commenced this proceeding and established an interim policy[1] for dealing with applications for broadcast station authorizations during the pendency of the proceeding; (2) a memorandum opinion and order (12 FCC 2d 912) adopted May 15, 1968, which denied petitions for reconsideration of the interim policy, answered questions that had arisen concerning that policy, and clarified the proposed rule amendments contained in the notice; and (3) comments, reply comments, and other material filed in response to the notice.[2]

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[1] 35 F.R. 2405 dated Feb. 3, 1970.

[2] The averaging procedure is set out in § 15.63(c) as revised on Jan. 28, 1970, and provides that measurements be made on 10 specified frequencies between 470–1000 MHz, that the average of these measurements does not exceed 350 μV/m, and that no individual measurement exceed 750 μV/m.

[3] In its pleading, EIA defines model year as follows: "Model Year" means introduction of new television receiver "Models" during May, June, and July of the Calendar year (e.g., new "Models" introduced during May, June, and July of 1970 is defined as the 1970–71 "Model Year Lines".

[4] Commissioner H. Rex Lee absent.

[1] The interim policy is discussed in pars. 74–78, infra.

[2] Approximately 120 parties participated in the proceeding. They are listed in Appendix A which is filed as part of the original document. If a "party" consisted of two or more entities making a joint filing, the names of the entities are listed under the name of the lead entity. The short designation of every party referred to in the present document appears in parentheses following the full name in Appendix A. Participating parties include the three major networks, Mutual Broadcasting System, Inc., the National Association of Broadcasters, numerous State broadcasters associations, the All-Channel Television Society, the Association of Broadcasting Standards, Inc., the Community Broadcasters Association, Inc., individual and multiple owners, and the Department of Justice.

THE COMMISSION'S PROPOSAL

2. In this proceeding, the Commission proposed to amend the present multiple ownership rules so as to prohibit the granting of any application for a broadcast license if after the grant the licensee would own, operate, or control two or more full-time broadcast stations within the market. The proposed amended rules would apply to all applications for new stations and for assignment of license or transfer of control except assignment and transfer applications filed pursuant to the provisions of § 1.540(b) or § 1.541(b) of the rules (i.e., pro forma or involuntary assignments and transfers) and applications for assignment or transfer to heirs or legatees by will or intestacy. Divestiture, by any licensee, of existing facilities would not be required. The remainder of this section sets the proposal in perspective.

3. The multiple ownership rules of the Commission have a two-fold objective: (1) Fostering maximum competition in broadcasting, and (2) promoting diversification of programing sources and viewpoints. The rules are essentially the same for the standard, FM, and televisions broadcast services and, respectively, appear in 47 CFR 73.35, 73.240, and 73.636 (1969). Each of these sections is divided into two parts, the first of which is known as the duopoly rule, and the second of which is often called the concentration of control rule.[3]

4. The concentration of control rules aim at achieving the aforementioned twofold objective nationally and regionally by providing that a license for a broadcast station will not be granted to a party if the grant would result in that party's owning, operating, or controlling more than a specified number of stations in the same broadcast service. For AM the number is seven, for FM it is seven, and for TV it is seven, with no more than five being VHF. The rules also provide that a grant will not be made, even though it would not result in exceeding these specified maximums, if it would result in undue concentration of control contrary to the public interest (some of the criteria for making such a determination are contained in the rules).

5. While the concentration of control rules aim at attaining the twofold objective nationally and regionally, the duopoly rules are designed to attain it locally and regionally by providing that a license for a broadcast station will not be granted to a party that owns, operates, or controls a station in the same broadcast service a specified contour of which would overlap the same contour of the station proposed to be licensed. (For AM stations the predicted or measured 1 mv/m groundwave contours must not overlap; for FM, the predicted 1 mv/m contours; for TV, the predicted Grade B contours.) In broader language, the duopoly rules prohibit a party from owning, operating, or controlling more than one station in the same broadcast service in the same area. However, they do not prevent a single party from owning, operating, or controlling more than one station in the same area if each station is in a different service. Hence, a single licensee often has a standard, an FM, and a television broadcast station in one community.

6. The proposal in this proceeding is in essence an extension of the present duopoly rules, since it would proscribe common ownership, operation, or control of more than one unlimited-time broadcast station in the same area, regardless of the type of broadcast service involved.[4]

THE RULES ADOPTED HEREIN

7. All but four of the commenting parties oppose the proposal. Some opponents urge that if the Commission, over the objections they raise, should decide to adopt rules they should not be the ones proposed in the Notice but a modification thereof (various modifications are suggested). The four parties supporting the proposal believe that it does not go far enough and urge the Commission to take various further steps. We have carefully considered all of the comments and other material filed in this proceeding and, for the reasons set forth hereinafter, are of the view that it is in the public interest to adopt the rules contained in Appendix B hereto. With some exceptions, they are the same as those which we proposed in the notice as clarified by the memorandum opinion and order. A brief description of the rules follows.

8. The memorandum opinion and order (par. 1, supra) noted that since the rules proposed in the notice were in essence an extension of the present duopoly rules, the Commission would (without intending to prejudge the meaning of "market" in any rules that might be adopted) use the overlap concept in the present duopoly rules for purposes of administering the interim policy. As previously stated (par. 5, supra), those rules proscribe overlapping of specific service contours of commonly owned stations. We determined that for the interim policy if granting an application would result in one party's owning, operating, or controlling two or more full-time broadcast stations with overlap of those contours, the stations would be considered to be in the same market and the application would not be acted on until the termination of this proceeding. Thus, for example, if an application were for a TV license and the Grade B contour of the proposed station would overlap the 1 mv/m contour of a commonly owned, operated, or controlled full-time aural station, the application would be held in abeyance until the termination of this proceeding.

9. The concept of market in the rules adopted today differs from that used in administering the interim policy. The new rules retain the previous duopoly rules intact, i.e., they proscribe common ownership of television stations if the Grade B contours overlap, of AM stations if the 1 mv/m contours overlap, and of FM stations if the 1 mv/m contours overlap. However, in extending the duopoly rules to proscribe common ownership of stations in different broadcast services in the same area, the standard is different: Common ownership of a TV station and an AM station is prohibited if the Grade A contour of the former encompasses the entire community of license of the latter, or if the 2 mv/m contour of the latter encompasses the entire community of license of the former. The same principle applies to FM stations in relation to TV or AM stations, with the 1 mv/m contour of the FM station being the criterion, e.g., if the 1 mv/m contour of the FM station encompasses the entire community of license of an AM station or the 2 mv/m contour of the AM station encompasses the entire community of license of the FM station, common ownership of the stations is not permitted. The aforementioned encompassment standard applies whether the stations in question are licensed to serve the same community or different communities.

10. The new rules are phrased in terms of proscribed overlap, for stations in the same broadcast service (i.e., the previously existing duopoly rules), and proscribed encompassment, for stations in different broadcast services; they do not use the term "market." However, since the proposal in the notice used the term and invited comments on how it should be defined, and since the comments therefore use it, the following discussion herein uses it also. When used, of course, it means stations with the proscribed overlap or encompassment.

11. With one exception, the rules adopted provide that no license for an AM (daytime or full-time), FM, or television broadcast station will be granted to a party that already owns, operates, or controls one or more full-time stations which, if the grant were made, would be in the same market as the proposed station. The exception: The licensee of a Class IV AM station which is licensed to serve a community of less than 10,000 population will be permitted to obtain a license for an FM station even though the two stations would be in the same market. (This would not be permitted, however, if the FM station would also be in the same market as a commonly owned, operated, or controlled TV station.)

12. The licensee of a daytime-only AM station not having a license for an FM station in the area may obtain a license

[3] For a brief history of the duopoly and concentration of control rules, see Multiple Ownership (Docket No. 14711), 27 F.R. 6846, at par. 3 (1962); Multiple Ownership (Docket No. 16068), 30 F.R. 8166, at par. 3 (1965), 33 F.R. 3078, concurring opinion of Commissioner Loevinger in which Commissioner Wadsworth joined (1968); Network Broadcasting, H.R. REP. No. 1297, 85th Cong., second session, 553–599 (1958). Recent rule amendments not covered in the foregoing appear in Multiple Ownership of AM, FM, and TV Stations, 13 FCC 2d 357 (1968). A pending proposal to amend the rules with regard to bank holdings of broadcast stocks appears in Multiple Ownership (Docket No. 18751), 34 F.R. 19032 (1969).

[4] The proposal applies to commercial stations and not to noncommercial educational stations.

for an FM station that would be in the same market. Note, however, that according to the statement in the previous paragraph, an FM licensee could not obtain a daytime-only AM license in the same market.

13. A party having no broadcast stations in a community may obtain a license for only one station there—TV, AM (daytime-only or full-time), or FM. However, such a party may obtain licenses for an existing AM–FM combination in the same market by way of assignment or transfer if a proper showing is made by the seller that for economic or technical reasons the stations cannot be sold and operated separately.

14. No divestiture, by any licensee, of existing facilities will be required at this time. The rules will apply to all applications for new stations and for assignment of license or transfer of control except assignment and transfer applications filed pursuant to the provisions of § 1.540(b) or § 1.541(b) of the rules (i.e., pro forma or involuntary assignments or transfers) or applications for assignment or transfer to heirs or legatees by will or intestacy that would not result in violation (e.g., the licensee of an existing full-time station could not, as heir or legatee, be the assignee or transferee of other stations that would be in the same market as the existing station). Applications involving television satellite stations and aural stations in the same market will be handled on a case-by-case basis. With some exceptions, e.g., applications for increases in power by Class IV AM stations, the rules will apply to applications for major changes in facilities, but certain applications of that type (and of all other types) pertaining to UHF stations will be handled on a case-by-case basis.

15. An examination of Notes 7 and 8 in the present duopoly rules and Notes 7 and 8 in the new rules in Appendix B will show that the topics mentioned in the preceding paragraph generally are covered therein and that the latter notes merely modify the former to embrace the broader concept of duopoly contained in the new rules.

THE BASIS AND PURPOSE OF THE RULES

16. Basic to our form of government is the belief that "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public." (Associated Press v. United States, 326 U.S. 1, 20 (1945)).[5] Thus, our Constitution rests upon the ground that "the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market." Justice Holmes dissenting in Abrams v. United States, 250 U.S. 616, 630 (1919).)

17. These principles, upon which Judge Learned Hand observed that we had staked our all, are the wellspring, together with a concomitant desire to prevent undue economic concentration, of the Commission's policy of diversifying control of the powerful medium of broadcasting. For, centralization of control over the media of mass communications is, like monopolization of economic power, per se undesirable. The power to control what the public hears and sees over the airwaves matters, whatever the degree of self-restraint which may withhold its arbitrary use.

18. It is accordingly firmly established that in licensing the use of the radio spectrum for broadcasting, we are to be guided by the sound public policy of placing into many, rather than a few hands the control of this powerful medium of public communication. (Amendment of §§ 3.35, etc., 18 F.C.C. 288 (1953), affirmed United States v. Storer Broadcasting Co., 351 U.S. 192 (1956); 99 U.S. App. D.C. 369, 240 F. 2d 55 (1956).) This basic principle, enforcible in ad hoc proceedings or through rule making, applies to the judgment of whether an individual application should be granted as well as to the comparison of competing applicants. (United States v. Storer Broadcasting Co., supra; Clarksburg Publishing Co. v. Federal Communications Commission, 96 U.S. App. D.C. 211, 225 F. 2d 511 (1955); Scripps-Howard Radio, Inc. v. Federal Communications Commission, 89 U.S. App. D.C. 13, 189 F. 2d 677 (1951), cert. den. 342 U.S. 830; Plains Radio Broadcasting Co. v. Federal Communications Commission, 85 U.S. App. D.C. 48, 175 F. 2d 359 (1949).)[6]

19. It is true that section 315 of the Communications Act, the Commission's Fairness Doctrine, and the Commission's rules relating to personal attacks and station editorials on candidates for public office all contribute substantially toward insuring that, whatever a station's ownership, and the views of the licensee, each station will present conflicting viewpoints on controversial issues. However, this is not enough. For, as was stated in Scripps-Howard Radio, Inc. v. Federal Communiactions Commission, 89 U.S. App. D.C. 13, 19, 189 F. 2d 677, 683 (1951), cert. den. 342 U.S. 830, the key to the question is the public interest in acquiring information from diverse and antagonistic sources, and "news communicated to the public is subject to selection and, through selection, to editing, and * * * in addition there may be diversity in methods, manner and emphasis of presentation." This is true not only with respect to news programs, but also the entire range of a station's treatment of programs dealing with public affairs.

20. As pointed out above, the governing consideration here is power, and power can be realistically tempered on a structural basis. It is therefore no answer to the problem to insist upon a finding of some specific improper conduct or practice. The effects of joint ownership are likely in any event to be so intangible as not to be susceptible of precise definition. The law is clear that specific findings of improper harmful conduct are not a necessary element in Commission action in this area, and that remedial action need not await the feared result.

21. Application of the principles set forth above dictates that one person should not be licensed to operate more than one broadcast station in the same place, and serving substantially the same public, unless some other relevant public interest consideration is found to outweigh the importance of diversifying control. It is elementary that the number of frequencies available for licensing is limited. In any particular area there may be many voices that would like to be heard, but not all can be licensed. A proper objective is the maximum diversity of ownership that technology permits in each area. We are of the view that 60 different licensees are more desirable than 50, and even that 51 are more desirable than 50. In a rapidly changing social climate, communication of ideas is vital. If a city has 60 frequencies available but they are licensed to only 50 different licensees, the number of sources for ideas is not maximized. It might be the 51st licensee that would become the communication channel for a solution to a severe local social crisis. No one can say that present licensees are broadcasting everything worthwhile that can be communicated. We see no existing public interest reason for being wedded to our present policy that permits a licensee to acquire more than one station in the same area.[7]

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[5] This is because "right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection." (United States v. Associated Press, 52 F. Supp. 362, 372 (S.D. N.Y., 1943), affirmed 326 U.S. 1 (1945).) Thus, our rules are not based upon the proposition disputed by Professor George H. Litwin, in his study submitted on behalf of the NAB, that common ownership within one medium or of more than one medium results in any particular degree of control of what people think and how they act.

[6] Such consideration is not the arbitrary "discrimination" which has been said in a dictum, Stahlman v. Federal Communications Commission, 75 U.S. App. D.C. 176, 126 F. 2d 124 (1942), to be beyond the Commission's legitimate powers.

[7] MBS states its conviction that it can only become stable and viable as a network by having AM, FM, and perhaps TV, stations in major markets. It avers that it presently owns no broadcast stations, that it has publicly announced its intention to acquire AM, FM, and TV stations, and that the rule would prevent it from having more than one station in a market. At the same time, the networks with which it competes would not be divested, so that MBS could not achieve parity with them. It argues that the importance of competition among networks has been recognized in the KOB case (American Broadcasting-Paramount Theatres, Inc. v. FCC, 108 U.S. App. D.C. 83, 280 F. 2d 631 (1960), 345 F. 2d 954 (1965)) and that under the decision in that case the Commission is required to provide comparable facilities for all networks. Hence, as a matter of law, MBS says, the Commission could not apply the rules, if adopted, to MBS.

Adoption of rules herein does not mean an end to a flexibility that would, for example, permit the Commission to allow MBS to acquire more than one station in a market, for as the Supreme Court said in National Broadcasting Co. v. United States, 319 U.S. 190, 225 (1943), sustaining the chain broadcasting regulations:

"The Commission * * * did not bind itself inflexibly to the licensing policies ex-

22. It is true that many communities have multiple broadcast and other communications media. But it is also true that the number of daily newspapers has been decreasing, a fact which increases the significance of the broadcast medium. Material attached to the NAB reply comments shows the number of cities with commercially competing local dailies to be 45 in 1968. In 1962 the figure was 61.[8] In our view, as we have made clear above, there is no optimum degree of diversification, and we do not feel competent to say or hold that any particular number of outlets of expression is "enough." We believe that the increased amount of broadcast service now available also forms the basis for the conclusion that with the exceptions mentioned later herein, it is no longer necessary to permit the licensing of combined operations in the same market, as was the case in the early days of broadcasting, in order to bring service to the public. It is urged that the Commission not only permitted but encouraged AM licensees to become TV licensees in their own area, and again, later, to acquire FM stations in their area, that it is inequitable now not to permit such common ownership for it robs such owners of the fruits of their risk-taking, and that the rules will hinder FM and UHF development. At the time that such encouragement was given to AM licensees, we considered that the objective of encouraging the larger and more effective use of radio was overriding, for TV and FM channels were lying unused. But conditions have changed, and we are obligated to change the priority of our objectives, in the public interest.

23. It is said that the good profit position of a multiple owner in the same market results in more in-depth informational programs being broadcast and, thus, in more meaningful diversity. We do not doubt that some multiple owners may have a greater capacity to so program, but the record does not demonstrate that they generally do so. The citations and honors for exceptional programing appear to be continually awarded to a very few licensees—perhaps a dozen or so multiple owners out of a total of hundreds of such owners. Although multiple owners may have more funds for experimental programing and innovation, there has been no showing that the funds are spent for these purposes. However, accepting arguendo that some multiple licensees do a better programing job in this respect than do single station licensees, we are not reducing the holdings of multiple licensees. Moreover, the further notice being issued today, which would require divestiture over a period of time, would not reduce the financial strength of multiple owners that presumably leads to an ability to engage in such programing. Rather, it would maximize the number of different licensees in each market but would permit the purchase by divested licensees of a similar number of stations in other markets.

24. Finally, the argument is made that rules prohibiting a present owner of a single full-time station in a community from obtaining additional stations there would be illegally discriminatory because they would prevent him from competing effectively with combination owners in the area and would make a privileged class out of combination owners. Therefore, it is argued, if the rules are adopted, divestiture should be required. The decision to refuse to permit additional local concentration in the future does not necessarily require that existing situations all be uprooted. On an overall basis, there has been no showing that single stations cannot compete effectively with combination owners. We are herewith instituting new rule making to consider the need for divestiture and will there consider the arguments in its favor.[9] Individual cases can of course always be dealt with where necessary to preserve adequate competition. But a line must be drawn somewhere, and the application of new policy to new applications is a clearly reasonable approach.

25. Although the principal purpose of the proposed rules is to promote diversity of viewpoints in the same area, and it is on this ground that our above discussion is primarily based, we think it clear that promoting diversity of ownership also promotes competition. A number of comments were made with respect to the competitive advantage that licensees of coowned stations have over the single station licensee in the same area. Thus, the Department of Justice points out that AM, FM, and TV are for many purposes sufficiently interchangeable to be directly competitive, and that competitive considerations support adoption of the rules. It mentions that one effect of combined ownership of broadcast media in the same market is to lessen the degree of competition for advertising among the alternative media. Another, it is averred, is that a combined owner may use practices which exploit his advantage over the single station owner. These practices may include special discounts for advertisers using more than one medium, or cumulative volume discounts covering advertising placed on more than one medium. Mount Wilson, Freddot, and Lunde present similar arguments about such practices.[10]

26. Opponents of the proposed rules state that there is no hard evidence that multiple licensees generally engage in practices of this kind. CBS says that the argument about such practices provides no justification for the rules for the Commission long ago addressed itself to the matter (Combination Advertising Rates, 24 Pike & Fischer, R.R. 930 (1963)), and there is no significant problem in this area. A study commissioned by WGN and others purports to find no statistical evidence that revenue yields for multiple owners are significantly different from yields of single-station owners (using revenue per thousand audience as an indication of superiority). However, we note that it does show significantly higher revenue yields for multiply owned radio stations, particularly in their national spot business which appears to hold true in all sizes of markets (at pp. 17–20 of the study).

27. NBC, in its reply comments (directed against the Justice comments), argues that the market shares of the largest owners in the larger markets are well below the points which are generally considered danger points by antitrust standards. The basic data on market shares which it presents, in spite of the conclusion of NBC, do show high concentration in some markets. For example, in Washington, D.C., if the market is considered to be only the broadcast media, the top three owners have a 64 percent market share; if the market is considered to be broadcast and newspaper media, the top two owners have a 68 percent share.[11] In any event, we find that distributing ownership more broadly will strengthen competition by removing the

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pressed in the regulations. In each case that comes before it the Commission must still exercise an ultimate judgment whether the grant of a license would serve the 'public interest, convenience, or necessity.'"

And Storer, supra, in sustaining the concentration of control portion of the multiple ownership rules, quoted that statement from National Broadcasting Co. and went on to say (at 205):

"That flexibility is here under the present § 309 (a) and (b) and the FCC's regulations * * *. We read the Act and regulations as providing a 'full hearing' for applicants who have reached the existing limit of stations, upon their presentation of applications conforming to rules 1.361(c) and 1.702, that set out adequate reasons why the Rules should be waived or amended. The Act, considered as a whole, requires no more."

It is not clear that MBS could not achieve a competitive posture through the ownership of the permissible number of AM, FM, and TV stations in separate markets. However, MBS would be entitled to a full hearing if it filed applications with requests for waiver of the new rules setting out adequate reasons why it should be permitted to obtain more than one station in an area.

A full hearing could similarly be obtained by ABC, which argues that its competitive position could be improved by merging with a larger company, but that the advantages of merger would be nullified by the new rules which would require it to divest of all but one of its owned and operated stations in each market it is licensed to serve in order to obtain approval of the merger request.

[8] Raymond B. Nixon, "Trends in U.S. Newspaper Ownership: Concentration with Competition," Gazette, Vol. XIV, No. 3, 1968, pp. 8–9.

[9] See par. 68, infra.

