

FEDERAL REGISTER

VOLUME 34

• NUMBER 94

Friday, May 16, 1969

• Washington, D.C.

Pages 7759-7844

Agencies in this issue—

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Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Water Pollution Control Administration
Food and Drug Administration
General Services Administration
Interstate Commerce Commission
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1949-1963

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Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Price: \$6.75

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

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[Reg. Docket No. 9576; Amdt. 649]

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 amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition					Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
PAE VOR	BF LOM	Direct	3000	T-dn%	300-1	300-1	200-1½	
SEA VOR	BF LOM	Direct	3000	C-d	800-1	800-1	800-1½	
Burton VHF Int.	BF LOM	Direct	3000	C-n	800-2	800-2	800-2	
Lofall VHF Int.	BF LOM (final)	Direct	2200	A-dn	800-2	800-2	800-2	

Radar available.

Procedure turn S side of crs. 308° Outbnd, 128° Inbnd, 2200' within 10 miles.

Minimum altitude over facility on final approach crs. 2200'; over LMM, 1000'.

Crs and distance, facility to airport, 128°—6.4 miles; LMM to airport, 128°—1.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing BF LOM, climb straight ahead to intercept the 000° bearing from SE LOM, thence turn right climb to 2000' direct to SE LOM.

%Takeoffs all runways: Climb visually over the airport to 300' then climb direct to SEA VOR. Continue climb on R 265° SEA VOR within 10 miles to cross SEA VOR

V-2N, 4300'; V-2, 2000'; V-2S, 4000'; V-4S, 4000'.

MSA within 25 miles of facility: 000°—180°—5500'; 180°—270°—6800'; 270°—360°—6100'.

City, Seattle; State, Wash.; Airport name, Boeing Field International; Elev., 17'; Fac. Class., LOM; Ident., BF; Procedure No. NDB (ADF) Runway 13R, Amdt. 9; Eff. date, 5 June 69; Sup. Amdt. No. NDB (ADF) Runway 13; Dated, 21 Oct. 67

PAE VOR	SZ LOM	Direct	3000	T-dn%	300-1	300-1	200-1½
SEA VOR	SZ LOM	Direct	2600	C-d	800-1	800-1	800-1½
Burton VHF Int.	SZ LOM	Direct	2800	C-n	800-2	800-2	800-2
Black Diamond VHF Int.	SZ LOM	Direct	3200	A-dn	800-2	800-2	800-2
Lofall VHF Int.	SZ LOM	Direct	3000				

Radar available.

Procedure turn S side of crs. 122° Outbnd, 302° Inbnd, 2000' within 10 miles.

Minimum altitude over Tukwila Int on final approach crs. 1400'; over SZ LOM, 800'.

Crs and distance, Tukwila Int to airport, 302°—2.1 miles; SZ LOM on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing Tukwila Int, or within 0 mile after passing SZ LOM, climb to 2200' direct to BF LOM.

%Takeoffs all runways: Climb visually over the airport to 300' then climb direct to SEA VOR. Continue climb on R 265° SEA VOR within 10 miles to cross SEA VOR

V-2N, 4300'; V-2, 2000'; V-2S, 4000'; V-4S, 4000'.

MSA within 25 miles of facility: 000°—180°—6200'; 180°—360°—4500'.

City, Seattle; State, Wash.; Airport name, Boeing Field International; Elev., 17'; Fac. Class., LOM; Ident., SZ; Procedure No. NDB (ADF) Runway 31L, Amdt. 9; Eff. date, 5 June 69; Sup. Amdt. No. NDB (ADF) Runway 31; Dated, 11 Apr. 68

2. 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:

Barrow, Alaska—Wiley Post-Will Rogers Memorial, NDB (ADF)—1, Orig., 20 Jan. 1968 (established under Subpart C).
 Battle Creek, Mich.—W. K. Kellogg Regional, NDB (ADF) Runway 22, Amdt. 3, 8 Apr. 1967 (established under Subpart C).
 Daytona Beach, Fla.—Daytona Beach Municipal, NDB (ADF) Runway 6, Amdt. 8, 4 Nov. 1967 (established under Subpart C).
 Galena, Alaska—Galena, NDB (ADF) Runway 25, Amdt. 11, 26 Sept. 1968 (established under Subpart C).
 Houston, Tex.—Andrau Airpark, ADF 1, Amdt. 9, 14 Jan. 1967 (established under Subpart C).
 Houston, Tex.—David Wayne Hooks Memorial, NDB (ADF) Runway 16, Orig., 15 July 1967 (established under Subpart C).
 Ontario, Calif.—Ontario International, ADF 1, Amdt. 22, 9 July 1966 (established under Subpart C).
 Owensboro, Ky.—Owensboro-Daviess County, ADF 1, Amdt. 1, 9 Apr. 1966 (established under Subpart C).
 Sheboygan, Wis.—Sheboygan County Memorial, ADF 1, Orig., 18 Aug. 1966 (established under Subpart C).
 Waco, Tex.—Waco Municipal, NDB (ADF) Runway 18, Amdt. 5, 14 Oct. 1967 (established under Subpart C).
 Charlotte Amalie, St. Thomas, V. I.—Harry S. Truman, VOR 1, Amdt. 5, 9 Apr. 1966 (established under Subpart C).
 Daytona Beach, Fla.—Daytona Beach Municipal, VOR Runway 16, Amdt. 7, 4 Nov. 1967 (established under Subpart C).
 Galena, Alaska—Galena, VOR 1, Amdt. 4, 23 Apr. 1966 (established under Subpart C).
 Madisonville, Ky.—Madisonville Municipal, VOR Runway 23, Amdt. 1, 29 Aug. 1968 (established under Subpart C).
 Marshall, Mich.—Brooks Field, VOR Runway 28, Orig., 17 Aug. 1967 (established under Subpart C).
 Medford, Ore.—Medford-Jackson County, VOR 1, Amdt. 9, 5 Nov. 1966 (established under Subpart C).
 Panama City, Fla.—Panama City-Bay County, VOR Runway 14, Amdt. 1, 14 Oct. 1967 (established under Subpart C).
 Panama City, Fla.—Panama City-Bay County, VOR Runway 22, Amdt. 1, 14 Oct. 1967 (established under Subpart C).
 Waco, Tex.—Waco Municipal, VOR 1, Amdt. 9, 16 Apr. 1966 (established under Subpart C).
 Wixom, Mich.—Spencer Field, VOR Runway 36, Orig., 18 Nov. 1967 (established under Subpart C).

3. 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:

Montgomery, N.Y.—Orange County, VOR 1, Amdt. 2, 3 July 1965, canceled, effective 5 June 1969.

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

Battle Creek, Mich.—W. K. Kellogg Regional, TerVOR-4, Amdt. 6, 13 June 1964 (established under Subpart C).
 Battle Creek, Mich.—W. K. Kellogg Regional, TerVOR-22, Amdt. 4, 30 Nov. 1963 (established under Subpart C).
 Battle Creek, Mich.—W. K. Kellogg Regional, TerVOR-31, Orig., 15 Aug. 1964 (established under Subpart C).
 Muncie, Ind.—Delaware County/Johnson Field, TerVOR-14, Amdt. 1, 16 Apr. 1966 (established under Subpart C).
 Muncie, Ind.—Delaware County/Johnson Field, TerVOR-32, Orig., 19 Mar. 1966 (established under Subpart C).
 Owensboro, Ky.—Owensboro-Daviess County, TerVOR-5, Amdt. 3, 9 Apr. 1966 (established under Subpart C).
 Owensboro, Ky.—Owensboro-Daviess County, TerVOR-35, Amdt. 3, 9 Apr. 1966 (established under Subpart C).

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

Lancaster, Ohio—Anchor Hocking, TerVOR (R-090), Amdt. 1, 23 July 1966, canceled, effective 5 June 1969.

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

Galena, Alaska—Galena, VOR/DME No. 1, Amdt. 1, 23 Apr. 1966 (established under Subpart C).
 Medford, Ore.—Medford-Jackson County, VOR/DME No. 1, Amdt. 4, 5 Nov. 1966 (established under Subpart C).
 Medford, Ore.—Medford-Jackson County, VOR/DME No. 2, Amdt. 2, 5 Nov. 1966 (established under Subpart C).
 Waco, Tex.—Waco Municipal, VOR/DME Runway 32, Amdt. 2, 25 Mar. 1967 (established under Subpart C).

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

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

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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			
From—	To—			Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	200-1/2
				C-dn.....	700-1	700-2	700-2
				S-dn-31.....	600-1	600-1	600-1
				A-dn.....	800-2	800-2	800-2

Procedure turn not authorized.

Minimum altitude over 5-mile Radar Fix on final approach crs, 1500'.

Crs and distance, 5-mile Radar Fix to airport, 314°—5 miles.

If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 5 miles after passing 5-mile Radar Fix or crossing 214° bearing from the UR LOM, climbing right turn to 4000' on LGA VOR, R 045° to Standard Int and hold. Cross Scarsdale Int at 3000' or above. Hold NE, 1 minute, left turns, 225° inbound.

NOTES: Radar required.

Supplementary charting information: 369' building, 3.1 miles SE of airport; 828' building, 1.8 miles SE of airport.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Facility, I-GDI; Procedure No. LOC (BC) Runway 31, Amdt. Orig.; Eff. date, 5 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LDA

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less 65 knots or less	More than 2-engine, more than 65 knots	More than 2-engine, more than 65 knots
				T-dn.....	300-1	300-1	200-1½
				C-dn.....	NA	NA	NA
				S-dn-15.....	700-2	700-2	700-2
				A-dn.....	1000-2	1000-2	1000-2
				VGS inoperative minimums#			
				S-dn-15.....	700-2	700-2	700-2

Radar required.
Radar vectors will be provided to intercept final approach crs.
NW of #VGS interception point.
Procedure turn not authorized.
Final approach crs, 146°.
Minimum altitude at #VGS interception Inbnd, 2500'.
Altitude of glide slope and distance to abeam approach end of runway at OM, 1820'—5.3 miles; at MM, 796'—2.1 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 3.5 miles after passing OM or at DH, make a right-climbing turn direct to Washington RBN at 1800'. Hold S, 1 minute, left turns, 001° Inbnd.
#VGS (Vertical Guidance System) This guidance is provided by standard glide slope equipment and is paired in frequency with the localizer—no special tuning required.
CAUTION: 596' Washington Monument, 1.7 miles N of airport.
Jet operations restricted between hours of 2300 and 0700 local time. See AIM.
Inoperative components table does not apply to this procedure. Reductions for lighting aids not authorized.
Supplementary charting information: Start profile at approximately 8 miles from end of runway at MEA 2500'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Facility, I-ASO; Procedure No. LDA Runway 15, Amdt. Orig.; Eff. date, 5 June 69

				T-dn.....	300-1	300-1	200-1½
				C-dn.....	NA	NA	NA
				LDIN-18*	800-2	800-2	800-2
				A-dn.....	1000-2	1000-2	1000-2
				VGS inoperative minimums#			
				LDIN-18*	800-2	800-2	800-2