[10] The topic is outside the scope of this docket. If rules were contemplated, they would have to be handled in a separate proceeding. The same would be true of the question of call letters. Comments herein suggest that the use of identical letters for commonly owned stations in the same community has anticompetitive effects and that rules should be adopted requiring the use of separate call letters. A petition for rule making on this subject (RM-1451), filed May 5, 1969, by Lincoln Broadcasting Co., is pending.

[11] NBC obtains a much smaller market share figure by using the revenue of the broadcast owner, excluding newspaper revenues, but dividing it by the base of total broadcast and newspaper advertising revenue in the market (NBC reply comments, p. 13).

potential of competitive advantage over single station owners. There is no need to find specific abuses in order to provide a healthier competitive environment of benefit to smaller licensees.

28. In sum, as we have stated before (18 FCC 288, 291–2):

> It is our view that the operation of broadcast stations by a large group of diversified licensees will better serve the public interest than the operation of broadcast stations by a small and limited group of licensees. The vitality of our system of broadcasting depends in large part on the introduction into this field of licensees who are prepared and qualified to serve the varied and divergent needs of the public for radio service. Simply stated, the fundamental purpose of this facet of the multiple ownership rules is to promote diversification of ownership in order to maximize diversification of program and service viewpoints as well as to prevent any undue concentration of economic power contrary to the public interest.

DISCUSSION OF THE RULES

Stations in the same "market". 29. The notice proposed rules that would limit common ownership of full-time broadcast facilities in the same market, but did not define the latter term. The memorandum opinion and order announced what "market" would mean for purposes of administering the interim policy (see par. 8, supra) and stated that the interim usage would not prejudice ultimate decisions on the meaning of "market" in any rules which might be adopted in this proceeding.

30. Although comments were invited on what "market" should mean if the proposed rules were adopted, few were received. The most appealing suggestion was that a "market" should be a standard metropolitan statistical area (SMSA) as defined by the 1960 or subsequent censuses and that the rules should apply to stations licensed to any community within the same SMSA. We have given consideration to use of the SMSA but reject it because although it might have some advantages, it has drawbacks as well. For example, not all communities are located within an SMSA. If an SMSA "market" were used, it would be necessary to use a separate standard for communities lying outside an SMSA. We think it best to have a fixed standard that can be applied uniformly in all cases.

31. Paragraphs 9 and 10 set forth the standard used in the rules adopted today. (They also point out that the rules are worded in terms of overlap or encompassment and do not use the term "market." The deliberate omission is intended to avoid confusion since "market" is given various meanings in the broadcast industry.) The new encompassment standard to be applied to cases involving commonly owned stations in different broadcast services is less restrictive than the standard used for such stations under the interim policy. For example, under the interim policy if the 1 mv/m contour of an FM station licensed to serve one community overlapped the Grade B contour of a TV station proposed to be licensed to serve another community, the stations were considered to be in the same market. But under the new rules, in such a case the 1 mv/m contour of the FM station must not only overlap the Grade A contour of the TV station (as contrasted with the Grade B contour) but must encompass the entire community of license of the TV station. In other words, the stations must be closer together in order to fall under the proscription against common ownership.

32. In arriving at a practical criterion for commonly owned stations in different broadcast services, we decided that the overlap standard of the interim policy went farther than we thought necessary to achieve the desired ends of the proposed rules. We are of the view that the concept of a usable signal for a primary service from each of two stations (in different broadcast services) to the principal community of one of them should be determinative. However, we still believe that for stations in the same broadcast service the previously existing overlap standard should apply and as paragraphs 8 and 9 indicate, the new rules therefore retain a proscription against overlap of TV Grade B contours, AM 1 mv/m contours, and FM 1 mv/m contours.[11]

33. A final point about the criteria of the new rules should be mentioned. It pertains to major changes. Under the new rules, as under the previous duopoly rules, increases in overlap of specified contours between commonly owned stations in the same broadcast service are proscribed. Thus, for example, an application to increase power of one of two commonly owned AM stations with overlapping 1 mv/m contours would be prohibited since this would result in increased overlap. However, for commonly owned stations in different broadcast services the standard is not one of contour overlap but, rather, one of community encompassment—a standard aimed at preventing a single owner from bringing more than one primary service to a community of license. Hence the method of treating major changes will be different. The new rules are silent on the point, but we here announce that if proscribed encompassment already exists and if after grant of an application for major change it would still exist, the rules will not bar the grant.

34. The concept is best illustrated by an example: Assume that an owner is licensed to serve community A with an FM station and community B with an AM station, and that the 2 mv/m contour of the latter station just barely encompasses all of community A. Grant of an application for increase in power of the AM station would result in the 2 mv/m contour of the station easily encompassing community A and going quite some distance beyond it. Such a change would not be barred by the rules since both before and after the change the situation would still be one in which a single owner was bringing more than one primary service to the community (albeit after the change community A would be receiving a stronger signal). The principle is not limited to power changes but would apply to all major changes, e.g., to changes in transmitter site. In contrast to the foregoing result, if the stations in community A and B had both been in the same broadcast service (i.e., AM) and had previously existing proscribed overlap, the power change would be denied since it would result in increased overlap.

Characteristics of different "markets". 35. A widely held view of opponents is that the proposed rules are too sweeping and not tailored to the specific requirements of particular situations. It is said that all markets are not alike and that the rules should treat different markets differently. Some urge that large markets should be exempted because of the great number of independently owned mass media serving them. Others urge exemption for small markets because viability there often depends on having combined operations, and point to the fact that the Commission recognized financial difficulties in smaller markets when it exempted them from the AM–FM duplication rules. Still others propose that if a market has a specified number of "voices," it be exempted on the ground that it presumptively has an adequate amount of diversity so that the rules are not needed. And some suggest that weights or points be given for various types of media and that a single owner be permitted to have only a specified number of points in a market.[12]

36. The Litwin report (note 5, supra) suggests that across-the-board rules limiting common ownership would be detrimental to the public interest in the majority of cases. We find weaknesses in the study so greatly affecting the conclusions reached therein as to render them of little value in our deliberations.

37. Thus, for example, the study relies largely on statements of interviewees for obtaining the information on which most of its conclusions are based. The technique of relying on statements of interviewees rather than on more solid factual data is open to question. For example, it would appear the better course to ascertain the hours of news broadcast per day by a station by examining the last renewal application or the station logs rather than inquiring of media personnel. Admittedly, some of the information gathered from the interviewees would, by its nature (e.g., opinions about the amount of influence of various media personnel on media policy), not be available in "factual data," and could only be obtained by interviews. However, a weakness of any interview situation is that the interviewee, intentionally or unintentionally, may not say what is actually true.

[11] For explanation of the basis of this retained standard, see Multiple Ownership (Docket No. 14711), 29 F.R. 7535 (1964).

[12] Air Trails suggests an incentive plan that might encourage owners to break up local combinations by permitting them to own a greater number of stations nationally than is permitted under present rules. This would increase diversity locally at the expense of increasing concentration of control nationally. We think it more in the public interest to adopt rules that would increase local diversity while at the same time not increasing national concentration to the degree suggested.

It does not appear that any attempt was made to ask questions designed to provide a cross check on some of the answers given.

38. The study matched markets demographically, chose markets with close to the same number of media outlets in each media category, and so on, in an effort to show how singly owned stations differ from stations which are commonly owned with other stations in a single market. If differences between commonly owned and singly owned stations are to be attributed to the ownership factor one must be sure that the media compared differ little or not at all in other important respects. It would appear that the study fails to meet this test. For example, it shows the number of media personnel interviewed in the commonly owned and singly owned categories in each market, but does not indicate with what specific media they were associated. At the request of the staff, Dr. Litwin submitted a letter which indicated that in the commonly owned sample (covering six markets used in the study) there were 9 VHF and 1 UHF TV stations all of which were network affiliated. In the singly owned sample there were 5 TV stations—2 VHF affiliates, 1 VHF independent, and 2 UHF independents. The total profits (before taxes) of the TV stations, in the former group were $12.7 million in 1968 as compared to $3.9 million for the latter group in the same year. Conclusions reached about these stations could just as well be attributed to their profit position as to their being commonly or singly owned. One could argue that even if a station were singly owned, if it were a VHF station in a large market with a CBS affiliation it would be in an excellent position to provide excellent news and public affairs service to the public, a type of programing which Litwin suggests is more likely to be broadcast by commonly owned stations. Moreover, some singly owned stations and some of the stations commonly owned in the same market were owned by parties who also owned stations elsewhere in the nation, but the effect of this factor was not examined.

39. Another weakness is that although in many instances statistically significant differences were the basis for statements of how commonly owned and singly owned operations differ, often statements were made that were based on differences that were not indicated to be statistically significant in the tables contained in the report.

40. Finally, some assumptions of the study are open to question. For example, it assumes that singly owned stations go hand in hand with lack of financial resources; that a single owner's personal involvement in operating his stations is contrary to the public interest; and that editorial stands in highly controversial areas, which it finds single owners have more of a tendency to take, are inflammatory.

41. We agree with those who say that rules should be reasonably related to the ends sought, and believe that the rules adopted herein are. They represent a "particularization" of our conception of the public interest (National Broadcasting Co., supra, at 218), and deal with a recurring problem which we believe is best dealt with by general rules. Though they are general in nature, they take into account the precarious positions of many existing FM stations, the lack of aural service in small markets with Class IV stations, the needs of some daytime AM stations for nighttime service that will benefit a community, peculiar problems of satellite television stations, the policy of fostering UHF development, and other matters.

Comparability of AM, FM, and TV.[13]

42. Opponents of the proposal aver that the three services are not comparable and therefore that the rules are inapt since the different services have different audiences in kind and size and eliminating common ownership in the same market does not mean that individual members of the public will receive more voices.

43. What opponents appear to be saying is that if, for example, one owner has three stations in the same market and each serves the same audience, then if the stations were sold and became separately owned that audience would be exposed to three voices instead of one and diversity of viewpoints would have been promoted. However, according to their argument, if each of the stations serves a different audience, and they say each would, then having three separate owners instead of one merely means that although each audience would be exposed to a different voice, it would still be just one voice, and the listeners would have no increased diversity.

44. The rules are designed to prevent any possible undue influence on local public opinion by relatively few persons or groups. They can do this by either bringing more voices to the same audience, or by assuring that no one person or entity transmits its single voice to each of three audiences. Assuming separate audiences for each of the three services, a commonly owned AM–FM–TV combination sends a single voice to the sum of all three audiences which might well constitute most of the community. With three separate owners, no one person or entity could so reach the entire community. Each would reach a part of it, and this would act to reduce possible undue influence. Insofar as there is overlap of audiences of the three services, separate ownership, of course, would bring more voices to the overlapping audiences. Such overlap may be substantial.

FM and UHF development. 45. Some parties urge that the rules would be contrary to the policy of fostering UHF development, since often the local AM licensee might be the only one willing to undertake to build a UHF station, so that may be the only way that UHF may develop in many communities. Moreover, in many communities, we are told, independent FM operation is not viable. If this is the case, it is argued, it is difficult to see how the rules would achieve diversity. Channels would lie fallow that otherwise might have been used by licensees of other local stations. Moreover, when AM–FM combinations are sold, there may often be no buyer for the FM station, with the result that it would go off the air. This, opponents contend, would be unfair to AM licensees who went into FM operations in the same community as the result of Commission encouragement since it would deny them the fruits of their risk taking by depressing property values at the time of sale. Consequently, it is argued, many might be disinclined to enter into new areas of communications in the future, thereby slowing development in new areas, and this would be contrary to the public interest. It is also pointed out that the AM–FM nonduplication rule recognized that AM–FM combinations in small markets are not in a position to program even 50 percent separately, yet the rules proposed herein would not only require 100 percent separate programing, but separate ownership as well.

46. As opposed to the foregoing, supporters of the proposal hold that the clear effect of combined ownership of stations in the same market is to reduce diversity of news and information sources available and to lessen the degree of competition for advertising; that separate ownership of AM and FM stations would require completely separate programing instead of the amount presently permitted under the nonduplication rules and that this would give the public a greater choice of programing; that it is difficult to imagine that a dual owner would carry conservative editorials on its AM and liberal editorials on its FM station—separate owners give more views; and that common ownership of AM and FM stations restricts FM development.[14]

47. We find the arguments of opponents persuasive. Surely independent UHF stations still need all the support they can receive. Although AM stations have shown little inclination in the past to build or acquire such UHF stations,[15] combinations of UHF with AM stations, or, should the occasion arise, with FM stations or with AM–FM combinations, will be dealt with on an ad hoc basis, as indicated in Note 7 to the revised § 73.636.

48. With respect to existing AM–FM combinations in the same area, we recognize that in most cases the operations may be economically and/or technically interdependent. Financial data reported by FM stations indicate that they are

[13] This section deals only with comparability of the services with regard to their broadcasting of diverse viewpoints. As to comparability in terms of economic competition, see paragraphs 25–28, supra.

[14] Several parties suggest amendment of the AM–FM nonduplication rules in a way that would require more nonduplication programing. See Broadcast Station Assignment Standards (Docket No. 18651), 19 F.C.C. 2d 472, 488 (1969), where we said that a document dealing with this matter will be issued in the near future.

[15] We note only two cases of UHF-radio combinations in the top-50 markets (Department of Justice comments, Appendix A).

generally losing money.[16] We are, therefore, in the rules adopted today, permitting assignments or transfers of combined AM–FM stations to a single party where a showing is made that establishes the interdependence of the stations and the impracticability of selling and operating them as separate stations. Although this will not foster our objective of increasing diversity, it will preclude the possible demise of many FM stations, which could only decrease diversity.[17]

49. However, although we take the aforementioned step as to existing AM–FM combinations, licensees of FM stations or of full-time AM stations (with the exception of certain Class IVs) will not be permitted to obtain a second aural authorization in the same market. We believe that there is no general shortage of aural service, and have decided to prevent any further concentration of ownership of such stations. The excepted Class IV stations are those in markets with a shortage of local aural service, as explained below. For reasons also set forth below, daytime-only AM stations will be permitted to obtain FM licenses.

Exemptions—daytime AM and some Class IV AM stations. 50. Our proposal in the notice, as clarified in the memorandum opinion and order, was that a daytime AM station could obtain a license for a full-time station in the same market and, conversely, a full-time station could obtain a license for a daytime AM station. However, no full-time station could obtain a license for another full-time station in the market.

51. The rules we adopt provide that a daytimer may obtain an FM station in the same market. But no FM station will be permitted to acquire a daytime AM station. Moreover, and contrary to the proposal, licensees of Class IV AM stations in communities under 10,000 will be permitted to acquire an FM station.

52. Arguments are made that all Class IV stations should be treated like daytime stations and permitted to obtain licenses for FM stations in the same market because Class IV stations have very limited nighttime coverage and therefore resemble daytimers. A similar argument is made for full-time stations with DA patterns restricting nighttime coverage. Additionally, it is argued that daytimers could also be nighttimers if they were willing to invest in night directional facilities, and therefore should not be given preference over those who have made such investments, with respect to the right to acquire FM facilities.

53. It is said that in establishing the table of assignments for FM channels (Docket No. 14185), the third and sixth priorities were to provide each community with at least one FM station, especially where the community has just a daytime-only or local Class IV station; and to provide a substitute for AM operations which, because they are daytimers or suffer serious interference at night, are marginal from a technical standpoint. It is said that the Commission obviously envisioned that, where practicable, daytime-only and Class IV stations would have an FM channel available to them. We are told that the new rules would for the first time make a distinction between the two types of stations.

54. It is also averred that the Commission has encouraged AM–FM combinations as an alternate means of providing aural broadcast service if daytimers could not provide adequate service within the restrictions of the AM rules, or to overcome service losses caused by interference resulting from presunrise operation of daytime-only stations.

55. Against the aforementioned argument for Class IV exemption, Mount Wilson, a single FM station licensee and a supporter of our proposal, states that even with reduced nighttime coverage, the competitive influence of such stations can be far-reaching, and that to exempt Class IVs would impede the development of FM (see par. 46, supra).

56. Citizens Committee, also a supporter, takes the position that radio is now primarily a daytime medium so that it is important that efforts be made to achieve diversity of programing, especially in small communities where local issues may be covered only by radio. It therefore urges that consideration be given to not exempting daytime AM stations from the rules.

57. It cannot be denied that past encouragement has been given to AM licensees to engage in joint AM–FM operations. However, as stated elsewhere (par. 22, supra), changing conditions require a reevaluation of objectives, which may result in rule changes.[18] For example, for a long time 100 percent duplication of AM–FM programing was permitted. However, that was changed by the adoption of the AM–FM nonduplication rules. It is noted that at the time that those rules were adopted, we referred to our previously expressed view that separate ownership of AM and FM stations in the same community was a desirable long-range goal that was not being gone into at that time in view of the fact that the subject of possible general revisions of the multiple ownership rules was then under study (Id., at 1678).

58. For public interest reasons previously mentioned, we have fashioned the rules to give special consideration to the sale of AM–FM combinations. Additionally, for reasons mentioned below, Class IV AM stations in communities with less than 10,000 population, and all daytime AM stations, will be permitted an FM station in the same community. Beyond this we are not prepared to go in the matter of dual ownership of AM and FM stations.

59. We now turn to the exemption of daytime AM stations. As was proposed, such stations will be permitted to obtain FM licenses. This is done in the interest of bringing nighttime service to areas served by daytimers, thereby adding a voice for nighttime listeners.[19] We think this purpose outweighs the argument of Citizens Committee that daytime AM stations should not be exempted.

60. The reasons for permitting daytimers to obtain FM do not apply in reverse. Therefore, contrary to the proposal, the rules do not permit an FM station to obtain a daytime AM license since the FM station is already giving both day and night service.[20] Similarly, we do not generally permit full-time AM stations, whether Class IV or stations with DA patterns restricting nighttime coverage, to obtain authorizations for FM stations in the same area. Such AM stations are already licensed to serve both day and night. Though they may have restricted service areas at night, and though they might, by using FM, bring an additional voice to areas not now served by them at night, it would be at the expense of having their voice over two channels in their present daytime and nighttime service areas. We are

[16] Operating statements showing revenues, expenses, and income are reported to the Commission by FM stations which operate independently of an AM station in the same community. Reports of combined AM–FM stations do not show income for the FM separately. In 1968, of the 433 independent FM stations reporting, only 148 showed a profit. Their average profit, before Federal income taxes, was $15,308. The average loss for the other 285 stations was $21,599.

[17] In the light of our view, expressed at various times in recent years, that FM should not be an adjunct or supplement of AM, but that both AM and FM should be integral parts of a total aural service, it is our intent to study further the entire question of combined AM–FM ownership in the same area. This will be done in Docket No. 18651 (note 19, infra) or otherwise.

[18] The case of those arguing that the Commission has encouraged such joint operations may be overstated. For example, they cite our statement in the report and order which established new AM assignment standards in 1964, where we said, in presenting reasons for restricting the construction of new nighttime AM stations, that "* * * such needs for nighttime aural service as do exist may be met far more efficiently by FM stations * * *." (AM Assignment Station Assignment Standards (Docket No. 15084), 2 Pike & Fischer, R.R. 2d 1658, 1672 (1964). This statement does not necessarily mean that the FM stations should be operated by AM licensees in the same community. Similarly, the third and sixth priorities in Docket No. 14185, mentioned above, did not necessarily have that import.

[19] Not only will we permit daytimers to use FM to bring nighttime service, but in many cases we shall require them to use FM if they wish to provide such service. In a notice of proposed rule making and notice of inquiry looking toward revision of the AM station assignment standards (Broadcast Station Assignment Standards Docket No. 18651), 19 F.C.C. 2d 472 (1969)), we have proposed rules (and stated reasons in support thereof) that would require a daytimer seeking new nighttime AM service to show that there is available in his community no commercial FM channel on which he could operate a station (at 475–6).

[20] The new rules prevent an FM licensee from obtaining, in any manner (new station, assignment, transfer), an authorization for a daytime station serving the same area. Additional reasons for restricting authorizations of new daytime stations, whether or not the applicant is an FM licensee, appear in the notice of proposed rule making and notice of inquiry in Docket No. 18651, note 19, supra.

willing to permit a daytimer to have two daytime channels (AM and FM) and one nighttime channel (FM) in the interest of adding a nighttime voice. But we are unwilling to permit full-time AM stations to have two daytime channels (AM and FM) serving the community of license and outlying areas, and two nighttime channels serving a more restricted area which includes the community of license,[31] in order to add a voice (FM) to outlying areas.

61. However, with regard to Class IV stations in communities under 10,000 population, a special factor convinces us that they should be permitted to obtain FM licenses: Generally there is no other station licensed to the same community to give nighttime service, so that the areas lying outside the nighttime service area of the Class IV usually receive no nighttime aural service from local stations. On the other hand, for communities over 10,000 population, generally the outlying areas receive at least one aural service from a local station. We have previously said that because there is no general shortage of aural service we would prevent further concentration of ownership. However, in the case of outlying areas of communities under 10,000 population, there appears to be a shortage, and Class IV stations will be permitted to alleviate it by obtaining FM licenses if they desire them.

62. Finally, on the matter of full-time AM stations alleging the need for an FM license in order to compensate for presunrise interference they receive, such applications for FM licenses will be handled on an ad hoc basis. A factor that would be considered in such cases is the relative importance of the alleged loss of service for a few presunrise hours as against the importance of achieving diversity of programing on two channels in the same area for the entire remainder of the day and night.

Miscellaneous matters. 63. Television "satellite" stations are handled on a case-by-case basis under the present duopoly rules because of special problems pertaining to them (see Multiple Ownership (Docket No. 14711), 29 F.R. 7535, 7539 (1964)). This practice, for the same reasons, is carried over into the new rules.