Radar required.
Radar vectors will be provided to intercept final approach crs.
NW of #VGS interception point.
Procedure turn not authorized.
Final approach crs, 146°.
Minimum altitude at #VGS interception Inbnd, 2500'.
Altitude of #VGS and distance to approach end of runway at OM, 1820'—5.4 miles; at MM, 796'—2.3 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 3.5 miles after passing OM or at DH, make right-climbing turn direct to Washington RBN at 1800'. Hold S, 1 minute, left turns, 001° Inbnd.
#VGS (Vertical Guidance System) This guidance is provided by standard glide slope equipment and is paired in frequency with the localizer. No special tuning required.
*LDIN lights must be operational to execute this approach.
CAUTION: 596' Washington Monument, 1.7 miles N of airport.
Jet operations restricted between the hours of 2300 and 0700 local time. See AIM.
Inoperative components table does not apply to this procedure. Reductions for lighting aids not authorized.
Supplementary charting information: Start profile at approximately 8 miles from end of runway at MEA 2500'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Facility, I-ASO; Procedure No. LDA Runway 18, Amdt. Orig.; Eff. date, 5 June 69

8. By amending § 97.17 of Subpart B 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. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
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 approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less 65 knots or less	More than 2-engine, more than 65 knots	More than 2-engine, more than 65 knots
FAE VOR.....	BF LOM (final).....	Via FAE VOR R 205 and NW crs BFI local- izer.	2200	T-dn%.....	300-1	300-1	300-1½
				C-d.....	800-1	800-1	800-1½
				C-n.....	800-2	800-2	800-2
				S-dn-13R*	400-¾	400-¾	400-¾
				A-dn.....	800-2	800-2	800-2
SEA VOR.....	BF LOM.....	Direct.....	3000				
Burton VHF Int.....	BF LOM.....	Direct.....	3000				
Local VHF Int.....	BF LOM (final).....	Via 104° Mag crs and NW crs BFI localizer.	2200				

Radar available.
Procedure turn S side of crs, 306° Outbnd, 128° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2115'—6.4 miles; at MM, 573'—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to intercept R 024°, SEA VOR, thence turn left, climb to 3000' to Sammamish Int via R 024° SEA VOR or, when directed by ATC, climb straight ahead to intercept the 000° bearing from SE LOM, thence turn right, climb to 2000' direct to SE LOM.
NOTE: Back crs unusable. Localizer unusable beyond 35° either side of front crs. Glide slope unusable beyond 6° E of front crs.
*Circled minimums authorized when glide slope inoperative. MM altitude 1000'.
*AIR CARRIER NOTE: Sliding scale not authorized for landing.
*Takeoffs all runways: Climb visually over the airport to 300' then climb direct to SEA VOR, continue climb on R 265°, SEA VOR within 10 miles to cross SEA VOR V-2N, 4300'; V-2, 2000'; V-2S, 4000'; V-4S, 4000'.
MSA within 25 miles of facility: 000°-180°—5500'; 180°-270°—6800'; 270°-360°—6100'.

City, Seattle; State, Wash.; Airport name, Boeing Field International; Elev., 17'; Facility, ILS; Ident., I-BFI; Procedure No. ILS Runway 13R, Amdt. 11; Eff. date, 5 June 69
Sup. Amdt. No. ILS Runway 13, Amdt. 10; Dated, 21 Oct. 67

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

Battle Creek, Mich.—W. K. Kellogg Regional, LOC (BC) Runway 4, Amdt. 4, 8 Apr. 1967 (established under Subpart C).
 Battle Creek, Mich.—W. K. Kellogg Regional, ILS Runway 22, Amdt. 3, 8 Apr. 1967 (established under Subpart C).
 Daytona Beach, Fla.—Daytona Beach Municipal, ILS Runway 6, Amdt. 9, 4 Nov. 1967 (established under Subpart C).
 Medford, Oreg.—Medford-Jackson County, ILS Runway 14, Orig., 21 Nov. 1968 (established under Subpart C).
 Ontario, Calif.—Ontario International, ILS-7, Orig., 16 Oct. 1965 (BC) (established under Subpart C).
 Ontario, Calif.—Ontario International, ILS-25, Amdt. 23, 18 June 1966 (established under Subpart C).
 Waco, Tex.—Waco Municipal, ILS Runway 18, Amdt. 2, 27 Mar. 1969 (established under Subpart C).
 Waco, Tex.—Waco Municipal, ILS-36, Orig., 10 Apr. 1965 (BC) (established under Subpart C).

10. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Galena, Alaska.—Galena, Radar 1, Orig., 4 Feb. 1967 (established under Subpart C).
 Ontario, Calif.—Ontario International, Radar 1, Orig., 2 Sept. 1967 (established under Subpart C).

11. 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: BTL VORTAC.
AZO VOR.....	BTL VORTAC.....	Direct.....	2500	Climb to 3000', proceed to Hickory Int. via
LFD VORTAC.....	BTL VORTAC.....	Direct.....	2500	BTL R 331° or, when directed by ATC,
R-110 BTL VORTAC CW.....	R-216 BTL VORTAC.....	12 mile Arc.....	2500	climb on R 036° to 2400', turn left, pro-
R-320 BTL VORTAC CCW.....	R-216 BTL VORTAC.....	12 mile Arc.....	3000	ceed to BTL VORTAC.
12 mile DME Fix.....	West Int. (NOPT).....	R-216 BTL VORTAC.....	1700	Supplementary charting information: Final approach crs intercepts runway centerline 2200' from runway threshold. Runway 4, TDZ elevation, 941'.

Procedure turn E side of crs, 216° Outbound, 036° Inbound, 2500' within 10 miles of BTL VORTAC.

Final approach crs, 036°.

Minimum altitude over West Int/4-mile DME Fix, *1420' (*1700' from 12-mile Arc).

MSA: 000°-150°-2700'; 150°-270°-2300'; 270°-360°-2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4.....	1420	¾	479	1420	¾	479	1420	¾	479	1420	1	479
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1420	1	479	1420	1	479	1420	1¾	479	1500	2	509
Dual VOR or VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4.....	1300	¾	419	1300	¾	419	1300	¾	419	1300	1	419
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1380	1	439	1400	1	459	1400	1¾	459	1500	2	539
A.....	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility BTL; Procedure No. VOR Runway 4, Amdt. 7; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR-4, Amdt. 6; Dated, 13 June 64

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
AZG VOR	BTL VORTAC	Direct	2500	MAP: BTL VORTAC. Climb to 3000', turn left and proceed to Leroy Int via BTL VORTAC R 176°. Supplementary charting information: Final approach crs intercepts runway centerline 2300' from end of runway. Runway 22, TDZ elevation, 929'.
LFD VORTAC	BTL VORTAC	Direct	2500	
R 291°, BTL VORTAC CW	R 051°, BTL VORTAC	12-mile Arc	2800	
R 176°, BTL VORTAC CCW	R 051°, BTL VORTAC	12-mile Arc	2600	
12-mile DME Arc	Morgan Int/4-mile DME Fix (NOPT)	R 051°, BTL VORTAC	1700	

Procedure turn N side of crs, 051° Outbd, 231° Inbd, 2400' within 10 miles of BTL VORTAC.

Final approach crs, 231°.

Minimum altitude over Morgan Int/4-mile DME Fix, *1400' (*1700' from 12-mile Arc).

MSA: 000°-180°-2700'; 180°-270°-2300'; 270°-360°-2900'.

*Inoperative component table does not apply to ALS. With ALS inoperative increase visibility ¼ mile for all categories.

#Air carrier sliding scale and reduction for ALS less than ¼ mile not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22°	1400	¾	531	1400	¾	531	1400	¾	531	1400	1	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1400	1	519	1400	1	519	1400	1¼	519	1500	2	559
VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22° #	1400	¾	471	1400	¾	471	1400	¾	471	1400	1	471
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1400	1	459	1400	1	459	1400	1¼	459	1500	2	559
A	Standard.		T 2-eng. or less—Standard.					T over 2-eng.—Standard.				

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, BTL; Procedure No. VOR Runway 22, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR-22, Amdt. 4; Dated, 30 Nov. 63

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
AZG VOR	BTL VORTAC	Direct	2600	MAP: BTL VORTAC. Climb to 3000' and proceed to Hickory Int via BTL VORTAC R 331°; or, when directed by ATC, make right-climbing turn to 2600' on BTL R 036° then reverse crs to the left and return to BTL VORTAC. Supplementary charting information: Final approach crs intercepts runway centerline 2200' from end of runway. Runway 31, TDZ elevation, 929'.
LFD VORTAC	BTL VORTAC	Direct	2600	
Marshall Int	Clark Int (NOPT)	Direct	2600	
R 015°, BTL VORTAC CW	R 118°, BTL VORTAC	12-mile Arc	2600	
R 223°, BTL VORTAC CCW	R 118°, BTL VORTAC	12-mile Arc	2600	
12-mile DME Fix	Clark 4-mile DME Fix (NOPT)	R 118°, BTL VORTAC	1700	

Procedure turn N side of crs, 118° Outbd, 298° Inbd, 2600' within 10 miles of BTL VORTAC.

Final approach crs, 298°.

Minimum altitude over Clark Int/4-mile DME Fix, *1420' (*1700' from 12-mile Arc).

MSA: 000°-180°-2700'; 180°-270°-2300'; 270°-360°-2900'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1420	1	491	1420	1	491	1420	1	491	1420	1	491
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1420	1	479	1420	1	479	1420	1¼	479	1500	2	559
Dual VOR or VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1380	1	451	1380	1	451	1380	1	451	1380	1	451
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	1¼	459	1500	2	559
A	Standard.		T 2-eng. or less—Standard.					T over 2-eng.—Standard.				

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, BTL; Procedure No. VOR Runway 31, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR-31, Orig.; Dated, 15 Aug. 64

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing STT VOR.
				If unable to proceed VFR to airport upon descent to 1000', turn left, climb to 2700' on R 163° within 15 miles of STT VOR, reverse crs direct to STT VOR and hold. Supplementary charting information: Hold S STT VOR, 1 minute, right turns, 343° Inbnd. High terrain N of Runways 9/27 extended. Depict following fixes on AL Chart: Whitefish, Van Dyke, Red Hook, Cruzan, and Culebra.

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2600' within 10 miles of STT VOR.

Final approach crs (profile) starts at STT VOR reaching MAP at 5 miles, 1000'.

FAF, STT VOR. Final approach crs, 186°. Distance FAF to MAP, 5 miles.

Minimum altitude over STT VOR, 2000'.

MSA: 045°-135°-2800'; 135°-225°-2700'; 225°-045°-2600'.

NOTE: Visual flight required from MAP to airport.

*Circling Categories A, B, C, night 2000-3. All maneuvering for landing or turn after takeoff must be made S of airport.

†Night landing Runway 27 not authorized.

‡Takeoff day 1000-2; night 2000-3.

§Day 1000-2; night 2000-3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C ¹	1000	2	989	1000	2	989	1000	2	989	NA
A.....	(C)			T 2-eng. or less—%.			T over 2-eng.—%.			

City, Charlotte Amalie; Island, St. Thomas, V.I.; Airport name, Harry S. Truman; Elev., 11'; Facility, STT; Procedure No. VOR-1, Amdt. 6; Eff. date, 5 June 69; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 9 Apr. 66

Terminal routes				Missed Approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.4 miles after passing DAB VORTAC.
DAB LOM	DAB VORTAC	Direct	1500	Climb to 2000' on R 161° to Smyrna Int and hold.
DAB R 308°, CW	DAB R 336° (NOPT)	7-mile Arc	1500	hold.
DAB R 360°, CCW	DAB R 336° (NOPT)	7-mile Arc	1500	Supplementary Charting Information: Hold S, 1 minute, left turns, 341° Inbnd.
7-mile Arc	DAB VORTAC (NOPT)	DAB R 336°	1500	HIRL Runways 6L/24R. TDZ elevation, 34'.

Procedure turn W side of crs, 336° Outbnd, 156° Inbnd, 1500' within 10 miles of DAB VORTAC.

FAF, DAB VORTAC. Final approach crs, 156°. Distance FAF to MAP, 7.4 miles.