64. Pursuant to our general plan of permitting power increases for all Class IV AM stations, applications for such increases are exempted from the operation of the new rules. However, in view of our expressed intent to discontinue the policy of encouraging Class IV power increases as of September 1970, or later in some cases (Broadcast Station Assignment Standards, 19 F.C.C. 472, 486–7 (1969)), this exemption will be eliminated in like manner.

The nondivestiture provision. 65. Some parties urge that although the rules are intended to be prospective and not require divestiture, it is likely that they would produce results contrary to the expressed intent to "grandfather" existing licensees because implicit in the rules is the determination that it is contrary to the public interest for any licensee, prospective or existing, to own more than one station in a market. It is asserted that a flood of competing applications filed at renewal time by new applicants with no broadcast interests in the market, but possessing highly impressive traditional qualifications, would prevail either at the Commission level or on review by the courts, and that this would thwart the intent to grandfather.[32]

66. We believe that our policy statement of January 15, 1970, on comparative hearings at renewal time adequately covers this question (35 F.R. 822, F.C.C. 2d ——). Moreover, as to the fears which are expressed, our experience since we adopted the fixed overlap duopoly rules, which "grandfathered" existing licensees, has shown that there has been no great shower of competing applications filed against renewal applications for stations the service contours of which overlap those of commonly owned stations.

67. It is appropriate here to mention briefly the arguments which opponents to the rules make with regard to divestiture. Typical is that of Air Trails which says that because of the relative stability of the tenure of ownership and the relatively small number of new applications to be expected in the future as compared with the past, the restructuring of the industry would be slow, and, except over a very long period of time, quite minor. (Also see paragraph 24, supra.) However, opponents are generally quick to state that they oppose divestiture since it would not be feasible or equitable, and would be disruptive and inconsistent with the overall broadcast regulatory system. Supporters of the rule are of the view that without divestiture the rules would not be effective. Justice, without using the term, appears to suggest divestiture at renewal time. Citizens Committee and Freddot Ltd. recommend that divestiture take place in stages to ease the impact.

68. When the notice was issued we believed that it was in the public interest to "grandfather" existing licensees (partly because of the disruptive effect of divestiture), although requiring them to break up combinations when selling their stations. Consideration of the record, however, has given us pause. Being now of the view that the rules we adopt, even though providing for no divestiture, are a reasonable start toward diversity and are in the public interest, but that divestiture may further serve the public interest, we should like to explore the matter more fully. Accordingly, we are today issuing a further notice of proposed rule making looking toward divestiture in order to develop more information on the subject and to give interested parties an opportunity to comment on the matter. For similar reasons, the matter of newspaper ownership, mentioned by various parties, is also dealt with in the further notice.

Minority cross-interests. 69. ABC, Auburn, and GEBCO assert that the present duopoly portions of the multiple ownership rules contain no mention of minority ownership interests. In this connection, they direct our attention to Radio Athens, Inc. v. FCC, 13 U.S. App. D.C. 333, 401 F. 2d 398 (1968). In that case, Radio Athens, licensee of AM Station WATH, filed an application to increase power. A 70 percent stockholder of Radio Athens was, additionally, an officer and director thereof, and also owned less than one-third of the stock of the licensee of a neighboring AM station and was an officer and director of that licensee. Grant of the application would have resulted in the type of overlap of contours proscribed by the duopoly rules.

70. The decision pointed out that the duopoly rules state that a broadcast station license will not be granted to parties directly or indirectly owning, operating, or controlling one or more stations in the same broadcast service if the grant of the license will result in any overlap of specified service contours. The court held that the rules by themselves did not advise a person that ownership of less than one-third of the stock of a close corporation of which he was an officer and director constituted, as a matter of law, such control as to make the application patently violative of the Commission's rules and subject to being not accepted for filing by the Commission.

71. The court stated that various constructions which the Commission had in the past made of the duopoly rule to make it operative in cases of cross interest, whether or not the interest is tantamount to ownership, operation, or control, did not operate to give an applicant fair notice that its application was patently not in accordance with the rules and therefore subject to being rejected. It said that in circumstances where such a drastic step as dismissal of an application without any consideration is involved more clarity of notice to an applicant was needed and suggested that this should be given by the adoption of rules. However, it also said that agencies may rightly expect attention to be accorded to their interpretative rulings and indicated that in cases not involving outright dismissal of an application such an expectation would be justified.

72. ABC, Auburn, and GEBCO state that since the notice did not mention minority cross-interests, they assume that the present proceeding is not directed at broadening the duopoly rules to embrace such interests, and that if the Commission decides to take such a step they will be given an opportunity to comment pursuant to provisions of the Administrative Procedure Act. We agree that the notice did not refer to minority

[31] Present rules require a licensee to serve all of its community of license, day or night.

[32] Some opponents suggest that, in addition to the foregoing, the WHDH decision (WHDH, Inc., 16 F.C.C. 2d 1, 17 F.C.C. 2d 856 (1969)) would invite filing of competing applications at renewal time. Citizens Committee, a supporter of our proposal, believes that this would not be so because of the uncertain effect of the decision and the reluctance of competitors to file.

cross-interests, and the rules we adopt today contain no new language thereon.[33] Inasmuch as the new rules are an extension of the present duopoly rules, we are announcing that the rulings that we have made in the past on minority cross-interests in duopoly cases will be carried over and applied to cases involving such interests under the new rules.[34] However, of course, situations under the new rules that are like that which arose in Radio Athens, in which an application was dismissed as not acceptable for filing, will be treated consistently with the holding of that case.

73. The subject of minority cross-interests, involving, for example, less than complete cross-ownership, interlocking directorates, partial ownership in one station and employment by another, and other matters, is in need of reexamination and we intend to give it consideration which may lead to actions looking toward the issuance of interpretative or other regulations.

THE INTERIM POLICY

74. The notice, as clarified by the memorandum opinion and order, provided that all applications within the scope of the proposed rules tendered for filing on or before April 3, 1968 (the date the notice was published in the FEDERAL REGISTER) and subsequently accepted for filing would be processed according to existing rules and precedents. However, as an interim policy, applications falling within the scope of the proposed rules that were tendered for filing after that date would be accepted for filing if they otherwise complied with Commission rules or other requirements, but would not be acted on until the Commission had determined the action to be taken on the proposed rules.

75. If applications were mutually exclusive and some or all of them fell under the provisions of the interim policy, the applications were not to be designated for hearing, but were to be held in a pending file without further action until decisions were reached in this proceeding. However, to avoid the creation of a backlog, this aspect of the policy was subsequently modified (Seaborn Rudolph Hubbard et al., 15 F.C.C. 2d 690 (1968), 16 F.C.C. 2d 312 (1969)) to provide that such mutually exclusive applications would be designated for hearing. If in such a hearing an application not in conflict with the proposed rules were preferred, a grant would be made in the usual manner. If the preferred application were one falling within the scope of the proposed rules, then it and all other applications remaining in the proceeding would be held in hearing until resolution of the rule making proceeding, with appropriate action being taken in the light of the disposition of the rule making proceeding.

76. On relatively few occasions the Commission, in dealing with applications that fell within the scope of the proposed rules and that were not mutually exclusive with other applications, has for good cause waived the interim policy and made an unconditional grant; or a grant subject to the condition that the purchaser of more than one full-time station in the same market dispose of the excess stations as soon as possible, or within a specified period of time; or a grant subject to the outcome of this proceeding.

77. Our unconditional grants and those with the condition of divestiture will, of course, stand. With regard to grants subject to the outcome of this proceeding which involve assignment or transfer of AM–FM combinations that are in the same market under the new rules, we shall, if the material on file contains sufficient information to show that the stations cannot be separately sold and operated, and if they would not be in the same market as a commonly owned TV station, make the grant final. If more information is needed for a decision on such cases it will be requested of the applicants. In cases where the proper showing is not made, the AM–FM facilities must be separated. Grants involving TV and aural facilities in the same market will also be required to be separated. Applications for waiver will be considered. Grants involving TV satellite stations will be reviewed on an ad hoc basis.

78. The new rules will be effective as to pending applications tendered for filing after April 3, 1968, whether or not in hearing status. Pending applications may be amended to bring them into compliance with the new rules. If possible, such amendment should be made prior to the effective date of the rules. Applications which are in hearing status may be amended, subject to the usual rules governing removal from hearing status. All applications (in hearing or otherwise) which are not amended to achieve compliance will be dismissed when the new rules become effective unless good cause is shown for not having so amended prior to the effective date.

ORDER

79. In view of the foregoing: *It is ordered*, That Part 73 of the Commission's rules and regulations is amended, effective May 15, 1970, as set forth in Appendix B below.

80. Authority for the adoption of the rules herein is contained in sections 4 (i) and (j), and 303 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 25, 1970.

Released: April 6, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[35]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX B

1. Section 73.35 of the Commission's rules and regulations is amended by revising paragraph (a) and Note 7, and by adding new Note 8 to read as follows:

§ 73.35 Multiple ownership.

* * * * *

(a) Such party directly or indirectly owns, operates, or controls: one or more standard broadcast stations and the grant of such license will result in any overlap of the predicted or measured 1 mv/m groundwave contours of the existing and proposed stations, computed in accordance with § 73.183 or § 73.186; or one or more FM broadcast stations and the grant of such license will result in the predicted or measured 2 mv/m groundwave contour of the proposed station, computed in accordance with § 73.183 or § 73.186, encompassing the entire community of license of one of the FM broadcasting stations, or will result in the predicted 1 mv/m contour(s) of the FM broadcast station(s), computed in accordance with § 73.313, encompassing the entire community of license of the proposed station; or one or more television broadcast stations and the grant of such license will result in predicted or measured 2 mv/m groundwave contour of the proposed station, computed in accordance with § 73.183 or § 73.186, encompassing the entire community of license of one of the television broadcast stations or will result in the Grade A contour(s) of the television broadcast station(s), computed in accordance with § 73.684, encompassing the entire community of license of the proposed station; or

* * * * *

NOTE 7: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for increased power for Class IV stations; to applications for assignment of license or transfer of control filed in accordance with § 1.540 (b) or § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated, or controlled standard broadcast stations and if no new encompassment of communities proscribed in paragraph (a) of this section as to commonly owned, operated, or controlled standard broadcast stations and

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[33] By a report and order in Docket No. 15627 (Multiple Ownership of AM, FM, and TV Stations, 13 F.C.C. 2d 357 (1968)) amendments to the multiple ownership rules were adopted. They became effective about 3 weeks after the decision in Radio Athens. Although not going into the question of minority cross-ownership interests in detail, new Note 2 of the rules as amended therein states that partial as well as total ownership interests in corporate broadcast licensees are considered in administering the duopoly rules.

[34] See conditions applied against cross-interests in two overlapping television stations, WECT(TV), Wilmington, N.C., public notice of Jan. 13, 1966, Mimeo 78695. Roy H. Park, who held control of one of two overlapping stations, WNCT–TV, Greenville, N.C., and also a minority stock interest in WECT(TV), Wilmington, N.C. (the second overlapping station), was precluded from holding an office in or participating in the management of WECT(TV).

[35] Chairman Burch concurring in part and dissenting in part and issuing a statement which is filed as part of the original document; Commissioner Robert E. Lee dissenting; Commissioner Wells dissenting and issuing a statement which is filed as part of the original document.

FM or television broadcast stations would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of standard broadcast stations with each other no greater than that already existing. (The resulting areas of overlap of contours of standard broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned, operated, or controlled broadcast stations with overlapping contours or with community-encompassing contours prohibited by paragraph (a) of this section may not be assigned or transferred to a single person, group, or entity, except as provided above in this note; and except in cases where the stations are standard and FM broadcast stations, if the applications contain a satisfactory showing that for economic or technical reasons the stations cannot be separately sold and operated, and if no new or increased overlap between commonly owned, operated, or controlled standard broadcast stations would be created and no proscribed encompassment of communities by standard, FM or television broadcast stations would result (other than that of the standard and FM stations in question).

NOTE 8: Paragraph (a) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programing is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade A contour of which completely encompasses the community of license of a commonly owned, operated, or controlled standard broadcast station, or the community of license of which is completely encompassed by the 2 mv/m contour of such a standard broadcast station may subsequently become a "non-satellite" station with local studios and locally originated programing. However, such commonly owned, operated, or controlled standard and "non-satellite" television stations may not be transferred or assigned to a single person, group, or entity.

2. Section 73.240 of the Commission's rules and regulations is amended by revising subparagraph (1) of paragraph (a), by revising Note 7, and by adding new Note 8 to read as follows:

§ 73.240 Multiple ownership.

(a) * * *

(1) Such party directly or indirectly owns, operates, or controls: one or more FM broadcast stations and the grant of such license will result in any overlap of the predicted 1 mv/m contours of the existing and proposed stations, computed in accordance with § 73.313; or one or more full-time standard broadcast stations (except Class IV stations in communities of less than 10,000 population) and the grant of such license will result in the predicted 1 mv/m contour of the proposed station, computed in accordance with § 73.313, encompassing the entire community of license of one of the full-time standard broadcast stations, or will result in the predicted or measured 2 mv/m groundwave contour(s) of the standard broadcast station(s), computed in accordance with § 73.183 or § 73.186, encompassing the entire community of license of the proposed station; or one or more television broadcast stations and the grant of such license will result in the predicted 1 mv/m contour of the proposed station, computed in accordance with § 73.313, encompassing the entire community of license of one of the television broadcast stations or will result in the Grade A contour(s) of the television broadcast station(s), computed in accordance with § 73.684, encompassing the entire community of license of the proposed station; or

* * * * *

NOTE 7: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated, or controlled FM broadcast stations and if no new encompassment of communities proscribed in paragraph (a)(1) of this section as to commonly owned, operated, or controlled FM broadcast stations and standard or television broadcast stations would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of FM broadcast stations with each other no greater than that already existing. (The resulting areas of overlap of contours of FM broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, or necessity.) Commonly owned, operated, or controlled broadcast stations with overlapping contours or with community-encompassing contours prohibited by paragraph (a)(1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided above in this note; and except in cases where the stations are standard and FM broadcast stations, if the applications contain a satisfactory showing that for economic or technical reasons the stations cannot be separately sold and operated, and if no new or increased overlap between commonly owned, operated, or controlled FM broadcast stations would be created and no proscribed encompassment of communities by FM, standard, or television broadcast stations would result (other than that of the standard and FM stations in question).

NOTE 8: Paragraph (a)(1) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programing is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade A contour of which completely encompasses the community of license of a commonly owned, operated, or controlled FM broadcast station, or the community of license of which is completely encompassed by the 1 mv/m contour of such an FM broadcast station may subsequently become a "non-satellite" station with local studios and locally originated programing. However, such commonly owned, operated, or controlled FM and "non-satellite" television stations may not be transferred or assigned to a single person, group, or entity.

3. Section 73.636 of the Commission's rules and regulations is amended by revising subparagraph (1) of paragraph (a), by revising Note 7, and by revising Note 8 to read as follows:

§ 73.636 Multiple ownership.

(a) * * *

(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 any overlap of the Grade B contours of the existing and proposed stations, computed in accordance with § 73.684; or one or more full-time standard broadcast stations and the grant of such license will result in the Grade A contour of the proposed station, computed in accordance with § 73.684, encompassing the entire community of license of one of the full-time standard broadcast stations, or will result in the predicted or measured 2 mv/m groundwave contour(s) of the standard broadcast station(s), computed in accordance with § 73.183 or § 73.186, encompassing the entire community of license of the proposed station; or one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed station, computed in accordance with § 73.684, encompassing the entire community of license of one of the FM broadcast stations, or will result in the predicted 1 mv/m contour of the FM broadcast station(s), computed in accordance with § 73.313, encompassing the entire community of license of the proposed station; or

* * * * *

NOTE 7: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated, or controlled television broadcast stations and if no new encompassment of communities proscribed in paragraph (a)(1) of this section as to commonly owned, operated, or controlled television broadcast stations and standard or FM broadcast stations would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes

that will result in overlap of contours of television broadcast stations with each other no greater than that already existing. (The resulting areas of overlap of contours of television broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Said paragraph will not apply to major changes in UHF television broadcast stations authorized as of September 30, 1964, which will result in Grade B overlap with another television broadcast station that was commonly owned, operated, or controlled as of September 30, 1964; or to any application concerning a UHF television broadcast station which would result in the Grade A contour of the UHF station encompassing the entire community of license of a commonly owned, operated, or controlled standard or FM broadcast station or which would result in the entire community of license of such UHF station being encompassed by the 2 mv/m or 1 mv/m contours of such standard or FM broadcast stations, respectively. Such UHF overlap or community encompassment cases will be handled on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Commonly owned, operated, or controlled broadcast stations with overlapping contours or with community-encompassing contours prohibited by paragraph (a)(1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided in this note.

NOTE 8: Paragraph (a)(1) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programing is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade B contour of which overlaps that of a commonly owned, operated, or controlled "non-satellite" parent television station may subsequently become a "non-satellite" station with local studios and locally originated programing. However, such commonly owned, operated, or controlled "non-satellite" stations with Grade B overlap may not be transferred or assigned to a single person, group, or entity.

[F.R. Doc. 70-4406; Filed, Apr. 9, 1970; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

APPENDIX A—INTERPRETATIONS

Sections 6(e) and 6(f)(2)(A) of the Department of Transportation Act (49 U.S.C. 1655 (e), (f)(2)(A)) transferred to the Secretary of Transportation the regulatory and concomitant administrative powers over the safety of operation and hours of service of employees of interstate commercial motor carriers formerly possessed by the Interstate Commerce Commission. These powers were subsequently delegated to the Federal Highway Administrator (49 CFR 1.4(c)). Within the Federal Highway Administration, day-to-day administration of the Motor Carrier Safety Regulations and the Hazardous Materials Regulations is carried out by the Bureau of Motor Carrier Safety.

From time to time, the Bureau issues interpretations of the regulations. Most of these interpretations apply only to particular factual circumstances. However, some of them are of general interest. The Administrator has decided to make interpretations deemed to be of general interest more readily available to interested persons by publishing them in the FEDERAL REGISTER. Publication of significant interpretations should ease the administrative burden on field personnel of the Bureau of Motor Carrier Safety and promote uniform compliance with the regulations.

The Director of the Bureau of Motor Carrier Safety is authorized to issue, from time to time, administrative interpretations which he considers to be of general interest as such interpretations are developed.

In consideration of the foregoing, Title 49, CFR, is amended by adding a new Appendix A, Interpretations, at the end of Subchapter B, to read in part as set forth below.

Issued on April 4, 1970.

F. C. TURNER,
Federal Highway Administrator.

APPENDIX A—INTERPRETATIONS

HOURS OF SERVICE OF DRIVERS—"ON DUTY" TIME

[Interpretation No. 70-1]

A question has been raised under 49 CFR Part 395, Hours of Service of Drivers, whether a driver should log meal stops and coffee breaks while he is enroute to a destination as "on-duty" time or as "off-duty" time. These stops should be logged as "on-duty" time.

The classification of a driver's time as on-duty or off-duty is governed by § 395.2(a). The paragraph consists of two parts: a general definition of on-duty time, and a series of nine subparagraphs which apply the general definition to concrete situations and provide for certain exceptions. The general definition of "on-duty" time encompasses a driver's whole working day, from the time he reports for duty after his 8 hours off duty until he is relieved from duty to begin another 8-hour rest period. The specific examples do not supplant the overall definition. If a time period within the bounds of the general definition is not expressly classified by a subparagraph as "off-duty" time, it should be regarded as "on-duty" time.

Meal stops and coffee breaks taken while a driver is en route to a destination do not fall within any of the numbered subparagraphs of § 395.2(a). Paragraph (a)(1), which allows time to be logged as off-duty time if the driver is relieved of duty by the motor carrier, applies when the driver is "waiting to be dispatched" under the immediate control of a shipper or carrier, not when the driver is on the road. Stops made en route to a destination are therefore to be considered "on-duty" time.

The purpose of the hours-of-service regulations is to remove fatigued drivers from the road. Neither a meal stop nor a coffee break serve to lessen a driver's fatigue sufficiently to permit him to drive for an equivalent period of time. To count either as "off-duty" time would defeat the purpose of the regulations.

[F.R. Doc. 70-4385; Filed, Apr. 9, 1970; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. Subparagraph (11) of paragraph (e) of § 103.1 is amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* * * *

(11) Decisions on petitions for temporary workers or trainees and fiancees or fiances of citizens of the United States, as provided in § 214.2;

* * * * *

§ 103.7 [Amended]

2. Subparagraph (1) *Nonstatutory fees* of paragraph (b) *Amounts of fees* of § 103.7 *Fees* is amended as follows:

a. The following fee is inserted after the existing eighth fee to read as follows:

For filing petition to classify nonimmigrant as fiancee or fiance under section 214(d) of the Act	10.00

b. The following fee is inserted after the existing 22d fee to read as follows:

For filing application to record lawful admission for permanent residence under section 214(d) of the Act	25.00

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Section 212.1 is amended by adding paragraph (g) to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(g) *Finances or fiances of U.S. citizens.* Notwithstanding any of the provisions of this part, an alien seeking admission as a fiancee or fiance of a U.S. citzen pursuant to section 101(a)(15)(K) of the Act shall be in possession of a nonimmigrant visa issued by an American consular officer classifying the alien under that section.

* * * * *

2. Paragraph (c) of § 212.7 is amended to read as follows:

§ 212.7 Waiver of certain grounds of excludability.