Minimum altitude over DAB VORTAC, 1500'; over Chambers Int., 700'.

MSA: 090°-090°-1400'; 090°-180°-1500'; 180°-270°-2000'; 270-360°-1300'.

*Visibility reduction not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16°	700	1	666	700	1	666	700	1½	666	700	1½	666
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	666	700	1	666	700	1½	666	700	2	666
VOR/NDB or VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16°	640	1	606	640	1	606	640	1	606	640	1½	606
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	640	1	606	640	1	606	640	1½	606	640	2	606
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach municipal; Elev., 34'; Facility DAB; Procedure No. VOR Runway 16, Amdt. 8; Eff. date, 5 June 69; Sup. Amdt. No. 7; Dated, 4 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.5 miles after passing GAL VORTAC.	
GAL NDB	GAL VORTAC	Direct	2100	Climb straight ahead to 2000' on R 245° within 10 miles.	
20-mile DME, R 065°	10-mile DME, R 065°	Direct	2200		
R 064°, GAL VORTAC CW	R 065°, GAL VORTAC (NOPT)	20-mile Arc GAL, R 060°, lead radial.	3100		

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 2100' within 10 miles of GAL VORTAC.
 FAF, GAL VORTAC. Final approach crs, 245°. Distance FAF to MAP, 3.5 miles.
 Minimum altitude over GAL VORTAC, 1400'.
 MSA within 25 miles of facility: 050°-140°-3100'; 140°-230°-3700'; 230°-320°-2000'; 320°-060°-4300'.
 NOTE: ASR/PAR

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
E-25	500	1/4	348	500	1/4	348	500	1/4	348	500	1	348
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	388	620	1	468	620	1 1/4	468	720	2	568
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Galena; State, Alaska; Airport name, Galena; Elev., 152'; Facility, GAL; Procedure No. VOR Runway 25, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 23 Apr. 66

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.6 miles after passing CCT VOR.	
				Climb to 2500' direct CCT VOR and hold. Supplementary charting information: Hold E, 1 minute, right turns, 253° Inbnd. Runway 23, TDZ elevation, 438'.	

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 2500' within 10 miles of CCT VOR.
 FAF, CCT VOR. Final approach crs, 253°. Distance FAF to MAP, 6.6 miles.
 Minimum altitude over CCT VOR, 2100'.
 MSA: 000°-090°-1900'; 090°-180°-2300'; 180°-270°-2600'; 270°-360°-1900'.
 NOTE: Use Owensboro altimeter setting. When not available use Evansville, Ind., altimeter setting and increase MDA 100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
E-25	920	1	482	920	1	482	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	960	1	522	960	1	522	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.	

City, Madisonville; State, Ky.; Airport name, Madisonville Municipal; Elev., 438'; Facility, CCT; Procedure No. VOR Runway 23, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. 1; Dated, 29 Aug. 68

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing Albion Int.
BTL VORTAC	Albion Int.	Direct	2700	Make left turn, climb to 3000', proceed to LFD VORTAC.
Marshall Int.	Albion Int.	JKN R 267°, BTL R 106°	2700	
JKN VORTAC	Concord Int.	Direct	2700	
LFD VORTAC	Concord Int.	Direct	2700	
Concord Int.	Albion Int. (NOPT)	Direct	2500	

Procedure turn S side of crs, 106° Outbd, 286° Inbd, 2700' within 10 miles of Albion Int.

FAF, Albion Int. Final approach crs, 286°. Distance FAF to MAP, 5.6 miles.

Minimum altitude over Albion Int., 2500'.

MSA: 000°-180°-2700'; 180°-270°-2300'; 270°-360°-2900'.

NOTES: (1) Use Battle Creek altimeter setting. (2) Dual VOR receivers or DME required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-28.....	1400	1	460	1400	1	460	1400	1	460	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	1440	1	500	1440	1	500	1440	1½	500	NA
A.....	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Marshall; State, Mich.; Airport name, Brooks Field; Elev., 940'; Facility, BTL; Procedure No. VOR Runway 28, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig. Dated, 17 Aug. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5 miles after passing MFR VOR TAC.
				Climbing right turn direct MFR VOR TAC, continue climb to 6000' in holding pattern.
				Supplementary charting information: Hold SE, 1 minute, right turns, 337° Inbd.

Procedure turn E side of crs, 342° Outbd, 162° Inbd, 6300' within 10 miles of MFR VORTAC.

FAF, MFR VOR. Final approach crs, 146°. Distance FAF to MAP, 5.5 miles.

Minimum altitude over MFR VOR, 4300'; over Table Int, 3600'—recommended altitude for ADF equipped aircraft.

MSA: 000°-090°-10,500'; 090°-180°-8000'; 180°-270°-8100'; 270°-360°-6000'.

%IFR departure procedures: All IFR departures must comply with Medford SID's.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2340	1	1010	2340	1½	1010	2340	2	1010	2660	2½	1230
	VOR/NDB Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2120	1	790	2240	1½	910	2340	2	1010	2660	2½	1230
A	Categories A, B, C, 1300-2; Category D, 1300-2½.			T 2-eng. or less Runway 14, RVR 24'; Standard all other runways.%			Runway 9, 1000-2; T over 2-eng.—Runway 14, RVR 24'; Runway 9, 1000-2; Standard all other runways.%					

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Facility, MFR; Procedure No. VOR Runway 14, Amdt. 10; Eff. date, 5 June 69; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 5 Nov. 66

RULES AND REGULATIONS

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.7 miles after passing Orange Int (9-mile DME).
Huguenot VOR.....	Orange Int (9-mile DME) (NOPT)....	Direct.....	2600	Climb to 2000' on HUO VOR R 079°, right climbing turn to 3200' to R 079° to Orange Int (9-mile DME) and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 079° Inbnd. Runway 8, TDZ elevation, 361'.

Procedure turn N side of crs, 259° Outbnd, 079° Inbnd, 3200' within 10 miles of Orange Int (9-mile DME).
FAF, Orange Int (9-mile DME). Final approach crs, 079°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over Orange Int (9-mile DME), 2500'.
MSA: 000°-090°-3700'; 090°-180°-2000'; 180°-270°-3100'; 270°-360°-3500'.
NOTES: (1) Radar vectoring. (2) Approach from a holding pattern not authorized. (3) Use Stewart AFB altimeter setting.
*Straight-in night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-6.....	1180	1	819	1180	1 1/4	819	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C.....	1180	1	819	1180	1 1/4	819	NA	NA
A.....	Not authorized.			T 2-eng. or less—400-1 all runways.			T over 2-eng.—400-1 all runways.	

City, Montgomery; State, N. Y.; Airport name, Orange County; Elev., 361'; Facility, HUO; Procedure No. VOR Runway 8, Amdt. Orig.; Eff. date, 5 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MIE VOR.
OKK VORTAC.....	MIE VOR.....	Direct.....	2500	Climb to 2500' on MIE R 140° within 10 miles, make left turn and return to VOR. Runway 14, TDZ elevation, 936'.
MZZ VOR.....	MIE VOR.....	Direct.....	2500	
MZZ VOR.....	Matthews Int.....	Direct.....	2400	
Matthews Int.....	Gaston Int (NOPT).....	Direct.....	1600	

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2400' within 10 miles of MIE VOR.
Final approach crs, 140°. Final approach crs, 140°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over Gaston Int, 1300'. * (1600' from Matthews Int.)
MSA: 000°-360°-2500'.
CAUTION: Unlighted 1043' power line 1/2 mile NW of Runway 14.
NOTE: Use Grissom AFB altimeter setting when control zone not effective; circling and straight-in MDA increased 200' except for operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective except 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-14.....	1360	1	424	1360	1	424	1360	1	424	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	1500	1	563	1500	1	563	1500	1 1/4	563	NA
VOR/NDB Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-14.....	1300	1	364	1300	1	364	1300	1	364	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	1500	1	563	1500	1	563	1500	1 1/4	563	NA
A.....	Standard.#			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Muncie; State, Ind.; Airport name, Delaware County/Johnson Field; Elev., 937'; Facility, MIE; Procedure No. VOR Runway 14, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. TerVOR-14, Amdt. 1; Dated, 16 Apr. 66

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MIE VOR.
OKK VORTAC.....	MIE VOR.....	Direct.....	2500	Climb to 2500' on MIE R 305° within 10 miles, make right turn and return to MIE VOR. Supplementary charting information: Runway 32, TDZ elevation, 939'.
MZZ VOR.....	MIE VOR.....	Direct.....	2500	

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 2500' within 10 miles of MIE VOR.
Final approach crs, 305°.
MSA: 600°-360°-2500'.
CAUTION: Unlighted 1043' powerline ¼ mile NW of Runway 14.
NOTE: Use Grissom AFB altimeter setting when control zone not effective; circling and straight-in MDA increased 200' except for operators with approved weather reporting service.
#Alternate minimums not authorized when control zone not effective except 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-32.....	1480	1	544	1480	1	544	1480	1	544	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C.....	1500	1	563	1500	1	563	1500	1½	563	NA	
A.....	Standard.#			T 2-eng. or less—Standard.			T over 2-eng.—Standard.				

City, Muncie; State, Ind.; Airport name, Delaware County/Johnson Field; Elev., 937'; Facility, MIE; Procedure No. VOR Runway 32, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR-32, Orig.; Dated, 19 Mar. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OWB VOR.
Boonsville Int.....	OWB VOR.....	Direct.....	2100	Climb to 2100' on R 039°, left turn direct OWB VOR and hold. Supplementary charting information: Hold SW, 1 minute, right turn, 039° Inbnd. Final approach intercepts runway centerline 3000' from threshold. 803' tower, 1.5 miles N of airport. 827' tower, 1.9 miles E of airport. Runway 5, TDZ elevation, 404'.
Lamar Int.....	OWB VOR.....	Direct.....	2100	
Apalona Int.....	OWB VOR.....	Direct.....	2100	
EVV VORTAC.....	OWB VOR.....	Direct.....	2400	
CCT VOR.....	OWB VOR.....	Direct.....	2100	

Procedure turn E side of crs, 219° Outbnd, 039° Inbnd, 2100' within 10 miles of OWB VOR.
Final approach crs, 039°.
Minimum altitude over Panther Int, 949'.
MSA: 000°-090°-1900'; 090°-180°-2000'; 180°-270°-1900'; 270°-360°-2500'.
CAUTION: 803' tower, 1.5 miles N and 827' tower, 1.9 miles E of airport.
*Use Evansville altimeter setting when control zone not effective.
*Circling and straight-in MDA increased 100' when control zone not effective.
#Standard alternate minimums apply for operators with approved weather reporting service.
%Runway 35 departures, climb on magnetic heading 340° to 1500' before proceeding as cleared; runway 5 departures, climb on magnetic heading 050° to 1500' before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5*.....	940	1	536	940	1	536	940	1	536	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*.....	940	1	533	940	1	533	1120	1½	713	1140	2	733
VOR/NDB Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5*.....	840	1	436	840	1	436	840	1	436	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*.....	840	1	433	840	1	433	1120	1½	713	1140	2	733
A.....	Not authorized.#			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Owensboro; State, Ky.; Airport name, Owensboro-Daviess County; Elev., 407'; Facility, OWB; Procedure No. VOR Runway 5, Amdt. 4; Eff. date, 5 June 69; Sup. Amdt. No. Ter VOR-5, Amdt. 3; Dated, 9 Apr. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: OWB VOR.
Booneville Int.	OWB VOR	Direct	2100	Climb to 2100' right turn direct OWB VOR and hold. 2100 Supplementary charting information: 2400 Hold N, 1 minute, right turns, 180° Inbnd. 2100 Final approach intercepts runway centerline 3000' from threshold. 803' tower, 1.5 miles N of airport. 827' tower, 1.9 miles E of airport. Runway 17, TDZ elevation, 407'.
Lamar Int.	OWB VOR	Direct	2100	
Apalona Int.	OWB VOR	Direct	2100	
EVV VORTAC	OWB VOR	Direct	2400	
CCT VOR	OWB VOR	Direct	2100	

Procedure turn W side of crs, 342° Outbnd, 182° Inbnd, 2100' within 10 miles of OWB VOR.