* * * * *

(c) *Section 212(e).* An alien who was admitted into the United States as an exchange alien, or who acquired such status after admission, whose participation in the program for which he entered the United States was financed in whole or in part, directly or indirectly, by a U.S. Government agency or by the government of the country of his nationality or last residence, or who at the time of such admission or acquisition of status was a national or resident of a country designated by the Secretary of State as requiring the specialized knowledge or skill in which the alien was engaged in the United States, and who believes that compliance with the foreign residence requirement of section 212(e) of the Act would impose exceptional hardship upon his spouse or child who is a citizen of the United States or a lawful permanent resident alien or that he cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion shall apply for a waiver on Form I-612. The alien's spouse and minor children, if also subject to the foreign residence requirement, may be included in the application, provided the spouse has not been a participant in an exchange program. Each application based upon a claim to exceptional hardship must be accompanied by the certificate of marriage between the applicant and his spouse and proof of legal termination of all previous marriages of the applicant and spouse; the birth certificate of any child who is a U.S. citizen or lawful permanent resident alien, if the application is based upon a claim of exceptional hardship to such child, and evidence of the U.S. citizenship of the applicant's spouse or child, when the application is based upon a claim of exceptional hardship to the spouse or child who is a citizen of the United States. Evidence of U.S. citizenship and of status as a lawful permanent resident shall be in the form provided in Part 204 of this chapter. An application based upon exceptional hardship shall be supported by a statement, dated and signed by the applicant, giving a detailed explanation of the basis for his belief that his compliance with the foreign residence requirement of section 212(e) of the Act, as amended, would impose exceptional hardship upon his spouse or child who is a citizen of the United States or a lawful permanent resident thereof. The statement shall include all pertinent information concerning the incomes and savings of the applicant and spouse. If exceptional hardship is claimed upon medical grounds, the applicant shall submit a medical certificate from a qualified physician setting forth in terms understandable to a layman the nature and effect of the illness and a prognosis as to the period of time the spouse or child will require care or treatment. An application based upon the applicant's belief that he cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, shall be supported by a statement, dated and signed by the applicant, setting forth in detail the reasons he believes he would be subject to persecution. The applicant and his spouse may be interviewed by an immigrant officer in connection with the application and consultation may be had with the Department of State and the sponsor of any exchange program in which the applicant has been a participant. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from the denial of an application for lack of a favorable recommendation from the Secretary of State. When an interested U.S. Government agency requested a waiver of the 2-year foreign residence requirement and the Secretary of State had made a favorable recommendation, the interested agency shall be notified of the decision on its request and, if the request is denied, of the reasons therefor, and of the foregoing right of appeal. If the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to his being granted a waiver of the foreign residence requirement and the Secretary of State has made a favorable recommendation, the Secretary of State shall be notified of the decision and, if the foreign residence requirement is not waived, of the reasons therefor and of the foregoing right of appeal.

PART 214—NONIMMIGRANT CLASSES

§ 214.1 [Amended]

1. The third and fourth sentences of paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* are amended to read as follows: "A nonimmigrant other than one in the classes defined in section 101(a)(15)(A) (i) or (ii) or (G) (i), (ii), (iii), or (iv) of the Act (members of which classes are not required to obtain extensions of stay if they continue to be so recognized by the Secretary of State as members of such classes); section 101(a)(15) (C), (D), or (K) of the Act (members of which classes are ineligible for extensions of stay, or section 101(a)(15) (F) or (J) of the Act, and whose period of admission has not expired, shall apply on Form I-539 and may be granted or denied, without appeal, an extension of his period of temporary admission by an officer in charge of a suboffice or a district director. A separate application must be executed and submitted for each alien seeking an extension of temporary stay; however, regardless of whether they accompanied the applicant to the United States, the spouse and minor, unmarried children of any applicant who have the same nonimmigrant classification may be included in his application and may be granted the same extension without fee."

2. Paragraph (b), subparagraph (1) of paragraph (h), and subdivision (iii) of subparagraph (2) of paragraph (h) are amended, subdivision (iv) is added to subparagraph (2) of paragraph (h), and new paragraph (k) is added to § 214.2 to read as follows:

§ 214.2 Special requirements for admission, extensions, and maintenance of status.

* * * * *

(b) *Visitors.* The classification of visitors in the Act has been subdivided for visa, admission, and extension purposes into visitors for business (B-1) and visitors for pleasure (B-2). A B-1 or B-2 visitor may be admitted for an initial period of not more than 6 months and may be granted extensions of temporary stay in increments of not more than 6 months.

* * * * *

(h) *Temporary employees*—(1) *Petitions.* An alien defined in section 101(a)(15) (H) or (L) of the Act must be the beneficiary of an approved visa petition filed on Form I-129B. The petition with supporting documents shall be filed by the petitioner with the district director having administrative jurisdiction over the place in the United States where the beneficiary will perform services or receive training. If the services will be performed or the training will be received in more than one area, the petition must be filed in an office of this Service having jurisdiction over at least one of those areas. The spouse and minor children of the beneficiary are entitled to nonimmigrant H or L classification if accompanying or following to join him. However, neither the spouse nor any minor child may accept employment unless he is the beneficiary of an approved petition filed on his behalf. More than one beneficiary may be included in an H petition if they will be performing the same type of service or will be receiving the same type of training, will be applying for visas at the same consulate, and will be performing services or receiving training in the same immigration district. If an alien in the United States desires to perform temporary services or training for another petitioner, a new petition on Form I-129B must be submitted, and if the petition is approved, an extension of stay may be granted without requiring the submission of Form I-539. The petitioner need not be a U.S. resident. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(2) *Supporting evidence.* * * *

(iii) *Petition for alien trainee.* In addition to purely industrial establishments, an individual, organization, firm, or other trainer may petition for nonimmigrant trainees on Form I-129B for the purpose of giving instruction or training in agriculture, commerce, finance, government, transportation, and the professions. The source of any remuneration received by

a trainee and whether or not any benefit will accrue to the petitioner are not material, but a trainee shall not be permitted to engage in productive employment if such employment will displace a U.S. resident. A hospital approved by the American Medical Association for either an internship or residence program may petition to classify as a trainee a medical student who will engage in employment as an extern during his medical school vacation period. There shall be attached to each petition for a trainee a statement describing the type of training to be given, the position or duties for which the beneficiary is to be trained, and whether such training can be obtained outside the United States. There shall be included an explanation as to the need for the trainee to be trained in the United States.

(iv) *Petition for intracompany transferee.* A petitioner seeking to accord an alien classification under section 101(a)(15)(L) of the Act shall attach to the petition a statement describing the capacity in which the beneficiary has been employed abroad and the capacity in which he is to be employed in the United States. If the services to be rendered by the beneficiary are not managerial or executive in nature but involve specialized knowledge, the statement shall describe the nature of the specialized knowledge possessed by the beneficiary which makes his presence here necessary.

* * * * *

(k) *Fiancees and fiances of United States citizens.* An alien defined in section 101(a)(15)(K) of the Act must be the beneficiary of an approved visa petition filed on Form I–129F. The petition with supporting documents shall be filed by the petitioner with the district director having administrative jurisdiction over the place where the petitioner is residing in the United States. Without the approval of a separate petition on his behalf, a child of the beneficiary defined in section 101(b)(1) (A), (B), (C), (D), or (E) of the Act may be accorded the same nonimmigrant classification as the beneficiary if accompanying or following to join him. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

* * * * *

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. Paragraph (b) of § 245.1 is amended to read as follows:

§ 245.1 Eligibility.

* * * * *

(b) *Exchange aliens.* Pursuant to section 212(e) of the Act, an alien who has or has had the status of an exchange alien or of a nonimmigrant under section 101(a)(15)(J) of the Act and who is subject to the foreign residence requirement of section 212(e) of the Act is not eligible for status as a permanent resident under section 214(d) of the Act, section 245 of the Act, section 13 of the Act of September 11, 1957, or section 1 of the Act of November 2, 1966, unless he has complied with the foreign residence requirement of that section or has been granted a waiver thereof.

* * * * *

2. Section 245.2 is amended by adding paragraph (d) to read as follows:

§ 245.2 Application.

* * * * *

(d) *Application under section 214(d).* An application for permanent resident status pursuant to section 214(d) of the Act shall be filed on Form I–485 with the district director having jurisdiction over the applicant's place of residence. A separate application shall be filed by each applicant. If the application is approved, the district director shall record the lawful admission of the applicant as of the date of approval. The fee previously paid for filing the application shall be considered payment of the required visa fees, as of the date of the approval of the application. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor. No appeal shall lie from the denial of an application by the district director but such denial shall be without prejudice to the alien's right to renew his application in proceedings under Part 242 of this chapter.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The listing of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto:

Form No.	*Title and description*
I–129F	Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because it would delay and impede the administration of Public Law 91–225 of April 7, 1970.

Dated: April 8, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70–4454; Filed, Apr. 9, 1970; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

IMPORTATION OF FISH OR WILDLIFE

Notice of Proposed Rulemaking and Opportunity for Hearing

Pursuant to the authority of Public Law 91–135 (83 Stat. 275), notice is hereby given that the Department of the Interior, with the approval of the Secretary of the Treasury, proposes to designate the following ports as ports of entry for the importation of all fish and wildlife, except shellfish and fishery products imported for commercial purposes, into the United States:

1. New York, N.Y.
2. Miami, Fla.
3. Chicago, Ill.
4. Los Angeles, Calif.
5. San Francisco, Calif.
6. Honolulu, Hawaii.

This designation will be incorporated into the new regulations to be published as a new Part 17 of Title 50, Code of Federal Regulations, which will implement the Endangered Species Conservation Act of 1969, Public Law 91–135, 91st Congress, first session, 1969 (83 Stat. 275) and other applicable provisions of Public Law 91–135. Section 4(d) of that act directs the Secretary of the Interior to designate certain ports for the importation of fish and wildlife into the United States in order to further facilitate enforcement of the Act and to reduce the costs thereof.

This designation will become effective concurrently with the effective date of the Act, June 3, 1970. Thereafter, importation of fish and wildlife into the United States will be prohibited except at the designated ports. The term "fish and wildlife" includes any wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, products, egg, or offspring thereof, or the dead body or parts thereof.

This rule will be subject to certain exceptions which will be published in the FEDERAL REGISTER at a later date. These will include: Entry at nondesignated ports for movement under seal to designated port; entry at nondesignated ports for specific items for limited periods of time; entry at nondesignated ports by individual sportsmen or hunters with lawfully taken game, including trophies, and individuals with pets; entry at points along the Canadian and Mexican borders for commercial items originating in Canada or Mexico. All such exceptions shall be subject to conditions to be determined by the Secretary of the Interior.

The designations proposed herein are based on the historical patterns of importation of fish and wildlife into the United States.

Pursuant to the requirement of section 4(d) of Public Law 91–135 that opportunity for a public hearing be given, all interested persons may submit comments, objections, or suggestions orally or written at the Auditorium, U.S. Department of the Interior, 18th and C Street NW., Washington, D.C. 20240, on May 11, 1970, beginning at 10 a.m., or may submit such statements in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, at any time before May 11, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

MARCH 17, 1970.

[F.R. Doc. 70–4382; Filed, Apr. 9, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1005, 1033, 1034, 1035, 1041]

[Dockets Nos. AO–166–A40–RO3, AO–175–A29–RO3, AO–176–A26–RO3, AO–72–A36–RO3, AO–177–A35–RO3]

MILK IN GREATER CINCINNATI AND CERTAIN OTHER MARKETING AREAS

Notice of Reopening of Hearing and Supplemental Proposals on Proposed Amendments to Tentative Marketing Agreements and Orders

This notice is supplemental to the notice of hearing which was issued on May 13, 1969, and published in the FEDERAL REGISTER on May 16, 1969.

Notice is hereby given that the aforesaid hearing which was held on June 2–6 and 10–13 and July 8–10, 1969, will be reopened and held at the Holiday Inn, U.S. Route 20 and Interstate 75, 10630 Fremont Pike, Perrysburg, Ohio, beginning at 10 a.m. on April 14, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Cincinnati, Miami Valley, Ohio, Columbus, Ohio, Northwestern Ohio, and Tri-State marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The hearing is reopened for the limited purpose of receiving evidence with respect to the economic and marketing conditions which relate to the immediate need for a seasonal production incentive ("Louisville") plan for the Northwestern Ohio order, and to the additional proposed amendments hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order regulating the handling of milk in the Northwestern Ohio marketing area.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposal No. 1.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk, Inc.:

Proposal No. 1. Amend the Northwestern Ohio order to incorporate provisions for a seasonal production incentive ("Louisville") plan identical with the Louisville plan provisions now in the Columbus, Miami Valley, Cincinnati, and Tri-State orders. Such plan would include the following computations in determining the uniform price:

(1) Subtract for each month of April through July from the total value of all producer milk the amount obtained by multiplying the hundredweight of producer milk by a rate that is equal to 6 percent of the average basic formula price (computed to the nearest cent) for the preceding calendar year, but not to be more than 25 cents.

(2) Add for each month of September through December to the total value of all producer milk one-fourth of the total amount subtracted under the preceding paragraph for the preceding months of April through July.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order for the Northwestern Ohio marketing area conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, C. T. McCleery, Hartman Building, Room 505, 79 East State Street, Columbus, Ohio 43215, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 7, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70–4412; Filed, Apr. 9, 1970; 8:49 a.m.]

[7 CFR Parts 1097, 1102, 1108]

MILK IN MEMPHIS, TENN., AND CERTAIN OTHER MARKETING AREAS

Notice of Proposed Termination of Certain Provisions of Orders

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the orders regulating the handling of milk in the Memphis, Tenn., Fort Smith, Ark., and Central Arkansas marketing areas is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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

The provisions proposed to be terminated are as follows:

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. In § 1097.51(a), the following words in the introductory text preceding subparagraph (1): "and plus or minus a supply-demand adjustment computed as follows:"; and

2. Subparagraphs (1), (2), and (3) of § 1097.51(a).

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. In § 1102.51(a), the following words in the introductory text preceding subparagraph (1): "and plus or minus a supply-demand adjustment computed as follows:"; and

2. Subparagraphs (1), (2), and (3) of § 1102.51(a).

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.51(a), the following words in the introductory text preceding subparagraph (1): "and plus or minus a supply-demand adjustment computed as follows:"; and

2. Subparagraphs (1), (2), and (3) of § 1108.51(a).

The proposed action would terminate the supply-demand adjustment provisions which are a part of the Class I milk pricing formulas in these orders. An order effective March 1, 1968 (33 F.R. 3215 and 3216), suspended for an indefinite period the provisions which adjust the Class I prices in these orders according to changes in the combined receipts of producer milk relative to Class I sales in these three markets.

The termination of these provisions was requested by Associated Milk Producers, Inc., a cooperative representing a majority of the milk producers serving each of the three orders. The cooperative states the supply-demand provisions have been inoperative for 2 years indicating these provisions are no longer needed in the orders.

Signed at Washington, D.C., on April 7, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-4411; Filed, Apr. 9, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

Proposed Statement of Policy Concerning Oral Contraceptive Labeling Directed to Laymen

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), 505, 701(a), 52 Stat. 1050-53, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the following new section be added to Subpart A of Part 130:

§ 130.___ **Oral contraceptive preparations; labeling directed to the patient.**

(a) The Food and Drug Administration is charged with assuring both physicians and patients that drugs are safe and effective for their intended uses. The full disclosure of information to physicians concerning such things as the effectiveness, contraindications, warnings, precautions and adverse reactions is an important element in the discharge of this responsibility. In view of this, the Administration has reviewed the oral contraceptive products, taking into account the following factors: the products contain potent steroid hormones which affect many organ systems; they are used for long periods of time by large numbers of women who, for the most part, are healthy and take them as a matter of choice for prophylaxis against pregnancy, in full knowledge of other means of contraception; and because of their indications they are sometimes used without adequate medical supervision. They represent, therefore, the prototype of drugs for which well-founded patient information is desirable.

(b) In view of the foregoing, it is deemed to be in the public interest to present to users of oral contraceptives factual information as to the risks and possible side effects associated with their use by requiring, as part of their labeling, appropriate information in lay language. The information would emphasize to the patient the need for continuing surveillance and supervision by a physician. The Commissioner of Food and Drugs is aware that this represents a departure from the traditional approach to the dissemination of information regarding prescription drugs via the doctor/patient relationship, and stresses that it is not intended to weaken or replace that channel, but rather because of the unusual pattern of use by these drugs, to reinforce the efforts of the physician to inform the patient in a balanced fashion of the risks attendant upon the use of oral contraceptives.

(c) (1) The oral contraceptives are restricted to prescription sale, and their labeling is required to bear information under which practitioners licensed to administer the drugs can use them safely and for the purpose for which they are intended. In addition, in the case of oral contraceptive drugs, the Commissioner concludes that it is necessary in the best interests of users that the following printed information for patients be included in the package dispensed to the patient:

ORAL CONTRACEPTIVES

(Birth Control Pills)

The oral contraceptives are powerful, effective drugs. Do not take these drugs without your doctor's continued supervision. As with all effective drugs, they may cause side effects in some cases and should not be taken at all by some. Rare instances of abnormal blood clotting are the most important known complication of the oral contraceptives. These points were discussed with you when you chose this method of contraception.

While you are taking this drug, you should have periodic examinations at intervals set by your doctor. Notify your doctor if you notice any of the following:

1. Severe headache.
2. Blurred vision.
3. Pain in the legs.
4. Pain in the chest or unexplained cough.
5. Irregular or missed periods.

(2) Providing this information to users may be accomplished by including it in each package of the type intended for the user as follows:

(i) If such package includes other printed materials for the patient (e.g., dosage schedules), the text of the information in subparagraph (1) of this paragraph shall be an integral part of the printed material and be in boldface type set out in a box, preceding all other printed text.

(ii) If such package does not include printed material for the patient, the text of the information in subparagraph (1) of this paragraph shall be provided as a printed leaflet in boldface type.

(iii) Include in each bulk package intended for multiple dispensing, a sufficient number of the information leaflets, with instructions to the pharmacist to include one with each prescription dispensed.

(d) Written, printed, or graphic materials on the use of a drug that are disseminated by or on behalf of the manufacturer, packager, or distributor and are intended to be made available

to the patient, are regarded as labeling. The Commissioner also concludes that it is necessary that full information in lay language, concerning effectiveness, contraindications, warnings, precautions, and adverse reactions be incorporated prominently in the beginning of any such materials.

(e) The marketing of oral contraceptives may be continued if all the following conditions are met within 30 days of the date of publication of this section in the FEDERAL REGISTER.

(1) The labeling of such preparations shipped within the jurisdiction of the Act is in accord with paragraphs (c) (1) and (2), and (d) of this section.

(2) The holder of an approved new-drug application for such preparation submits a supplement to his new-drug application under the provisions of § 130.9(d) of this chapter to provide for labeling as described in paragraphs (c) and (d) of this section. Such labeling may be put into use without advance approval of the Food and Drug Administration.

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof.

(Secs. 502 (a), (f), 505, 701(a), 52 Stat. 1050-53, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a))

Dated: March 26, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-4403; Filed, Apr. 9, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 15735; RM-644]

OWNERSHIP AND OPERATION OF INITIAL U.S. EARTH STATIONS

Order Granting Extension of Time

In the matter of amendment of Part 25 of the Commission's rules and regulations with respect to ownership and operation of initial earth stations in the United States for use in connection with the proposed global commercial communication-satellite system; Docket No. 15735, RM-644.

1. On April 1, 1970, RCA Global Communications, Inc. (RCA) filed a motion for further extension of time to April 24, 1970, in which to file comments in the captioned rule-making proceeding.

2. Good cause has been shown for affording RCA and other interested parties additional time within which to file such initial comments.

3. Accordingly, pursuant to § 0.303(c) of the Commission's rules on delegations of authority, RCA's motion is granted, and the time for filing initial comments is further extended from April 6, 1970, to April 24, 1970, and the time for filing reply comments is hereby further extended from May 4, 1970, to May 22, 1970.

Adopted: April 2, 1970.

Released: April 6, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] A. C. ROSEMAN,
Chief, International and Satellite Communications Division, for Chief, Common Carrier Bureau.

[F.R. Doc. 70-4404; Filed, Apr. 9, 1970; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 18110; FCC 70-311]

STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Multiple Ownership

In the matter of amendment of §§ 73.35, 73.240 and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations; Docket No. 18110.

1. Notice is hereby given of further proposed rule making in the above-captioned matter.

BACKGROUND INFORMATION

2. Until now, the so-called duopoly rules, which form a part of the Commission's multiple ownership rules, have prohibited ownership, operation, or control of stations in the same broadcast service which have overlapping service contours (47 CFR 73.35(a), 73.240(a)(1), 73.636(a)(1) (1969)). The twofold purpose of these rules is to promote competition and to increase the diversification of program and service viewpoints.

3. In a first report and order adopted today in the instant proceeding (35 F.R. 5948), the duopoly rules were amended by extending the proscription to cut across the three broadcast services. Under the new rules, common ownership, operation, or control of any broadcast station (AM, FM, or TV) and any other broadcast station (AM, FM, or TV) in the same market is prohibited. The rules apply only to those who seek to obtain new authorizations. They do not require divestiture, by any licensee, of existing facilities.[1]

4. As was mentioned in the first report and order (paragraph 68), when we commenced this proceeding we believed it was in the public interest not to require existing licensees to divest themselves of broadcast properties to achieve compliance with the rules, and our proposal reflected this view. The position was based partly on the disruptive effects that divestiture might have. Moreover, our proposal pertained only to broadcast facilities and did not cover common ownership of newspapers and broadcast facilities serving the same area.