Final approach crs, 189°.

MSA: 000°-090°-1900'; 090°-180°-2000'; 180°-270°-1900'; 270°-360°-2500'.

CAUTION: 803' tower, 1.5 miles N and 827' tower, 1.9 miles E of airport.

*Use Evansville altimeter setting when control zone not effective.

*Circling and straight-in MDA increased 100' when control zone not effective.

#Standard alternate minimums apply for operators with approved weather reporting service.

%Runway 35 departures, climb on magnetic heading 340° to 1500' before proceeding as cleared; Runway 5 departures, climb on magnetic heading 050° to 1500' before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-17*	1120	1	713	1120	1	713	1120	1 1/4	713	1120	1 1/4	713
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1120	1	713	1120	1	713	1120	1 1/4	713	1140	2	733
A	Not authorized.#			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Owensboro; State, Ky.; Airport name, Owensboro-Daviess County; Elev., 407'; Facility, OWB; Procedure No. VOR Runway 17, Amdt. Orig.; Eff. date, 5 June 69

Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: OWB VOR.
EVV VORTAC	OWB NDB	Direct	2400	Climbing left turn to 2100' direct OWB NDB and hold. 2100 Supplementary charting information: 2100 Hold S, 1 minute, right turns, 360° Inbnd. 2100 803' tower, 1.5 miles N of airport. 2100 827' tower, 1.9 miles E of airport. Final approach intercepts runway centerline 3000' from threshold. Runway 35, TDZ elevation, 401'.
CCT VOR	OWB NDB	Direct	2100	
Nuckols Int.	OWB NDB (NOPT)	Direct	1700	
Apalona Int.	OWB NDB	Direct	2100	
Booneville Int.	OWB NDB	Direct	2100	
Lamar Int.	OWB NDB	Direct	2100	

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 2100' within 10 miles of OWB NDB.

Final approach crs. VOR R 178°/358° Inbnd.

Minimum altitude over OWB NDB, 1700'.

MSA: 000°-090°-1900'; 090°-180°-2300'; 180°-270°-1900'; 270°-360°-2500'.

NOTE: Inoperative table does not apply to ALS or REIL's Runway 35.

CAUTION: 803' tower, 1.5 miles N and 827' tower, 1.9 miles E of airport.

*Use Evansville altimeter setting when control zone not effective.

*Circling and straight-in MDA increased 100' when control zone not effective.

#Standard alternate minimums apply for operators with approved weather reporting service.

%Runway 35 departures, climb on magnetic heading 340° to 1500' before proceeding as cleared; Runway 5 departures, climb on magnetic heading 050° to 1500' before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-35*	700	1	359	700	1	359	700	1	359	700	1	359
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	800	1	353	800	1	453	1120	1 1/4	713	1140	2	733
A	Not authorized.#			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Owensboro; State, Ky.; Airport name, Owensboro-Daviess County; Elev., 407'; Facility, OWB; Procedure No. VOR Runway 35, Amdt. 4; Eff. date, 5 June 69; Supp. Amdt. No. Ter VOR-35, Amdt. 3; Dated, 9 Apr. 66

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: PFN VOR.	
Bruce Int.	PFN VOR	Direct	1600	Climb on PFN R 127° to 1000', left turn direct to PFN VOR at 1600' and hold. Supplementary charting information: Hold NW, 1 minute, left turn, 127° Inbnd. Final approach crs intercepts runway centerline 3040' from threshold. LRCO, 122.1, 122.2. HRL Runways 14/32. Runway 14, TDZ elevation, 12'.	
Greenhead Int.	PFN VOR	Direct	1800		
Parker Int.	PFN VOR	Direct	1800		
Wilma Int.	PFN VOR	Direct	1600		
Chason Int.	PFN VOR	Direct	2000		

Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1600' within 10 miles of PFN VOR.

Final approach crs, 127°.

MSA: 000°-090°-2100'; 090°-360°-1500'.

NOTES: (1) Radar vectoring. (2) Use Tyndall AFB altimeter setting when control zone not effective. (3) Inoperative table does not apply to HRL Runway 14.

#Alternate minimums not authorized except for operators with approved weather reporting service when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
B-14	300	1	348	300	1	348	300	1	348	300	1	348
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	440	1	420	480	1	400	480	1 1/4	400	660	2	640
A	Standard.#			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Panama City; State, Fla.; Airport name, Panama City-Bay County; Elev., 20'; Facility, PFN; Procedure No. VOR Runway 14, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. 1; Dated, 14 Oct. 67

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: PFN VOR.	
Bruce Int.	PFN VOR	Direct	1600	Right-climbing turn to 1600' direct to PFN VOR and hold. Supplementary charting information: Hold NW, 1 minute, left turn, 127° Inbnd. Final approach crs intercepts runway centerline 3040' from threshold. LRCO, 122.1, 122.2. HRL Runways 14/32. Tower 2 miles NE of airport on final approach, 322'. Runway 22, TDZ elevation, 14'.	
Green Head Int.	PFN VOR	Direct	1800		
Parker Int.	PFN VOR	Direct	1800		
Wilma Int.	PFN VOR	Direct	1600		
Chason Int.	PFN VOR	Direct	2000		

Procedure turn N side of crs, 050° Outbnd, 236° Inbnd, 1600' within 10 miles of PFN VOR.