5. The comments of the Department of Justice, noting that our proposed rules did little to lessen existing concentration of communications media in many major cities, suggested that consideration be given to extending the policy of the proposed amendments "in some form" to license renewal proceedings and to newspaper-broadcasting combinations.[2] It was assumed by parties to the proceeding, as well as by the Commission, that the suggestion meant that action should be taken to require divestiture of some degree and that ownership of newspapers should enter into such considerations. Parties, of course, had the opportunity to file reply comments directed at the suggestion, and many did so.

6. It may be that with the proceeding in that posture, we could have adopted rules requiring divestiture and embracing newspaper ownership in the first report and order (Owensboro on the Air, Inc. v. U.S., 104 App. D.C. 391, 262 F. 2d 702 (1958), cert. den. 360 U.S. 911 (1959)). However, in the light of the far-reaching ramifications that such rules would have, and the lack of specificity of the Department's suggestion, we considered it the better course legally, as well as in terms of fundamental fairness, not to do so even though we might have thought such rules to be in the public interest. Moreover, we believed that we had insufficient information on the subject.

7. Accordingly, the rules adopted today in the first report and order do not require divestiture and do not pertain to newspaper ownership. We believe them to be a reasonable start in the direction of promoting diversification of viewpoints expressed over the air in individual localities. However, comments filed in this proceeding to date have led us to the view that it might be in public interest to fashion rules embracing divestiture and newspaper ownership, and we seek through the vehicle of this further notice to make a careful examination of the matter.

COMMENTS OF PARTIES

Divestiture. 8. As we stated in the first report and order (paragraph 67), opponents of the proposed rules argued that since no divestiture would be required the desired restructuring of the broadcast industry would be slow, and, except over a very long period of time, quite

[1] Some exceptions to the rules include the following: (1) The licensee of a Class IV AM station in a small community may obtain a license for an FM station serving the same area. (2) The licensee of a daytime-only AM station may obtain a license for an FM station. (3) The licensee of any AM station and a commonly owned FM station serving the same area may, upon a proper showing, sell both stations to a single party.

[2] Comments of other parties also suggested that consideration be given to common ownership of newspapers and broadcasting facilities serving the same community.

minor. It was urged that without divestiture, the rules would only prevent further combinations and would strengthen the already competitively superior position of existing combinations while impairing the competitive position of existing or new independent stations. Moreover, combination owners would be reluctant to sell, because of their good positions, and this would freeze the present structure of the broadcast industry, it was averred.

9. However, opponents making the foregoing arguments generally expressed opposition to divestiture on the grounds that it would not be equitable and would be unduly disruptive. Several supporters of our proposal, while agreeing that without divestiture the rules would not be effective, were of the view that there should be divestiture, but that it should take place in stages to cushion the economic impact.

10. Many opponents directed their reply comments at the suggestion of the Department of Justice that the policy of the proposed rules be extended to apply to license renewals. Some viewed this suggestion as really amounting to a proposal of forfeiture of existing stations by multiple owners, and cited cases in support of the statement that absent the strongest showing of illegal action, even an adjudication of violation of the antitrust laws does not result in the imposition of forfeitures. They pointed out that forfeiture would be especially unfair to licensees who not only did not violate any laws, but obtained their present broadcast holdings with Commission approval.

11. Other opponents observed that adoption of the Department's suggestion would not mean the forfeiture of broadcast station licenses by non-renewal of licenses. It was their opinion that the Department contemplated the imposition of a condition at renewal time that would provide for the orderly disposition of one or more of the licensee's stations in any market and that would furnish sufficient time to preserve fair values of broadcast properties.

12. Two opponents who were of the view that forfeiture was contemplated by the Department (Air Trails, Inc., et al. and Bloomington Broadcasting Corporation, et al.) commissioned a study by M. H. Seiden & Associates, entitled "An Economic Analysis of the Impact of License Forfeiture on the Television and Radio Broadcasting Industry" which was filed with their reply comments. That study assumes that should the Commission extend its policy to license renewals, as suggested by the Department, it would do so by requiring forfeiture of licenses. It argues that imposition of a license forfeiture policy would cause substantial financial losses to investors in directly affected companies and the impact also would extend to broadcasting companies which are not directly affected. On the basis of revenues, cash flow, and other factors, it estimates the value of the 127 television stations in the top 50 markets[3] with colocated radio affiliates at from $2.6 to $2.8 billion, and the value of 526 radio stations in these markets which would be affected by the proposed rule at from $447 to $477 million. The 127 television stations constitute 70 percent of the 184 television stations in the top 50 markets, while the affected radio stations constitute 73 percent of the approximately 715 radio stations in these markets. The study concludes that, if the license forfeiture principle is applied, the existing radio and television station owners would have to sell their plant and facilities at a fraction of the estimated value over more than $3 billion.

13. The study singles out for particular attention publicly held companies involved in broadcasting. It estimates that 25 publicly held corporations own approximately 86 of the 291 radio and television combinations in the 50 major markets listed by the Department of Justice, and that about 9 percent of the stock of these publicly held corporations is held by institutions such as mutual funds and pension funds. The holdings of institutions in companies whose broadcast stations represent a significant part of their total assets are valued at a minimum of $400 million, with an additional $1.2 billion being held in companies with a minor interest in broadcasting. It is argued that small investors in financial institutions would be adversely affected by a decline in the value of broadcasting properties. The study contains a letter from the Technology Fund, Inc. (formerly Television-Electronics Fund, Inc.), which values its holdings in broadcasting companies at about $11 million, of its total net assets of $637 million. The Fund has 135,000 shareholders, with an average investment of about $4,700.

14. The study states that the policy of license forfeiture would more seriously affect the holdings of investors in smaller, undiversified broadcasting companies than those of investors in the larger, more diversified companies with broadcast interest, since the financial losses of the latter would constitute a smaller porportion of the companies' total assets. Moreover, a policy of license forfeiture would make financing very difficult for the smaller, undiversified broadcasting concerns, since bank loans would acquire a high degree of risk and bank regulatory authorities would probably prohibit loans to the smaller undiversified broadcast companies.

15. It is stated that given their choice, multiple owners would prefer to lose their least profitable properties, namely the AM or FM radio station. However, some of the latter will not attract investors and will consequently be idled, it is said, and even if investors are attracted they may not be as well qualified to operate the station as the incumbent. Moreover, the report says, under the Department of Justice proposal, multiple owners will not have the option of disposing of their least profitable stations, since competing applicants will apply for the most profitable property, which is generally the television station.

16. The study concludes that because of its greater impact on smaller undiversified broadcast companies, a license forfeiture policy would succeed only in concentrating the broadcast industry further in the hands of the larger diversified broadcast companies.

17. With regard to the statement, in the aforementioned study, that under the Department's proposal multiple owners would not have the option of disposing of their least profitable stations, one may compare the views of NBC which were that if the proposal were adopted many of the 1,300 FM stations licensed to owners of AM stations would transfer or turn in their FM licenses if that were necessary to avoid nonrenewal of their AM licenses. Similarly, it stated, hundreds of AM licenses might be transferred or turned back to avoid nonrenewal of licenses of television stations coowned in the same market.

18. NBC also stated:

> If new policies are to be adopted applicable to present ownerships, divestiture—not forfeiture—would be the only permissible remedy. However, in either event the result will be that the less profitable stations (many of which actually lose money)—AM and FM stations—will be separated from each other and from their generally more profitable television counterparts. Since about 75 percent of the FM stations are owned by AM licensees in the same market, and since hundreds of AM licensees also have television licenses in the same market, this will badly hurt the public service performed by those two radio services. New investors would have to consider the present lack of substantial profits in radio generally, the additional costs resulting from separate operation of the stations, as well as the degree of risk of an investment in a business where the regulator so precipitously reverses its own long-standing policies and threatens the businesses of those who have pioneered the industry and their legitimate successors.

19. Finally, it may also be mentioned that NBC presented figures to show how small the market shares of the largest owners of mass media are in the five major markets where it owns television stations. It went on to say:

> In effect, the Department is seeking a rule requiring divestiture (if not forfeiture) in the absence of any showing either of monopoly power or of any restraint of trade and, indeed, despite the fact that the market concentration at which the rule is directed does not even present the "incipient" threat to competition that might be found to violate section 7 of the Clayton Act if a merger or acquisition were at issue.[4]

[3] The study states that it was limited to the top 50 markets to conform to the frame of reference set by the Department in the appendix to its comments which listed combined media ownership in those markets. It also says that extending the analysis to other markets would increase the magnitude of the impact of the proposed license forfeiture policy.

[4] In paragraph 27 of the first report and order we noted that the market shares might be larger than indicated by NBC.

Newspapers. 20. The Department was not the only party to suggest that the Commission give consideration to commonly owned newspaper-broadcasting combinations in the same market. Thus, one party, E. Harold Munn, Jr., in commenting on our proposal, suggested that the rules, if adopted, not apply to markets under a certain size. However, he added the proviso that if a party owns a newspaper of general circulation in a market for which it is requesting broadcasting authorizations, then the rules should be applicable, even in smaller markets.

21. Mid-Illinois Broadcasting Co., et al. stated that our proposal was not equitable because it did not include newspapers. It would, they said, have permitted a newspaper to acquire a full-time broadcast station in the same market, but a full-time AM station could not. It suggested that full-time facilities be defined as AM, FM, TV, and daily newspapers, and that future grants permit one entity to have two full-time facilities in a market.

22. Federal Broadcasting System, Inc., suggested that we give consideration to adopting rules that would assign weighted numbers to various mass media—newspapers, VHF, UHF, AM, FM, CATV—with newspapers having the greatest weight. It further suggested that, using such figures, a party should be permitted a specified total of points in any market. Using this method, it could be determined how many broadcast facilities a party would be permitted to own in a market.

23. The National Citizens Committee for Broadcasting urged that, to promote diversity of viewpoints, any rules adopted should prohibit common ownership of broadcast stations and newspapers in the same market because stations owned by newspapers tend to draw heavily on the papers for their news and editorial content. It also said that when stations are affiliated and share newsgathering facilities with newspapers, there is an unavoidable conflict of duty between them.

24. On the other hand, NBC stated that common ownership of newspapers and broadcast stations has contributed substantially to the development of radio and TV, and continues to contribute to the growth, stability, development, and quality of the mass media. The Rome Sentinel Co. related that its newspaper profits have permitted the loss operations of its radio operations and that separate ownership would eliminate the public interest advantages in having the news gathering facilities of the paper available to the stations.

25. Storer Broadcasting Co., observed that the notice of proposed rule making that began the instant proceeding (33 F.R. 5315 (1968)) implied that cross-ownership of newspapers and broadcasting facilities was one of the Commission's concerns since it referred to problems of diversification of the broadcast media "and of allied interests in other public opinion media." It then said that Newspaper ownership may well be a proper area of concern, and further exploration may prove fruitful, since there is some evidence that a combined major newspaper-AM-FM-TV operation may be used in an anticompetitive manner by unduly promoting one or more of the broadcast properties in the associated media under common control.

26. We have long been concerned with the particular problem of newspaper-broadcast joint control [5] as an important factor in the overall attempt to secure diversity in the control of broadcast facilities. It has now become clear that the most significant aspect of the problem is the common control of television stations and newspapers of general circulation. For, the studies presented in this record and otherwise available are in full agreement that the public looks primarily to these two sources for its news and information on public affairs. Other broadcast services and other printed publications are substantially less significant in this respect.[6]

27. The various groups which have studied the degree of public reliance on various forms of communications—television, radio, newspapers, magazines, other people or sources—are unanimous in the conclusion that television and the daily newspaper of general circulation are preeminent in importance. Thus, the Roper Research Associates 1969 Report on public attitudes toward television and other mass media (a 1959–1968 Study) shows that 59 percent of the people surveyed stated they depended on television as their source of most news in November 1968, up from 51 percent in December 1959.[7] Newspapers were second as a primary news source, with 49 percent reliance in November 1968, a drop from a 57 percent figure in December 1959. The other three categories which Roper used—radio, magazines and people—are now significantly less important than television and newspapers as primary sources of news. Radio led this group with 25 percent public reliance in November 1968, a drop from 34 percent in December 1959. However, radio percentages remained at an average of about 20 percent above "magazine" and "people" as primary news sources.

28. Gary A. Steiner, The People Look at Television (1963), found that the majority of the people surveyed consider television and newspapers as the most important primary sources of news, compared with magazines and radio. Steiner broke his survey group into categories of age, income, and size of city (location). Within this breakdown, the majority dependence on television and newspapers varied between the two with age, income and size of city. The percentage of people depending primarily on television decreased at age 40 and over, and dependence on newspapers increased at that point. At income levels below $5,000 there was a greater dependence on television for news than on newspapers. This reliance was reversed at income levels above $5,000. However, what is most significant is the overall substantial preference for television and newspapers as news sources.[8]

29. Finally, in an area study in Milwaukee, Media And Non-Media Effects On The Formation Of Public Opinion, 1969, filed in this proceeding by the National Association of Broadcasters (NAB), the American Institute for Political Communication reported that approximately 80 percent of the people surveyed relied on newspapers and television as their primary sources for news. They found as follows:

TABLE X: WHICH MEDIUM—RADIO, TELEVISION, NEWSPAPERS OR PERIODICALS—DO YOU GET MOST OF YOUR NEWS FROM? FROM WHICH THE LEAST?

—	Newspaper	Television	Radio	Magazine	No opinion
General Panel					
Medium most news gotten from	47.2	35.8	12.9	3.2	0.9
Medium least news gotten from	5.9	9.2	37.1	44.8	3.0
Leadership Panel					
Medium most news gotten from	79.2	12.6	4.1	4.1	0
Medium least news gotten from	0	16.6	41.7	41.7	0

30. As the Department of Justice's comments indicate, the incidence of common ownership of television stations and newspapers is high. In the top 50 markets, which the Department studied, they found 34 cities where a single owner controls at least one television station and one newspaper. These 34 television stations are controlled by, or control, 52 newspapers, since there is frequent joint control with papers in the same city. For example, in Baltimore, WBAL–TV is licensed to the Hearst Corp., which owns the News-Post and Sunday American. In Chicago, the Tribune Co. is the licensee of WGN–TV and also publishes the Chicago American and Chicago Tribune. In Wheeling, W. Va., WTRF–TV is affiliated with the Wheeling Intelligencer and the News Register.

[5] See, e.g., the 1941 rule making proceeding in which it was decided to treat the question on a case-by-case basis (6 F.R. 1580, 3302 (1941); 9 F.R. 702 (1944)).

[6] As the authorities cited in paragraph 16 of the first report and order (par. 3, supra) demonstrate, control of the sources of information and views on public issues is significant even though there may be an absence of any definitive measurement of the degree to which mass communications actually influence thought and behavior.

[7] This figure varied some from time to time. Thus, it was as high as 64 percent in Jan. 1967.

[8] Interestingly, in cities of 100,000 to 1 million or more, a greater percentage of those surveyed considered newspapers as a more important news source than television. This preference was also reflected in towns of less than 2,500 and in urban fringe areas. Cities of 2,500 to 100,000 and open country areas placed a greater reliance on television as a news source than on newspapers. Other questions indicated that radio is more important than newspapers for bringing the latest news more quickly, and that radio and television were close, and below newspapers, on completeness.

31. Our research on newspaper-television joint interests as of November 1969 indicates that 94 television stations are affiliated through common control with newspapers in the same city. In addition, of course, some newspapers own television stations in other cities which also serve the city in which the newspaper is located.

32. In view of the primary position of the daily newspaper of general circulation and the television broadcast station as sources of news and other information, and discussion of public affairs, particularly with respect to local matters, it is not desirable that these two organs of mass communication should be under the same control in any community. A direct parallel would be the ownership of two television stations in the same community by the same person, which the Commission without substantial disagreement from any source, has never permitted. The functions of newspapers and television stations as journalists are so similar that their joint ownership is, in this respect, essentially the same as the joint ownership of two television stations.

THE PROPOSAL

33. As stated previously, the record in this proceeding has led us to the view that amendments to the multiple ownership rules that would eliminate newspaper-broadcasting, or broadcasting, combinations in the same market may be in the public interest. Thus, for the purpose of promoting competition among the mass media involved, and maximizing diversification of services sources and viewpoints, we are proposing to adopt rules that would require divestiture of broadcasting or newspaper holdings. Although we do not set forth the specific terms of such rules, we are setting forth their substance and a description of the subjects and issues involved, pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. section 553(b)(3)(1966).

34. The rules which we propose would be aimed at reducing common ownership, operation, or control of daily newspapers and broadcasting stations within the same market. They would require divestiture, within 5 years, to reduce holdings in any market to one or more daily newspapers, or one television broadcast station, or one AM–FM combination. Under the provisions of the rules, if a broadcast station licensee were to purchase one or more daily newspapers in the same market, it would be required to dispose of any broadcast stations that it owned there within 1 year or by the time of its next renewal date, whichever is longer. No grants for broadcast station licenses would be made to owners of one or more daily newspapers in the same market.

35. To begin with, our proposal would result in separate TV interests, and separate newspaper interests, but would permit interests in combined AM–FM operations in the same market. This division of media has three bases. First, a study commissioned by NAB, entitled "The Effects of Common Ownership on Media Content and Influence," by George H. Litwin and William H. Roth, was filed in this proceeding by NAB. Among other things, that document summarized studies showing the relative "influence" of various media and suggested that the influence weight of TV was slightly greater than that of newspapers, but that each of those media had influence weights of more than twice that of AM and FM combined.

36. Second, it appears that the total expenditures by advertisers in the various media on a national basis in the years of 1964–68 have been as follows: Newspapers have received from about 4.1 to 5.2 billions of dollars per year; television from about 2.3 to 3.1 billions; and radio from about 0.8 to 1.1 billions (Television Factbook, Services Volume, 1969–70 Edition, No. 39, p. 71–a). Hence in terms of advertising revenues, newspapers and television each substantially exceed radio. Third, financial information reported to the Commission indicates that FM stations generally operate at a loss (see first report and order, paragraph 48). In view of the foregoing, it appears that from the standpoint of "influence" on the community as well as that of competition, not to mention financial realities that favor combined AM–FM operations, such combinations should be permitted—at least at the present time.

37. Under the rules adopted today in the first report and order, divestiture is, of course, not required. In view of this, our approach to AM–FM combinations in the same market was somewhat more stringent than that proposed here because of the desire to produce as much diversity as possible under the circumstances. Thus, AM–FM combinations could be sold to a single purchaser only on a showing by the seller that for economic or technical reasons the stations were so interdependent that they could not be sold separately.

38. We also stated in that document (note 17) that it was our intent to study further the matter of AM–FM combinations, in the light of the view, expressed by us on various occasions in recent years, that FM should not be an adjunct or supplement of AM, but that both AM and FM should be integral parts of a total aural service. We therefore invite comments on this subject generally, and specifically on whether divestiture should be required with regard to AM–FM combinations so that no party could own such a combination unless he had made a showing that the two stations were, for economic or technical reasons, so interdependent that one could not be sold separately.

39. It may be noted that the Selden argument about impact (paragraphs 12–16, supra) is based on the premise that forfeiture of licenses would be required and that this would often involve the loss of licenses to competing applicants at renewal time or distress sales of stations at a fraction of their value. Our proposal, however, is one of divestiture and not forfeiture, as may be seen, for it will give a period of 5 years in which to dispose of excess properties.*

40. It could reasonably be supposed that broadcast companies would make an effort to sell or exchange their stations prior to the expiration date. Since many broadcast companies would find themselves under the same necessity of disposal, station exchanges on a wide scale could no doubt be effected. No significant overall losses for the affected broadcast companies would result from such exchanges. In addition, the existence of alternative exchange opportunities would generally insure that such outright sales of stations as are made would not take place at distress prices. Moreover, sales taking place pursuant to rules requiring divestiture would be certified by the Commission to be necessary, within the meaning of section 1071 of the Internal Revenue Code of 1954, as amended, to effectuate the Commission's new multiple ownership rules, with resultant tax advantages.

41. Under these conditions, losses to investors should be minimal, and the prospect of increased concentration of control of the broadcast industry flowing from higher risk and financial difficulties, most unlikely. Indeed, even under the most extravagant assumptions of license losses and/or distress sales, the losses to small investors in mutual funds and pension funds would appear to be slight. It may be assumed from the former name of the mutual fund mentioned by Selden (Television-Electronics Fund) which described the status of its broadcast investments, that compared with most mutual funds, it has an unusually large proportion of its funds invested in broadcasting. Yet the value of its broadcasting securities accounted for less than two percent of its net assets, the bulk of which no doubt consisted of holdings in television stations (which are least likely to be sold in anticipation of divestiture).

42. Although our views expressed in the immediately preceding paragraphs suggest that divestiture may not be too disruptive, this does not mean that we are without substantial concern about the possible effects of separating the present colocated combinations, i.e., radio–TV, radio-newspaper, TV-newspaper, TV-radio-newspaper, on the service to be rendered by the individual units after divestiture (see, e.g., paragraphs 18–19, supra).

43. Such combinations are widespread. If stations or newspapers after divestiture were to become marginal or unprofitable, compared to a healthier status

*Divestiture has been required before by the Commission. For example, the forerunner of the present duopoly rules was section 3.35 which proscribed common ownership of more than one AM station rendering primary service to substantial overlapping areas. When it was adopted (Orders 84–A and 84–B, 8 F.R. 16065 (1943), 9 F.R. 3860 (1944)), licensees were required to dispose of AM facilities to meet the terms of the rule, although provision was made for exceptions if the public interest was considered to be served by such multiple ownership (11th Annual Report, F.C.C., p. 12 (1945)).

when combined, their srevice to the public would obviously deteriorate. Such situations might result from the loss of current savings in costs from the use of common facilities and personnel. They might also result from the loss of the financial support that an unprofitable station or newspaper receives from its profitable affiliate.

44. Quantitative information on cost savings and the effects of loss of such savings would be especially welcome in comments, as would information about financial support given to unprofitable affiliates. Comments are also invited on the Selden arguments presented above, and our evaluation of impact in paragraphs 39–41. In this connection, specific cases that would have an impact on small investors would be helpful to our consideration.

45. As stated, our proposal is one of divestiture and not forfeiture. In connection with the question of impact, comments are invited on such questions as to whether a period of 5 years is too short or too long, and whether divestiture should take place in stages to cushion the impact. As to stages, for example, the National Citizens Committee for Broadcasting has suggested as a first step the limiting of networks to one station in a market because of their dominant position in the largest markets. As a second step, it suggested divestiture in communities where there are few communications media or where there is a concentration of media in a few hands. Comments on these suggestions are invited as are suggestions for other ways of cushioning the impact.

46. By the term "daily newspapers" in our proposal, we mean daily newspapers of general circulation that are published in the market in question. We do not mean daily newspapers of general circulation in the market that are not published in the market. This leads to the question of the meaning of the term "market." In the rules adopted today in the first report and order, we carried forward the concept of overlapping service contours of broadcast stations that had been used under the previous duopoly rules. Hence common ownership of stations with overlapping of such contours is proscribed. Our reasons for doing this were stated there.

47. However, under the rules that we propose today, a new element is presented by the fact that newspapers do not have service contours. Comments are invited on how "market" should be defined for the purposes of the rules we propose. One approach would be to hold that common ownership of broadcast facilities and a daily newspaper of general circulation would be proscribed if the newspaper is published in a community lying within a specified contour of a broadcast station.

48. No doubt, many will challenge our authority to adopt the rules proposed. Comments or legal briefs on the subjects would be most welcome.

49. In the rules adopted today, we discussed the subject of minority cross-ownership interests (First report and order, paragraphs 69–73). We see no reason why the approach mentioned there should not be carried over into the rules proposed herein. Comments are, of course, invited.

50. The fact that we have requested comments on specified matters mentioned above is not meant to limit discussion in any way. Interested parties are invited to comment on any and all aspects of our proposal.

51. Authority for the adoption of proposed amendments is contained in sections 4 (i) and (j), and 303 of the Communications Act of 1934, as amended.

52. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 15, 1970, and reply comments on or before August 17, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the comments invited by this further notice. The aforementioned substantial period of time in which to file comments is being provided in view of the importance of the proposal herein.

53. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 25, 1970.

Released: April 6, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[*]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-4405; Filed, Apr. 9, 1970; 8:48 a.m.]

[*] Concurring and dissenting statement of Chairman Burch, concurring statement of Commissioner Robert E. Lee, and dissenting statement of Commissioner Wells filed as part of original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 70-88]

CRUDE PETROLEUM

Excessive Moisture and Impurities

APRIL 6, 1970.

Notice of change in quantity for which no allowance may be granted.

In response to a request for a new determination of the quantity of sediment and water in importations of crude petroleum for which no allowance may be granted under section 507 of the Tariff Act of 1930 (19 U.S.C. 1507), there was published in the FEDERAL REGISTER for December 16, 1969 (34 F.R. 19724), a notice of the Bureau's proposal to reduce such quantity from 1 percent to 0.3 percent.

Interested persons were given an opportunity to submit relevant data, views, or arguments in writing regarding the proposed change. The comments received favored the change.

It is, therefore, hereby determined that sediment and water in excess of 0.3 percent in importations of crude petroleum may properly be considered as "excessive moisture and impurities not usually found in or upon such or similar merchandise" under section 507 of the tariff act and section 15.7 of the Customs Regulations.

Effective date. Since this ruling recognizes an exemption good cause is found for dispensing with the 30-day delayed effective date provision of 5 U.S.C. 553. This ruling shall be effective after the expiration of 10 days after the publication of this notice in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 70-4401; Filed, Apr. 9, 1970; 8:48 a.m.]

[T.D. 70-86]

INSULATED COPPER CABLE

Classification

APRIL 2, 1970.

Decision in C.D. 3886, holding insulated copper cable classifiable under the provision for electrical articles not specially provided for in item 688.40, Tariff Schedules of the United States, limited.

In C. J. Tower & Sons of Buffalo, Inc. v. United States, C.D. 3886 (decided September 18, 1969), the U.S. Customs Court held that insulated copper cable in continuous rolls, used as both heating and conducting cable, was classifiable under the provision for electrical articles not specially provided for in item 688.40, Tariff Schedules of the United States (TSUS), rather than under the provision for articles of copper, not coated or plated with precious metals, in item 657.30 of the tariff schedules, as claimed by the Government. The court concluded that inasmuch as the plaintiff had failed to establish that the cable was used chiefly as an electrical conductor, it was precluded from finding that the cable was classifiable under the provision for insulated electrical conductors, without fittings, in item 688.05, TSUS (now item 688.04, TSUS).

Inasmuch as the Government has concluded that the merchandise is principally used for electrical conduction purposes, merchandise of the type involved in C.D. 3886 shall be classifiable under the provisions of Item 688.04 TSUS.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 70-4402; Filed, Apr. 9, 1970; 8:48 a.m.]

Internal Revenue Service

FRANK EDWARD GRIMALDI

Notice of Granting of Relief

Notice is hereby given that Frank Edward Grimaldi, 1051 West Avenue, Buffalo, N.Y., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about April 4, 1940, in the Erie County Court, Buffalo, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frank Edward Grimaldi because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Frank Edward Grimaldi to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Frank Edward Grimaldi's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Frank E. Grimaldi be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of April 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-4389; Filed, Apr. 9, 1970; 8:47 a.m.]

HAROLD L. THOMAS

Notice of Granting of Relief

Notice is hereby given that Harold L. Thomas, 14925 Middlebelt Road, Livonia, Mich. 48154, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 18, 1941, in the Circuit Court for the County of Wayne, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harold L. Thomas because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C.; Appendix), because of such conviction, it would be unlawful for Harold L. Thomas to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harold L. Thomas' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority, vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Harold L. Thomas be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of April 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-4390; Filed, Apr. 9, 1970; 8:47 a.m.]

ROBERT GUY WINEBARGER

Notice of Granting of Relief

Notice is hereby given that Robert Guy Winebarger, Conover, N.C., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 25, 1937, by the U.S.D.C. for the Western District of North Carolina at Statesville, N.C., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Winebarger because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Winebarger to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Winebarger's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Mr. Winebarger be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of April 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-4391; Filed, Apr. 9, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U-11462]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 3, 1970.

The National Science Foundation, Washington, D.C., has filed application for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws, subject to existing valid rights.

The applicant desires the land for the operation of a geophysical observatory which, because of the nature of the work, will prohibit any concurrent use of the land, except use permitted under the Taylor Grazing Act. The land has been withdrawn for similar purposes since 1962 by the Department of the Air Force.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 6 S., R. 21 E.,
Sec. 4, lots 1, 2, 3, 4, S½N½, S½ (all);
Sec. 5, lots 1, 2, 3, 4, S½N½, S½ (all);
Secs. 8 and 9, all.

The above area aggregates 2,312.21 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-4388; Filed, Apr. 9, 1970; 8:47 a.m.]

National Park Service

WHITE SANDS NATIONAL MONUMENT

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 T. L. and Thelma Womack authorizing them to continue to provide concession facilities and services for the public at White Sands National Monument, Alamogordo, N. Mex., for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioners have performed their obligations under an expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, are entitled to be given preference in the negotiation of a new contract. 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: April 3, 1970.

THOMAS FLYNN,
Assistant Director,
National Park Service.

[F.R. Doc. 70-4363; Filed, Apr. 9, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CLEVELAND CLINIC FOUNDATION

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

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

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

Docket No. 70-00189-33-46040. Applicant: The Cleveland Clinic Foundation, 2020 East 93d Street, Cleveland, Ohio 44106. Article: Electron microscope, Model JEM-50. Manufacturer: Japan Electron Optics Laboratory Co., Japan.

Intended use of article: The article will be used exclusively in the rapid scanning and topographical selection by a trained technician of adequate ultrathin sections for ultrastructural evaluation. These samples will be chosen from a large number of tissue blocks obtained from segmental coronary artery lesions following reparative vascular surgery in patients with cineangiographic evidence of localized coronary artery disease.

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

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

Reasons: The foreign article is a relatively simple, compact and mobile nonscanning electron microscope with a single (50 kilovolt) accelerating voltage, a resolution of 50 angstroms and magnifications of 2,000X, 3,000X, and 4,000X which are well within the magnification range of a light microscope. The only known domestic electron microscope available at the time the foreign article was ordered was the Model EMU-4 which was then manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The domestic Model EMU-4 electron microscope is a relatively complex instrument designed for research which had 8 angstroms resolution, 50- and 100-kilovolt accelerating voltages, and a magnification range of 400 to 200,000 magnifications (X) with a pole piece change.

We are advised by the Department of Health, Education, and Welfare in a memorandum dated January 29, 1970, that the capability of the foreign article to screen large numbers of specimens for later study with high resolution microscopy is pertinent.

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

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

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

[F.R. Doc. 70-4362; Filed, Apr. 9, 1970; 8:45 a.m.]

Office of the Secretary

[Dept. Organization Order 10-4]

ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

Authority and Functions

The following order was issued by the Secretary of Commerce effective April 1, 1970. This material supersedes the material appearing at 33 F.R. 9310 of June 25, 1968.

SECTION 1. *Purpose.* This order prescribes the scope of authority of the Assistant Secretary for Economic Development and the functions of the Economic Development Administration.

SEC. 2. *General.* Pursuant to the authority vested in the Secretary by law, the Economic Development Administration (the "Administration") is continued as a primary operating unit of the Department of Commerce.

SEC. 3. *Designation of positions.* .01 The position of Assistant Secretary of Commerce, established by Title VI of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121) (the "Act") shall continue to be designated the Assistant Secretary for Economic Development (the "Assistant Secretary"), and shall continue to serve as the operating head of the Administration.

.02 The following Deputy Assistant Secretarial positions are continued as the principal assistants of the Assistant Secretary:

Deputy Assistant Secretary for Economic Development.
Deputy Assistant Secretary for Economic Development Operations,
Deputy Assistant Secretary for Policy Coordination, and
Deputy Assistant Secretary for Economic Development Planning.

SEC. 4. *Delegation of authority.* .01 The Assistant Secretary is hereby delegated the functions, powers, duties, and authorities vested in the Secretary of Commerce by:

a. The Act except that:

1. Reports to the Congress required by section 707 of the Act shall be transmitted by the Secretary.

2. The functions, powers, duties, and authorities contained in Title V—Regional Action Planning Commissions, and that part of section 601(a) relating to coordinating the Federal Cochairmen shall be excluded from this delegation.

3. Appointment of a National Public Advisory Committee on Regional Economic Development as required by section 602 of the Act shall be reserved to the Secretary.

b. The Manpower Development Training Act of 1962, as amended (42 U.S.C. 2571).

c. Section 217 of Public Law 89-298 (42 U.S.C. 3142a) relating to rivers and harbors projects.

.02 The Assistant Secretary may redelegate any functions, powers, duties and authority conferred on him by this order to any officer of the Economic Development Administration subject to such conditions as he may prescribe.

SEC. 5. *General functions.* The Assistant Secretary shall have primary responsibility for domestic economic development activities of the Department of Commerce except those relating to Regional Commissions. In carrying out this responsibility, the Assistant Secretary shall:

a. Serve as the principal advisor to the Secretary on economic development responsibilities and activities.

b. Propose general Federal policies for the Secretary to establish relating to economic development of undeveloped or underdeveloped portions of the country.

c. Designate redeveloped areas, economic development districts and economic development centers in accordance with provisions of the Act and terminate such designations when conditions require.

d. Encourage and assist State and local agencies in planning and carrying out economic development programs for designated areas, districts and centers; establish guides as to nature, scope, content, and format of any overall economic development programs submitted for approval; and review, evaluate, and act upon requests for approval of overall economic development programs.

e. Consistent with approved overall economic development programs, encourage and assist State and local agencies in developing proposals for technical and financial assistance through loans, guarantees, and grants, including assistance for public works and development facilities, review, evaluate and act upon requests for approval of economic development projects; and develop, issue and interpret policy guides and criteria to be followed by other agencies performing functions under these financial assistance programs.

f. Determine occupational training and retraining needs in redevelopment areas, in consultation with the Department of Labor, and coordinate training in accordance with applicable provisions of law.

g. Coordinate the Administration's plans for specific grants and loans for economic development assistance within the boundaries of Regional Commissions

with the Federal Cochairmen of the Commissions involved, consulting with the Special Assistant for Regional Economic Coordination as may be required; and review and comment on proposed Regional Commission comprehensive long-range plans and on plans for specific projects.

h. Perform or sponsor research applicable to authorities delegated the Assistant Secretary; perform or provide for growth studies for specific areas, districts and centers; perform special studies and compile information related to economic development; and make the results of research and studies compiled available to Government agencies or others interested in economic development.

i. Serve as a principal advisor to the Secretary on matters dealt with by the Federal Advisory Council on Regional Economic Development, including recommendations of the Council to promote effective coordination of the activities of the Federal Government relating to regional economic development.

j. Establish and maintain effective relations with other Federal agencies and national organizations concerned with policies and programs for economic development.

k. Within resources available, provide professional and administrative assistance on a reimbursable basis as may be requested by the Special Assistant for Regional Economic Coordination or by the Federal Cochairmen.

l. Provide assistance to the Secretary in connection with matters related to meetings of the National Public Advisory Committee on Regional Economic Development, such assistance to include the provision of executive secretariat services for the Committee.

m. Serve as the Department's point of contact with international organizations concerned with economic development, and in consultation with the Secretary determine the Department's representation at meetings of such organizations.

n. Issue such rules and regulations as may be required to carry out these functions.

SEC. 6. *Special administrative arrangements.* Pending the establishment of a separate appropriation for activities authorized by Title V of the Act, as amended, the Assistant Secretary shall allot funds, in amounts approved by the Secretary, to the Special Assistant for Regional Economic Coordination, such allotments to be from appropriations of the Economic Development Administration enacted to carry out Title V and to perform activities related to administration of the Act. These allotments shall be made with the understanding that the Special Assistant for Regional Economic Coordination shall have, for the funds so allotted, the same responsibility as prescribed for the heads of primary operating units in the management and control of funds entrusted to them, and that such responsibility of the Special Assistant for Regional Economic Coordination shall be to the Secretary rather than to the Assistant Secretary.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-4367; Filed, Apr. 9, 1970; 8:45 a.m.]

[Dept. Organization Order 15-5]

OFFICE OF REGIONAL ECONOMIC COORDINATION

Establishment and Functions

The following order was issued by the Secretary of Commerce effective April 1, 1970. This material supersedes the material appearing at 33 F.R. 9311 of June 25, 1968.

SECTION 1. *Purpose.* This order establishes the Office of Regional Economic Coordination and prescribes its functions.

SEC. 2. *General.* The Office of Regional Economic Coordination (the "Office") is hereby established as a Departmental office. The Office shall be headed by the Special Assistant to the Secretary for Regional Economic Coordination (the "Special Assistant") who shall report and be responsible to the Secretary.

SEC. 3. *Functions.* The Office of Regional Economic Coordination is responsible for assisting the Secretary with respect to his responsibilities relating to Regional Action Planning Commissions, the Appalachian Regional Commission (collectively, the "Regional Commissions") and the Federal Field Committee for Development Planning in Alaska (the "Field Committee"), and to those aspects of his responsibility for promoting effective coordination of the activities of the Federal Government relating to regional economic development that bear on economic development regions. These responsibilities relate to title V and section 601(a) of the Public Works and Economic Development Act of 1965; as amended (the "Act") (42 U.S.C. 3121), and in Executive Orders 11386 and 11182.

In performing these functions, the Special Assistant shall, where necessary, assist the Federal Cochairmen, and in dealings with the Regional Commissions shall work through the Federal Cochairmen.

Specifically, the Office shall:

a. Propose or review proposals for the designation of economic development regions and the establishment of Regional Commissions, and, as requested, study for the Secretary the advisability of altering the geographic area of a designated region.

b. Assist the Federal Cochairmen in providing effective and continuing liaison for the Secretary between the Federal Government and each Regional Commission and between the Federal Government and the Field Committee.

c. Develop for the Secretary, in cooperation with the Federal Cochairmen, guidelines for the use of funds appropriated under title V of the Act, including standards for meeting the requirements of section 604 for proper and efficient management of projects; and review for the Secretary's action proposed budgets and subsequent financial plans submitted by the Federal Cochairmen on behalf of the Regional Commissions.

d. Be responsible for issuance of instructions (in accord with paragraph 7.02a of the Department of Commerce Handbook of Accounting Principles and Standards) to establish and administer a system of fund control over funds appropriated for Regional Development Programs, as authorized by title V of the Act. The instructions shall include provisions to assure that Federal Cochairmen, in accord with financial plans and amounts approved by the Secretary, will have final authority to commit such funds for Federal grants and supplements approved by the Regional Commissions and for technical, planning assistance, and administrative grants to the Regional Commissions.

e. Assist the Secretary in communicating to the Federal Cochairmen and the Chairman of the Field Committee such general policies affecting regional economic development and such other forms of program guidance and policy direction with respect to their Federal functions as the Secretary may establish.

f. Recommend actions to assure coordination between the Regional Commissions (acting through the Federal Cochairmen) and the Economic Development Administration and between the Regional Commissions and other Commerce organizations, such coordination being with respect to the planning, development, and execution of economic development activities, including individual projects; and initiate, as may be necessary, steps to implement approved coordination measures.

g. Assist the Secretary in achieving effective coordination of the activities of the Federal Government relating to economic development regions.

h. Together with the Federal Cochairmen obtain a coordinated review within the Federal Government of plans (including comprehensive long-range economic development plans), programs, proposals, and recommendations submitted by the Regional Commissions and the Field Committee; based on such coordinated review, comment on and present such matters to the Secretary for appropriate action.

i. Serve as Executive Secretary of the Federal Advisory Council on Regional Economic Development (the "Council") established by Executive Order 11386, and provide staff support to the Council in its performance of review, policy development, and recommendatory functions set forth in the Executive order and as may be requested by the Secretary.

j. Perform or sponsor for the Secretary research related to objectives of title V of the Act, coordinating such research plans with the Federal Cochairmen.

k. Develop, in collaboration with the Federal Cochairmen, proposed agreements or memoranda of understanding

between the Federal Cochairmen and other Federal agencies when required for the conduct of Regional Commission programs; attempt to resolve by mutual agreement any questions of policy that may arise between a Federal Cochairman and a Federal department or agency, and, as necessary, propose action to the Secretary for resolving such questions.

l. Review and advise the Secretary on the proposed annual reports to be transmitted to the Congress by each Regional Commission as required by section 510 of the Act and section 304 of the Appalachian Regional Development Act.

m. As requested by the Secretary, review the effectiveness of programs of Regional Commissions and the Field Committee in achieving legislative objectives, and submit recommendations thereon to the Secretary, and, when appropriate, to the Federal Cochairmen or the Chairman of the Field Committee.

n. Perform such other duties as may be necessary to assist the Secretary and the Federal Cochairmen, including the development of policies and legislative proposals relating to economic development regions.

o. Provide budgetary services to the Federal Cochairmen, and arrange for the provision of other support services by units of the Office of the Secretary directly to the Federal Cochairmen as may be required.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-4368; Filed, Apr. 9, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12451]

ETHAMIVAN PARENTERAL AND ORAL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations marketed by USV Pharmaceuticals Corp., 800 Second Avenue, New York, N.Y. 10017:

1. Emivan Tablets containing 20 milligrams or 60 milligrams ethamivan per tablet (NDA 12-451).

2. Emivan Parenteral containing 50 milligrams ethamivan per cubic centimeter (NDA 12-452).

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

I. Ethamivan Parenteral:

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report and concludes that when used parenterally, ethamivan is possibly effective as a central nervous system and respiratory stimulant for the claims made in its labeling.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the product, and not previously submitted.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

II. Ethamivan Oral:

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report and concludes that there is a lack of substantial evidence that ethamivan is effective when administered orally as a central nervous system and respiratory stimulant for any of the claims made in its labeling; that is, for use in respiratory depression associated with CO_2 accumulation, for central nervous system depression intoxication, for recovery from general anesthesia; and to supplement the respiratory stimulating effects of the specific narcotic antagonists (levallorphan tartrate or nalorphine hydrochloride). Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug application for this drug.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug, and any interested person who may be adversely affected by removal of this drug from the market, to submit any pertinent data bearing on the proposal not later than 30 days following the date of publication of this announcement in the FEDERAL REGISTER. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the product, and not previously submitted.

This announcement of the proposed action and implementation of the NAS-NRC report for Emivan Tablets is made to give notice to persons who might be adversely affected by withdrawal of this drug from the market. Promulgation of an order withdrawing approval of the new-drug application will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holder of the new-drug applications for this drug has been mailed a copy of the NAS-NRC reports. Any interested person may obtain a copy of a report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12451 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for NAS-NRC reports: Press Relations Office (CE-300).
Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 26, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-4369; Filed, Apr. 9, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21866-4]

DOMESTIC PASSENGER FARE INVESTIGATION

Notice of Hearing

Domestic passenger fare investigation, phase 4—joint fares.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 8, 1970, beginning at 10 a.m., d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

For information concerning the issues involved and other details concerning this proceeding, interested persons are referred to the prehearing conference report and other documents on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C. April 6, 1970.

[SEAL] E. ROBERT SEAVER,
Hearing Examiner.

[F.R. Doc. 70-4410; Filed, Apr. 9, 1970; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

INTERPROJECT SHIPPING SERVICES, INC., AND KUEHNE & NAGEL, INC.

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 agreement, 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 for approval by:

Wm. H. Schmidt, Executive Vice President, Interproject Shipping Services, Inc., 30 Church Street, New York, N.Y. 10007.

Agreement No. FF 70-5 between Interproject Shipping Services, Inc. (Interproject), and Kuehne & Nagel, Inc., provides for the establishment of an exclusive cooperative working arrangement between the two parties. Interproject has applied to the Commission for an independent ocean freight forwarders license, and Kuehne & Nagel, Inc., holds Independent Ocean Freight Forwarder License No. 1162.

The terms of the agreement provide for the sharing of office space and rent expense, and both firms will maintain certain common officers and directors as set forth in the agreement. Except for broad policy decisions which from time to time may be made by the common President/Treasurer, the two firms will be operated as separate entities with separate facilities, books, records, and employees.

Dated: April 7, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-4413; Filed, Apr. 9, 1970; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 6, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 7, 1970, through April 16, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-4400; Filed, Apr. 9, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1446 etc.]

CONTINENTAL OIL CO. 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]

APRIL 1, 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, such 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 May 18, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
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.
RI70-1446	Continental Oil Co.	341	[2] [4] 3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Cameron Block 193 Field, Offshore Louisiana) (Federal).	$2,500	3-2-70	[1] 4-2-70	[1] 4-3-70	[5] [11] 19.5	[7] [11] 20.0	
	do	158	[2] [4] 14	Transcontinental Gas Pipe Line Corp. (West Cameron Block 110, Eugene Island 126 et al., Offshore Louisiana) (Federal).	13,493	3-2-70	[1] 4-2-70	[1] 4-3-70	[11] 19.0	[7] [11] 20.0	
	do	154	[2] [4] 26	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East Cameron Block 64, West Cameron Block 192 Fields, Offshore Louisiana) (Federal).	2,000	3-2-70	[1] 4-2-70	[1] 4-3-70	[11] 19.0	[7] [11] 20.0	
	do	342	[2] [4] 1	Michigan Wisconsin Pipe Line Co. (Eugene Island and South Marsh Island Areas, Offshore Louisiana) (Federal).	46,500	3-2-70	[1] 4-2-70	[1] 4-3-70	[5] [11] 19.5	[7] [11] 20.0	
	do	183	[2] [4] 19	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 41 and Block 47 Fields, Offshore Louisiana) (Zone 3).	12,000	3-2-70	[13] 11-1-69	[1] 11-2-70	[11] 19.0	[7] [11] 20.0	
	do	138	[2] [4] 25	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Delta Block 41 and Grand Isle Block 43 Fields, Offshore Louisiana) (Zone 3).	54,000	3-2-70	[13] 11-1-69	[1] 11-2-70	[11] [17] 19.5	[7] [11] 20.0	
RI70-1447	Cities Service Oil Co.	302	[2] [4] 1	Michigan Wisconsin Pipe Line Co. (Eugene Island and South Marsh Island Areas, Offshore Louisiana) (Federal).	46,500	3-4-70	[1] 4-4-70	[1] 4-5-70	[5] [19] 19.5	[7] [11] 20.0	
RI70-1448	Shell Oil Co.	358	[2] [20] 4	Trunkline Gas Co. (South Timbalier and Ship Shoal Areas, Offshore Louisiana) (Federal).	202,000	3-3-70	[21] 4-3-70	[1] 4-4-70	[5] [11] 19.5	[7] [11] 20.0	
RI70-1449	Mobil Oil Corp.	321	[2] [4] 13	United Gas Pipe Line Co. (Burnell and North Pettus Fields, Karnes, Bee, and Goliad Counties, Tex.) (RR. District No. 2).	177	3-2-70	[13] 3-2-70	[1] 3-3-70	16.00	[23] [24] 16.06	

[3] Includes documents establishing newly discovered reservoirs which entitles respondent to higher ceiling rates in accordance with Opinion No. 567.
[4] Applicable only to gas well gas sales from newly discovered reservoirs.
[5] The stated effective date is the first day after expiration of the statutory notice.
[6] The suspension period is limited to 1 day.
[7] Filed pursuant to Opinion No. 546-A bases on the determination in Opinion No. 567.
[8] Pressure base is 15.025 p.s.i.a.
[9] Pursuant to Opinion No. 567.
[10] Condition (2) attached to temporary certificate prohibiting changes in the initial rate.
[11] Settlement rate for Federal domain gas. Increase to 20.5 cents suspended in RI68-82 but never placed into effect.
[12] For basic acreage. Effect subject to refund in Docket No. RI64-748. Increase to 20.5 cents suspended in RI68-82 but never placed into effect.
[13] Temporary certificated initial rate. Subject to a 16.5-cent refund floor.
[14] Increase to 20.5 cents suspended in RI68-82 but never placed into effect.
[15] The stated effective date is the effective date provided by Opinion No. 567.
[16] For acreage added by Supplement No. 16 (Amendment dated Mar. 1, 1967).
[17] For acreage added by Supplement No. 10 (Amendment dated Aug. 31, 1964).
[18] Temporary certificated initial rate, subject to a 16.5-cent refund floor.
[19] Condition (2) attached to temporary certificate prohibiting changes in the initial rate.
[20] Buyer has disagreed with the discovery dates of 2 of the 10 reservoirs involved (J and BP Reservoirs).
[21] The stated effective date is the effective date requested by respondent.
[22] The stated effective date is the date of filing pursuant to Commission's Order No. 390.
[23] Tax reimbursement increase.
[24] Pressure base is 14.65 p.s.i.a.

Continental Oil Co. (Continental) requests an effective date of November 1, 1969, for four of its six proposed rate increases herein. Cities Service Oil Co. also requests an effective date of November 1, 1969, for its proposed rate increase. Mobil Oil Corp. (Mobil) requests an effective date of November 1, 1969, for its proposed tax reimbursement increase. Good cause has not been shown for waiving the 30-day notice requirement provide 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.

Six of the proposed rate increases herein are proposing increases pursuant to Opinion No. 546–A based on the determinations in Opinion No. 567. Opinion No. 546–A lifted the moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price and permitted such producers to file for contractually authorized increases up to the 20 cents area base rate established in Opinion No. 546 for onshore gas. Four of the increases are from initial rates under temporary certificates containing a condition (2) provision prohibiting changes in such initial rates. We believe that it would be in the public interest to waive the condition (2) provisions in the four temporary certificates involved herein and that the rate increases filed by the six producers, mentioned above, should be suspended for 1 day from the date of expiration of the statutory notice.

The proposed increases filed by Continental (Supplements Nos. 19 and 25 to Continental's FPC Gas Rate Schedule Nos. 183 and 138, respectively) involve gas well gas produced from newly discovered reservoirs in the disputed zone, offshore Louisiana. The rates proposed are equal to the area base rate established in Opinion No. 546 for third vintage gas well gas produced from within the State's taxing jurisdiction but exceeds the rate for gas well gas produced in the Federal domain. Consistent with prior Commission action on similar increases, we believe that Continental's two proposed increases should be suspended for 1 day from November 1, 1969, and thereafter Continental should be permitted to collect the increased rate subject to refund of those amounts attributable to the 1.5-cent difference in the offshore and onshore area rate paid for gas finally held to have been produced from the Federal domain.

Mobil's proposed rate increase herein reflects the 0.5-percent increase in the production tax from 7.0 percent to 7.5 percent enacted by the State of Texas on September 9, 1969. Mobil's proposed increase exceeds the area ceiling for Texas RR. District No. 2 as set forth in the Commission's statement of general policy No. 61–1, as amended, and should be suspended for 1 day from the date of filing, March 2, 1970, pursuant to the Commission's Order No. 390 issued October 10, 1969.

[F.R. Doc. 70–4285; Filed, Apr. 9, 1970; 8:45 a.m.]

[Project No. 2398]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for Withdrawal of Application for License

APRIL 2, 1970.

Public notice is hereby given that application for withdrawal of application for license has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a–825r) by Central Vermont Public Service Corp. (correspondence to: Porter E. Noble, Vice President and General Counsel, Central Vermont Public Service Corp., 77 Grove Street, Rutland, Vt. 05701) for the constructed West Dummerston Plant, designated as Project No. 2398, located on West River, Windham County, Vt., in the vicinity of the city of Brattleboro and town of West Dummerston.

According to the application, the dam was damaged by high water in 1967 and the cost of repairs to the dam necessary to continue the operation of the plant would have rendered such operation uneconomical. Consequently, the dam was completely removed.

Any person desiring to be heard or to make any protest with reference to said

application should on or before May 25, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determinating the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-4387; Filed, Apr. 9, 1970; 8:47 a.m.]

[Docket No. RP70-26]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

APRIL 3, 1970.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg) on March 25, 1970, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on May 1, 1970. The proposed rate changes would increase charges for jurisdictional sales by approximately $60,300 annually, based on volumes for the 12-month period ended June 30, 1969. The proposed increase would be applicable to Lawrenceburg's two jurisdictional rate schedules, CDS-1 and EX-1.

Lawrenceburg states that the reason for the proposed increase is occasioned solely by, and will compensate Lawrenceburg only for, an increase in its cost of purchased gas resulting from the filing of proposed increased rates by its sole supplier, Texas Gas Transmission Corp. on November 7, 1969, in Docket No. RP70-14. In case of suspension of the proposed rate increase, Lawrenceburg requests that the increased rates be suspended to no later than May 16, 1970, the date to which the proposed rate increase of Texas Gas was suspended in Docket No. RP70-14.

Copies of the filing were served on Lawrenceburg's customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-4366; Filed, Apr. 9, 1970; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

BAYSIDE GRAPHIC ARTS, INC.

Order Establishing Board of Contract Appeals and Appointing Members

In the matter of the appeal of Bayside Graphic Arts, Inc., Contractor, under Department of Labor Contract, No. 09-8-7014-000.

Pursuant to § 29-60.11 of Part 29-60 of the regulations of the Department of Labor (34 F.R. 5169, March 13, 1969), I hereby establish a Board of Contract Appeals consisting of John B. Mealy, Chairman, Frances A. Ambursen and James Kline, Jr., to hear the appeal of the above-named contractor under the disputes clause of the indicated contract.

Signed at Washington, D.C., this 3d day of April 1970.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 70-4398; Filed, Apr. 9, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 7, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 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. 41932—*Various commodities from and to East Baytown, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-143), for interested rail carriers. Rates on various commodities, in carloads and tank carloads, as described in the application, from and to points in East Baytown, Tex.

Grounds for relief—Rate relationship.

Tariffs—Supplements 51, 154, 268, and 109 to Southwestern Freight Bureau, agent, tariffs ICC 4847, 4753, 4564, and 4773, respectively.

FSA No. 41933—*Dextrine to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-146), for interested rail carriers. Rates on dextrine, in bags or in bulk, in carloads, as described in the application, from specified points in Illinois, Indiana, Iowa, Kansas, and Missouri, to Bayport, East Baytown, and Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 51 to Southwestern Freight Bureau, agent, tariff ICC 4847.

FSA No. 41934—*Iron or steel skelp to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-155), for interested rail carriers. Rates on skelp, iron, or steel, in carloads, as described in the application, from Ashland, Ky., New Boston and Portsmouth, Ohio, to Bayport, East Baytown, and Houston, Tex.

Grounds for relief—Water competition.

Tariff—Supplement 154 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-4396; Filed, Apr. 9, 1970; 8:47 a.m.]

[Notice 55]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 6, 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 703 (Sub-No. 19 TA), filed April 1, 1970. Applicant: HINCHCLIFF MOTOR SERVICE, INC., 3400 South Pulaski Road, Chicago, Ill. 60623. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products*, from Bremen, Ind., to Kankakee, Ill., for 150 days. Supporting shipper: Stauffer Chemical Co., 1246 Merchandise Mart, Chicago, Ill. 60654. Send protests to: Roger Buchanan, Interstate Commerce Commission, Bureau

of Operations, 1086 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 35396 (Sub-No. 37 TA), filed March 25, 1970. Applicant: ARNOLD LIGON TRUCK LINE, INC., 1600 Oliver Street, Indianapolis, Ind. 46221. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between the junction of U.S. Highway 41 with the Kentucky-Tennessee State line, near Guthrie, Ky., and Henderson, Ky., serving no intermediate points, and serving the junction of U.S. Highway 41 with the Kentucky-Tennessee State line, Nortonville, Ky., and Hopkinsville, Ky., for the purposes of joinder only; from the junction of U.S. Highway 41 with the Kentucky-Tennessee State line over U.S. Highway 41 to Henderson and return over the same route; (2) between Louisville, and Nortonville, Ky., serving no intermediate points, and serving Nortonville and Beaver Dam, Ky., for purposes of joinder only; from Louisville over U.S. Highway 31W to Elizabethtown, Ky.; thence over U.S. Highway 62 to Nortonville and return over the same route; (3) between Fort Campbell, and Hopkinsville, Ky., serving no intermediate points and serving Fort Campbell and Hopkinsville for purposes of joinder only, from Fort Campbell over U.S. Highway 41A to Hopkinsville and return over the same route, for 180 days. NOTE: Applicant states that it will be tacked with authority in MC 35396 so as to serve between Louisville, Ky.; Evansville, Ind.; and Nashville, Tenn. Supporting shipper: No supporting shipper information or letter was included with the instant application. Applicant states it presently holds appropriate authority to perform the requested service and therefore service is already being performed. The reason for the application is a proposed sale of that authority, such information being furnished in appropriate BMC 44 and BMC 46 applications. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 52704 (Sub-No. 80 TA), filed March 30, 1970. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, except in bulk, from Gramercy, La., to points in North Carolina and South Carolina, for 180 days. Supporting shippers: Colonial Sugars Co., Gramercy, La. 70052; Mangum Brokerage Co., Post Office Box 11284, Charlotte, N.C. 28209; United Brokers, Inc., of North Carolina, Post Office Box 9124, Greensboro, N.C. 27403. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 76032 (Sub-No. 253 TA), filed March 23, 1970. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William F. Schenkein, 1205 South Platte River Drive, Denver, Colo. 80223. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, and household goods as defined by the Commission), serving the plantsite and warehouse facilities of American Hospital Supply Corp. at or near Waukegan, Ill., as off-route point in connection with applicant's presently authorized operations to and from Chicago, Ill., for 180 days. NOTE: Applicant states that Docket No. MC 76032, will be tacked at Chicago, Ill. Supporting shipper: American Hospital Supply, 2020 Ridge Avenue, Evanston, Ill. 60201. Send protests to: District Supervisor C. W. Buckner, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 83539 (Sub-No. 275 TA), filed March 30, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks, Post Office Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* with or without attachments; (2) *Tractor attachments* and (3) *Parts of tractors and tractor attachments* when moving in mixed loads with said commodities, from Topeka, Kans., to points in the United States (except Alaska and Hawaii), for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Allis-Chalmers, Industrial Tractors and Equipment Division, Topeka, Kans. 66601. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 107162 (Sub-No. 25 TA), filed March 20, 1970. Applicant: NOBLE GRAHAM, Route No. 1, Brimley, Mich. 49715. Applicant's representative: Phillip H. Porter, 110 East Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and Chemicals* used in the manufacture of fertilizer, from the plantsites of Swift Agricultural Chemical Co. at or near Dubuque, Iowa, and Jackson, Wis., to points in the Upper Peninsula of Michigan, with no transportation on return except as otherwise authorized, for 180 days. NOTE: Applicant states that there will be no tacking nor is interlining intended. Supporting shipper: Swift Agricultural Chemicals Corp., Post Office Box 152, Madison, Wis. 53701; (By Robert A. Chisholm, Area Sales Manager). Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 107295 (Sub-No. 341 TA), filed March 23, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos siding, materials, and accessories*, from the plantsite of GAF Corp. at St. Louis, Mo., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: GAF Corp., Elm Street, South Bound Brook, N.J. 08880. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 342 TA), filed March 23, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems; hardwood flooring; lumber and lumber products; and accessories used in the installation thereof*, from Ishpeming, Mich., and White Lake, Wis., to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Virginia, West Virginia, and Washington, D.C., for 180 days. Supporting shipper: Robbins Flooring Co., Ishpeming, Mich. 49849. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 109708 (Sub-No. 46 TA), filed March 27, 1970. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., Post Office Box 1749, Fort Pierce, Fla. 33450. Applicant's representative: R. William Becker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juices*, in bulk, in tank vehicles, from Fort Pierce, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. NOTE: Applicant intends to tack with MC-FC 71791. Supporting shipper: Indian River Foods, Inc., Post Office Box 1749 (Selvitz Road), Fort

Pierce, Fla. 33450. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 105, Cox Building, 5720 Southwest 17th Street, Miami, Fla. 33155.

No. MC 110525 (Sub-No. 966 TA), filed March 30, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil products No. 2, No. 4, No. 5, and No. 6*, in bulk, in tank vehicles, from Scranton, Pa., to points in Broome, Chenango, Delaware, Greene, Tioga, Cortland, Otsego, and Tompkins Counties, N.Y., for 180 days. Supporting shipper: Hess Oil & Chemical Division, Amerada Hess Corp., 1 Hess Plaza, Woodbridge, N.J. 07095. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 293 TA), filed March 31, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit, and accounting media of all kinds, and advertising materials moving therewith*, (a) between Salem (Essex County), Mass., on the one hand, and, on the other, points in Albany, Allegany, Bronx, Essex, Fulton, Nassau, New York, Orange, Putnam, Queens, Schenectady, and Westchester Counties N.Y.; points in Hartford, Litchfield, Middlesex, New Haven, New London, and Tolland Counties, Conn.; points in Bristol, Kent, Newport, Providence (except Providence, R.I.), and Washington Counties, R.I.; and points in Maine; (b) between Park Ridge, Ill., and Fremont, Ohio; (c) between Bettendorf and Davenport (Scott County), Iowa, on the one hand, and, on the other, points in Boone, Bureau, Carroll, Cook, Henry, Knox, Lee, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stevenson, Warren, Whiteside, Winnebago, and Woodford Counties, Ill.; (d) between Paulding, Ohio, on the one hand, and, on the other, Cleveland, Lima, and Toledo, Ohio, and Fort Wayne, Ind., on traffic having an immediately prior or subsequent movement by air;

(2) *Engineering drawings, blueprints and results of tested materials and small auto parts, and emergency small repair parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Paulding, Ohio, on the one hand, and, on the other, Cleveland, Lima, and Toledo, Ohio, and Fort Wayne, Ind., on traffic having an immediately prior or subsequent movement by air;

(3) *Cut flowers and decorative greens*, having an immediately prior or subsequent movement by air or motor vehicle, between points in New York and Pennsylvania, for 180 days. Supporting shippers: There are approximately seven statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 294 TA), filed March 31, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit, and accounting media of all kinds* between Mason City, Iowa; Chicago, Ill.; Green Bay, Wis.; and Fond du Lac, Wis.; and Lincoln, Nebr.; (2) *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, between Texarkana, Ark., on the one hand, and, on the other, points in Bowie and Cass Counties, Tex., having an immediately prior or subsequent movement by air; (3) *Biopsy specimens, laboratory specimens, living tissue, and laboratory supplies*, such as containers used for drawing and storing laboratory specimens, glass bottles, and glass slides, (a) between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas; Fulton, Ky.; Corinth, Iuka, and Tunica, Miss.; and points in Mississippi north of U.S. Highway 80; Doniphan, Hayti, Kennett, and West Plains, Mo.; and points in Missouri, on and south of U.S. Highway 84; (b) between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, on traffic having an immediately prior or subsequent movement by air; (4) *Whole human blood, blood plasma, blood derivatives and related products, such as empty containers*, (a) between Peoria, Ill., on the one hand, and, on the other, Centerville, Clinton, De Witt, and Iowa City, Iowa; (b) between Memphis, Tenn., on the one hand, and on the other, points in Arkansas, north of U.S. Highway 80 and points in Missouri, on and south of U.S. Highway 84; (c) between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, on traffic having an immediately prior or subsequent movement by air;

(5) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Rockford, Ill., and Louisville, Ky.; (6) *Ophthalmic goods and commercial papers* (except cash letters), between Toledo, Ohio, on the one hand, and, on the other, Adrian, Dundee, Hillsdale, Milan, Monroe, Morenci, and Tecumseh, Mich.; (7) *Small service and repair parts for heavy road equipment*, such as gears, pins, rings, springs, bearings, rods, clutches, brakes, plugs, switches, fuel injectors, and carburetors, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day; (a) between St. Louis, Mo., on the one hand, and, on the other, Joliet and Morton, Ill.; points in Alexander, Calhoun, Clay, Crawford, Edwards, Effingham, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Madison, Marion, Massac, Pope, Pulaski, Richland, Saline, St. Clair, Union, Wabash, Wayne, White, and Williamson Counties, Ill.; and Indianapolis, Ind.; (b) between Jefferson City and Sikeston, Mo., on the one hand, and, on the other, Joliet, Marion, Morton, and Salem, Ill.; (c) between Marion and Salem, Ill., on the one hand, and, on the other, Indianapolis, Ind.; and Jefferson City, Kansas City, and Sikeston, Mo., for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, Bureau of Operations, District Supervisor Anthony Chiusano, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112520 (Sub-No. 215 TA), filed March 30, 1970. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, from St. Marks and Port St. Joe, Fla., to points in Alabama, for 180 days. Supporting shippers: Atlas Southern Corp., Post Office Box 1200, Tallahassee, Fla. 32302; Southern Terminal & Transport Co., Post Office Drawer 1200, Tallahassee, Fla. 32302. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113388 (Sub-No. 96 TA), filed March 30, 1970. Applicant: LESTER C. NEWTON TRUCKING CO., Post Office Box 618, Seaford, Del. 19973. Applicant's representative: Robert E. Scott, Post Office Box 618, Seaford, Del. 19973. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Caribou, Maine, to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, for 180 days. Supporting shipper: American Kitchen Foods, Inc., Caribou, Maine; L. M. Greiner, Production Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 115162 (Sub-No. 194 TA), filed March 30, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen Ala. 36401. Applicant's representative: Robert E. Tate, Post Office Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated homes*, complete, knocked down or in sections, and when transported in connection with the transportation of such homes, *component parts thereof and equipment and materials* incidental to the erecting and completion of such homes, in trailers equipped, with verticle racks, from the plantsite of Gulf Coast Building & Supply Co. of the Southeast, Inc., at Mobile, Ala., to points in Harris County, Tex., for 180 days. Supporting shipper: Gulf Coast Building & Supply Co. of the Southeast, Inc., Post Office Box 2008, Mobile, Ala. 36601. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 115570 (Sub-No. 6 TA), filed March 23, 1970. Applicant: WALTER A. JUNGE, INC., Post Office Box 98, Antioch, Calif. 94509. Applicant's representative: J. A. Junge (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, pulpboard, fiberboard, and articles manufactured therefrom and materials, supplies, and machinery and machinery parts*, from between plantsites and warehouse facilities of Fibreboard Corp., 475 Brannan Street, San Francisco, Calif. 94119, located in Oregon, Washington, and California, on the one hand, and, on the other, points located in Idaho, Montana, and Utah, for 180 days. Supporting shipper: Fibreboard Corp., 475 Brannan Street, San Francisco, Calif. 94119. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 116982 (Sub-No. 6 TA), filed March 30, 1970. Applicant: FUCHS, INC., 306 Water Street, Sauk City, Wis. 53583. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials and agricultural chemicals*, such as but not limited to insecticides, herbicides, fungicides, pesticides, and rodenticides when shipped with fertilizer or fertilizer materials, from the plant and warehouse facilities of Swift Agricultural Chemicals Corp. at Dubuque, Iowa, to points in Wisconsin, limited to a transportation service to be performed under a continuing contract, or contracts, with Swift Agricultural Chemicals Corp., Chicago, Ill., for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside Plaza, Chicago, Ill. 60606. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 117815 (Sub-No. 158 TA), filed March 26, 1970. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the plant of Swift Fresh Meats Co., Glenwood, Iowa, to South St. Paul, Minn., and Oshkosh and Green Bay, Wis., for 180 days. Supporting shipper: Swift Fresh Meats Co., Division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119669 (Sub-No. 8 TA), filed March 20, 1970. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk in tank vehicles), from Washington, Evansville, and Indianapolis, Ind., and Louisville, Ky.; to points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Maryland, Virginia, West Virginia, District of Columbia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Louisiana, Wisconsin, Minnesota, Illinois, and Michigan, for 180 days. Supporting shipper: Armour & Co., 401 North Wabash Avenue, Chicago, Ill. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119765 (Sub-No. 19 TA), filed March 30, 1970. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, Iowa 51521. Applicant's representative: Henry G. Nelsen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A, to appendix I (except commodities in bulk in tank vehicles and hides), from Glenwood, Iowa, to Rochelle and Elgin, Ill., and points in the Chicago, Ill., commercial zone including points in Indiana, for 180 days. Supporting shipper: Swift Fresh Meats Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 120800 (Sub-No. 26 TA), filed March 31, 1970. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, in vacuum jacketed trailers, from Michoud, La., to Mississippi Test Facility, Bay St. Louis (Santa Rosa) Miss., for 150 days. Supporting shipper: Department of Defense, MTMTS, Washington, D.C. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123124 (Sub-No. 4 TA), filed March 26, 1970. Applicant: W. A. BOOTH, doing business as BOOTH DELIVERY SERVICE, 408 15th Street North, Fargo, N. Dak. 58102. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, from Fargo, N. Dak., to points in Marshall, Kittson, Roseau, and Lake of the Woods Counties, Minn., and Rolette, Bottineau, and Renville Counties, N. Dak., for 180 days. Supporting shipper: Swift & Co., 800 N.P. Avenue, Fargo, N. Dak. 58102. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 123639 (Sub-No. 128 TA), filed March 27, 1970. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from the plantsite and storage facilities of Sioux-Preme Packing Co. at or near Sioux Center, Iowa, to points in Arizona, Colorado, Illinois, Indiana, Kansas, Michigan, Missouri, for 180 days. Supporting shipper: L. R. Walsh, Vice President, Sioux-Preme Packing Co., Post Office Box 177, Sioux Center, Iowa 51250. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123695 (Sub-No. 4 TA), filed March 30, 1970. Applicant: BRIGGS TRANS., INC., 1 Brownstone Avenue, Portland, Conn. 06480. Applicant's representative: Reubin Kaminsky, Suite 211, Society Plaza, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasolines*, in bulk, in tank

vehicles, from Portland, Conn., to Greenfield, Mass., restricted to service to be performed under continuing contract or contracts with Cities Service Oil Company of New York, N.Y., for 180 days. Supporting shipper: Cities Service Oil Co., Oil Center Building, Box 300, Tulsa, Okla. 74102. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 124174 (Sub-No. 78 TA), filed March 27, 1970. Applicant: MOMSEN TRUCKING CO., Highways 71 and 18 North, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blue chrome split trimmings*, from Pittsfield, N.H., to Gowanda, N.Y., for 180 days. Supporting shipper: Suncook Tanning Corp., 99 South Street, Boston, Mass. 02111. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124241 (Sub-No. 9 TA), filed March 26, 1970. Applicant: REX WELLS AND RAY WELLS, doing business as WELLS BROTHERS, 584 Sparks Street, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), from Buhl, Idaho, to points in Nevada, for 150 days. NOTE: Authority sought herein will not be tacked to other authority held. Supporting shipper: Carter Packing Co., Buhl, Idaho 83316. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 129625 (Sub-No. 1 TA), filed April 1, 1970. Applicant: ROBERT J. COLE, doing business as ROBERT COLE TRUCKING, Rural Delivery No. 3, Indiana, Pa. 15701. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and logs*, from points in Crawford, Forest, Venango, and Warren Counties, Pa., to points in New York, for 150 days. Supporting shipper: Booher Lumber Co., Inc., La Fayette, N.Y. Send protests to: District Supervisor Frank L. Calvary, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 133434 (Sub-No. 2 TA), filed March 31, 1970. Applicant: CONGRESSIONAL MOVERS, INC., 8961 D'Arcy Road, Upper Marlboro, Md. 20870. Applicant's representative: R. J. Gallagher, Suite 3020, Empire State Building, 350 Fifth Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Washington, D.C., points in Anne Arundel, Calvert, Charles, Howard, Prince Georges, Montgomery, and St. Mary's Counties, Md., and Alexandria, Arlington, Fairfax, and Prince William Counties, Va., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, and the District of Columbia, for 180 days. Supporting shippers: Lenkin Realty Co., 2424 Pennsylvania Avenue NW., Washington, D.C. 20037; Norman Bernstein Management, Inc., 2025 Eye Street NW., Washington, D.C. 20006; Max C. Schwartz Real Estate, Post Office Box 1420, Deale, Md. 20751; H. L. Rust Co., 1001 15th Street, Washington, D.C. 20005. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2218, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 133565 (Sub-No. 4 TA), filed March 31, 1970. Applicant: TRUE TRANSPORT, INC., 839 River Road, Edgewater, N.J. 07020. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in containers or trailers, over irregular routes, between points in the New York, N.Y., commercial zone as defined by the Commission, within which local operations may be conducted under the exempt provisions of section 203(b)(8) of the Act, on the one hand, and, on the other, Edgewater and Weehawken, N.J., restricted to traffic having a prior or subsequent movement by water, for 150 days. NOTE: Applicant seeks specific authority to tack and combine at Edgewater and Weehawken, N.J., the authority sought herein with the temporary authority it now holds in No. MC-133565 (Sub-No. 1 TA); In MC-133565 (Sub-No. 1 TA) applicant holds authority to transport the commodities named above between Edgewater and Weehawken, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and portions of New York and Pennsylvania. Supporting shipper: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133655 (Sub-No. 25 TA), filed March 25, 1970. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, Tex. 79105. Applicant's representative: Harley E. Laughlin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as defined, from Pampa, Tex., to points in Massachusetts, New Jersey, New York, Pennsylvania, North Carolina, South Carolina, Georgia, Florida, Alabama, and Los Angeles, Calif., for 150 days. Supporting shipper: Western Beef Packers, Inc., Post Office Box 701, Pampa, Tex. 79065. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 133655 (Sub-No. 26 TA), filed March 31, 1970. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, Tex. 79105. Applicant's representative: Harley E. Laughlin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as defined, from Dodge City, Kans., to points in Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, South Carolina, Pennsylvania, and Washington, D.C., for 150 days. Supporting shipper: Darrell M. Staggs, Traffic and Beef Manager, Hyplains Dressed Beef, Inc., Box 539, Dodge City, Kans. 67801. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 134272 (Sub-No. 2 TA) filed March 24, 1970. Applicant: DAY & ROSS, LTD., Hartland, New Brunswick, Canada. Applicant's representative: F. E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm and industrial machinery, attachments, and parts* from ports of entry on the international boundary, between the United States and Canada located in Maine, New Hampshire, Vermont, New York, and Michigan to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, District of Columbia, Ohio, North Carolina, South Carolina, Georgia, Florida, Virginia, West Virginia, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Michigan, Wisconsin, Maryland, and Louisiana, for 180 days. Supporting shipper: Thomas Equipment, Ltd., Centreville, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, Maine 04112.

No. MC 134301 (Sub-No. 2 TA), filed March 31, 1970. Applicant: AIRLINE SERVICES (CANADA) LTD., Indian

Line and Elm Bank, Malton, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment parts*, limited to shipments of 1,000 pounds or less, from Ports of entry on the Niagara River, on the international boundary line between the United States and Canada, to Batavia, N.Y., for 150 days. Supporting shipper: International Business Machines Co., Ltd., 1150 Eglinton Avenue, Toronto, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 134367 (Sub-No. 1 TA), filed March 30, 1970. Applicant: VAN WINKLE TRUCKING, INC., 1040 Troy-Schenectady Road, Latham, N.Y. 12110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to immediate prior or subsequent movement by air, between Albany County Airport, N.Y., on the one hand, and, on the other, points in Warren, Fulton, Montgomery, Saratoga, Washington, Schenectady, Rensselaer, and Albany Counties, N.Y., for 150 days. Supporting shippers: Hilts-Willard Glove Corp., Gloversville, N.Y. 12078; Conroy Gloves, 110 South Market Street, Johnstown, N.Y. 12095; Fleming Joffe Ltd., Johnstown, N.Y. 12095; National Association Glove Manufacturers, 52 South Main Street, Gloversville, N.Y. 12078; Nibco of N.Y. Division, South Glens Falls, N.Y. 12801; General Electric Co., John St., Hudson Falls, N.Y. 12839. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 134375 (Sub-No. 1 TA), filed April 1, 1970. Applicant: ELDON GRAVES, doing business as GRAVES TRUCKING, 17 West Washington Avenue, Yakima, Wash. 98903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat cracklings*, in bulk, from points in Yakima and Kittitas Counties, Wash., to Portland, Oreg., for 180 days. Supporting shippers: Wilbur-Ellis Co., Post Office Box 8838, Portland, Oreg. 97208; H & H Packing Co., Post Office Box 1421, Yakima, Wash. 98901; Western Packing Co., Post Office Box 522, Toppenish, Wash. 98948. Send protests to: District Supervisor W. J. Huerig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 134389 (Sub-No. 1 TA), filed March 27, 1970. Applicant: WILLIAM MILLICAN, doing business as MILLICAN TRANSFER, 2121 Main Street, Victoria, Va. 23974. Applicant's representative: J. G. Dail, Jr., 1111 E Street, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Victoria, Va., to points in Virginia, restricted to shipments having an immediately prior movement by for-hire carrier, under a continuing contract with Hygrade Food Products Corp., for 150 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 134458 TA, filed April 1, 1970. Applicant: BUD'S CHAMPLIN SERVICE, INC., doing business as BUD's WRECKER SERVICE, 406 First Avenue West, Spencer, Iowa 51301. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Repossessed vehicles*, from all points in the United States (except Alaska, Hawaii and Nebraska), to Omaha, Nebr.; (2) *wrecked, disabled, stolen, and replacement vehicles*, including trailers (but not those classified as mobile homes), between points in the United States east of the eastern boundaries of Montana, Wyoming, Colorado, and New Mexico, for 180 days. NOTE: Authority is sought to transport wrecked and disabled vehicles even though such transportation normally falls within the exemption of section 203(b)(10) because, in many cases, the wrecked and disabled vehicles will first be taken to a garage where they will then be picked up by applicant. Supporting shippers: Kenworth Sales & Service, 7502 L Street, Omaha, Nebr. 68127; Special Commodities Division, All American Transport, Post Office Box 756, Sioux Falls, S. Dak.; Spencer Brokerage Co., Box 332, Spencer, Iowa; Momsen Trucking Co., Box 309, Spencer, Iowa; Lowell E. Wyse, Inc., Archbold, Ohio 43502. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304, Post Office Building, Sioux City, Iowa 51101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-4394; Filed, Apr. 9, 1970; 8:47 a.m.]

[Notice 56]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 7, 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 28961 (Sub-No. 24 TA), filed March 25, 1970. Applicant: McDUFFEE MOTOR FREIGHT, INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Cincinnati, Ohio, and Middlesboro, Ky., serving no intermediate points; from Cincinnati over U.S. Highway 25 to Lexington; thence over U.S. Highway 27 to Camp Dick Robinson; thence Kentucky Highway 34 to Danville, Ky.; thence U.S. Highway 150 to Mount Vernon, Ky.; thence U.S. Highway 25 to Corbin, Ky.; thence U.S. Highway 25E to Middlesboro, Ky.; (2) between Lexington and Nicholasville, Ky., serving no intermediate points and serving Nicholasville for purposes of joinder only; from Lexington over U.S. Highway 27 to Nicholasville and return over the same route, for 180 days. NOTE: Applicant will tack with authority in certificate MC 28961 so as to continue Louisville-Lexington, Ky., and Cincinnati-Middlesboro, Ky., service. Supporting shipper: No supporting shipper information or letter was included with the instant application. Applicant states it presently holds appropriate authority to perform the requested service and therefore service is already being performed. The reason for the application is a proposed sale of that authority, such information being furnished in appropriate BMC 44 and BMC 46 applications. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 107295 (Sub-No. 340 TA), filed March 23, 1970. Applicant: PRE-FAB

TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials, and materials used in the installation and application of such commodities* (except iron and steel and commodities in bulk), from the plantsite and warehouse facilities of Certainteed Products Corp. at Chicago Heights, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Certain-Teed Products Corp., 120 East Lancaster Avenue, Ardmore, Pa. 19003. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 109172 (Sub-No. 6 TA), filed March 25, 1970. Applicant: NATIONAL TRANSFER, INC., doing business as NATIONAL MOTOR FREIGHT, 4100 East Marginal Way South, Seattle, Wash. 98134. Applicant's representative: George Karginis, 609–11 Norton Building, Seattle, Wash. 98014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers or vans; cargo containers or vans and their contents; and general commodities shipped in cargo containers or vans having prior or subsequent movement by water*, between points in Oregon and Washington, and between points in Washington, for 180 days. Alaska Hydro-Train, Post Office Box 3783, Seattle, Wash. 98124; American Mail Line, 1010 Washington Building, Seattle, Wash. 98101; International Shipping Co., Inc., Norton Building, Seattle, Wash. 98104; Kerr Steamship Co., Inc., 1402 Northern Life Tower, Seattle, Wash. 98101; Overseas Shipping Co., Northern Life Tower, Seattle, Wash. 98101; Shipping Co., Northern Life Tower, Seattle, Wash. 98101; Transpacific Transportation Co., Norton Building, Seattle, Wash. 98104. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 110393 (Sub-No. 28 TA), filed March 25, 1970. Applicant: GEM TRANSPORT, INC., 1559 East 10th Street, Post Office Box 397, Jeffersonville, Ind. 47130. Applicant's representative: R. Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration (except commodities in bulk in tank vehicles), from Evansville, Ind.; Washington, Ind.; and Louisville, Ky.; to points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Maryland, Virginia, West Virginia, District of Columbia, Michigan, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Louisiana, Wisconsin, Minnesota, and Illinois, for 180 days. Supporting shipper: Armour & Co., 401 North Wabash Avenue, Chicago, Ill. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 118959 (Sub-No. 83 TA) (Correction), filed March 13, 1970, published in the FEDERAL REGISTER issue of March 25, 1970, and republished as part corrected, this issue. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. NOTE: The purpose of this partial republication is to correct the commodity description and address of shipper, which should read: "Galvanized steel chain link fence fabric, galvanized steel fence posts, galvanized steel tubing, wire, and chain link fence fittings and accessories. Supporting Shipper: Atlantic Fence Manufacturing Co., 130 South Frederick Street, Cape Girardeau, Mo. 63701." The rest of the application remains the same as previous publication.

No. MC 134150 (Sub-No. 1 TA), filed March 23, 1970. Applicant: DOETCH DISTRIBUTING, INC., 1231 Blue Gum Street, Anaheim, Calif. 92806. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Natural, artificial, and imitation dairy products*, unfrozen, but requiring the use of vehicles providing temperature control; (a) from points in Merced County, Calif., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin; (b) from points in Los Angeles and Orange Counties, Calif., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, Ohio, Pennsylvania, and Wisconsin; (2) *sauces and salad dressing*, unfrozen, but requiring the use of vehicles providing temperature control, from Gustine, Calif., to points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Wisconsin; (3) *commodities otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act*, when transported in the same vehicle and at the same time with commodities described in (1) and (2) above, from points in Arizona and California, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin, for 180 days. Supporting shippers: Favorite Foods Inc., 1901 Via Burton, Fullerton, Calif. 92631; Calavo, Box 3486 Terminal Annex, Los Angeles, Calif. 90054; Avoset Food Corp., 80 Grand Avenue, Oakland, Calif. 94612; Ship Rite Truck Brokers, Inc., 1309 East Seventh, Los Angeles, Calif. 90021. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134443 TA, filed March 25, 1970. Applicant: LESTER COGGINS TRUCKING, INC., Post Office Box 69, 2744 East Edison, Fort Myers, Fla. 33901. Applicant's representative: Lester A. Coggins (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in growing and shipping horticultural commodities when transported at the same time and in the same vehicle with agricultural commodities exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act (requiring refrigeration); (1) from points in Charlotte, Lee, and Orange Counties, Fla., to points in Alabama, Georgia, Kentucky, Mississippi, Ohio, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; (2) from Ashtabula, Barberton, and Cleveland, Ohio, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; shipments destined to points in the States of Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia are restricted to the delivery of agricultural commodities exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act and require refrigeration, for 180 days. Supporting shippers: Yoder Brothers of Florida, Inc., Box 1507, Fort Myers, Fla.; Yoder Brothers, Inc., Barberton, Ohio. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 105, Cox Building, 5720 Southwest 17th Street, Miami, Fla. 33155.

No. MC 134450 TA, filed March 30, 1970. Applicant: CARTAGE LEASING CO., INC., 17–02 Alden Terrace, Fair Lawn, N.J. 07410. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), for the account of First National Stores, in shipper-owned trailers; between the warehouse of First National Stores at South Kearny, N.J., and stores warehouses of First National Stores located at points in Connecticut, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., for 150 days. Supporting shipper: First National Stores Inc., 123 Pennsylvania Avenue, South Kearny, N.J. 07032. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-4395; Filed, Apr. 9, 1970; 8:47 a.m.]

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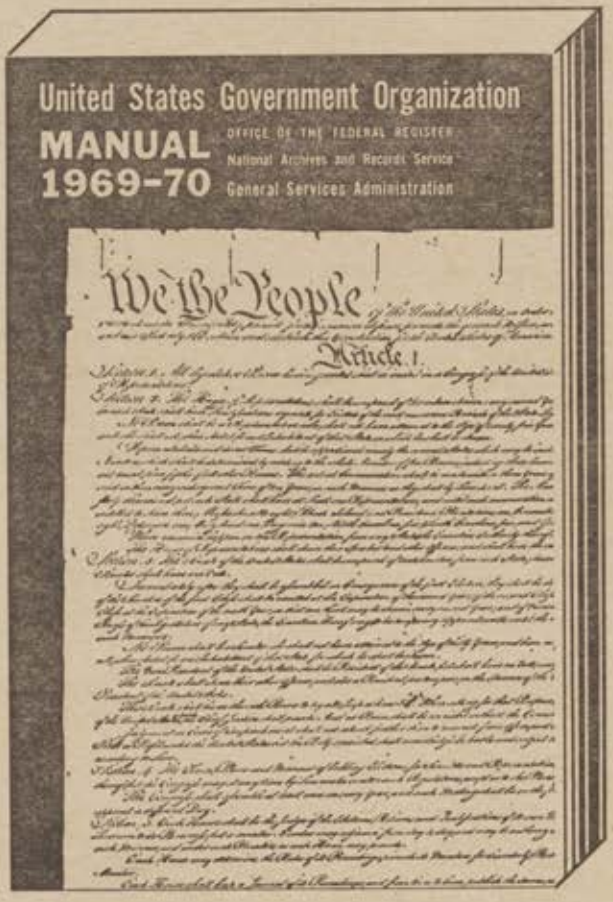

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