Final approach crs, 236°.

Minimum altitude over 1.5-mile Radar Fix, 600'.

MSA: 000°-090°-2100'; 090°-360°-1500'.

NOTES: (1) Radar vectoring. (2) Use Tyndall AFB altimeter setting when control zone not effective.

#Alternate minimums not authorized except for operators with approved weather reporting service when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	600	1	640	600	1	640	600	1 1/4	640	600	2	640
	Radar Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	440	1	420	480	1	400	480	1 1/4	400	660	2	640
A	Standard.#			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Panama City; State, Fla.; Airport name, Panama City-Bay County; Elev., 20'; Facility, PFN; Procedure No. VOR Runway 22, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. 1; Dated, 14 Oct. 69

RULES AND REGULATIONS

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		MAP: 3 miles after passing ACT VORTAC.
R 028°, ACT VORTAC CCW	R 321°, ACT VORTAC	7-mile Arc ACT, R 335° lead radial.	2000	Climb to 2000' on ACT R 136° within 20 miles or, turn right climb to 2000' on ACT R 187° within 20 miles.
R 306°, ACT VORTAC CW	R 321°, ACT VORTAC	7-mile Arc	2000	
7-mile DME Arc	ACT VORTAC (NOPT)	ACT, R 321°	1400	Supplementary charting information: Runway 14, TDZ elevation, 507'.

Procedure turn W side of crs, 321° Outbnd, 141° Inbnd, 2000' within 10 miles of ACT VORTAC.
FAF, ACT VORTAC. Final approach crs, 141°. Distance FAF to MAP, 3 miles.
Minimum altitude over ACT VORTAC, 1400'.
MSA: 000°-180°-2800'; 180°-270°-3500'; 270°-090°-2100'.
#RV R 24', Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	820	1	313	820	1	313	820	1	313	820	1	313
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	385	980	1	465	980	1 1/4	465	1080	2	505
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515'; Facility, ACT; Procedure No. VOR Runway 14, Amdt. 10; Eff. date, 5 June 69; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 16 Apr. 66

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		MAP: 6.7 miles after passing SVM VORTAC.
R 080°, SVM VORTAC CW	R 199°, SVM VORTAC	7-mile DME Arc	2500	Make left-climbing turn to 2500' and return to SVM VORTAC.
R 300°, SVM VORTAC CCW	R 199°, SVM VORTAC	7-mile DME Arc	2600	
7-mile DME Arc	SVM VORTAC (NOPT)	Direct	2500	Supplementary charting information: Tower 1740', 4 miles ENE of airport: 42°31'42"/83°27'53".

Procedure turn W side of crs, 199° Outbnd, 019° Inbnd, 2500' within 10 miles of SVM VORTAC.
FAF, SVM VORTAC. Final approach crs, 019°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over SVM VORTAC, 2500'.
MSA: 000°-180°-2800'; 180°-270°-2500'; 270°-360°-2000'.
NOTES: (1) Use Willow Run altimeter setting. (2) Lights on request.
CAUTION: Trees 990', MSL 300' from approach end of Runway 36.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	1600	1	720	1600	1	720	NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Wixom; State, Mich.; Airport name, Spencer Field; Elev., 940'; Facility, SVM; Procedure No. VOR Runway 36, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 18 Nov. 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			Minimum altitudes (feet)	Missed approach MAP: 5-mile DME/R 245°, GAL VORTAC.
From—	To—	Via		
GAL NDB	GAL VORTAC	Direct	2100	Climb straight ahead to GAL VORTAC, continue climb to 2000' on R 065° within 10 miles. Supplementary charting information: Runway 7, TDZ elevation, 147'.
20-mile DME, R 245°	12-mile DME, R 245° (NOPT)	Direct	2000	
12-mile DME, R 245°	8-mile DME, R 245° (NOPT)	Direct	1000	
R 262°, GAL VORTAC CCW	R 245°, GAL VORTAC (NOPT)	12-mile Arc GAL, R 264° lead radial.	2100	

Procedure turn S side of crs, 245° Outbnd, 065° Inbnd, 2000' within 10 miles of 5-mile DME Fix.
Final approach crs, 065°.
Minimum altitude over 12-mile DME, 2000'; over 8-mile DME, 1000'.
MSA within 25 miles of facility: 050°-140°-3100'; 140°-230°-3700'; 230°-320°-2000'; 320°-050°-4300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	420	¾	273	420	¾	273	420	¾	273	420	1	273
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	388	600	1	448	600	1½	448	700	2	548
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Galena; State, Alaska; Airport name, Galena; Elev., 152'; Facility, GAL; Procedure No. VORTAC Runway 7, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 23 Apr. 66

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			Minimum altitudes (feet)	Missed approach MAP: 5.5-mile DME Fix R 146°.
From—	To—	Via		
MFR R 138°, 10-mile DME	MFR VORTAC	Direct	6000	Right-climbing turn direct to MFR VORTAC; continue climb to 6000' in holding pattern. Supplementary charting information: Hold SE, 1 minute, right turns, 330° Inbnd. Runway 14, TDZ elevation, 1300'.
MFR R 157°, 10-mile DME	MFR VORTAC	Direct	6000	
MFR R 216°, CW	MFR R 333°	15-mile Arc MFR, R 325° lead radial.	6800	
MFR R 333°, 15-mile DME	MFR R 333°, 10-mile DME	Direct	5800	
MFR R 333°, 10-mile DME	MFR R 333°, 7-mile DME (NOPT)	Direct	5000	
MFR R 333°, 7-mile DME	MFR R 333°, 3-mile DME	Direct	4000	
MFR R 333°, 3-mile DME	MFR VORTAC	Direct	3300	

Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 5800' within 12 miles of MFR VORTAC.

Final approach crs, 146°.

Minimum altitude over R 333°, 10-mile DME, 5800'; over R 333°, 7-mile DME, 5000'; over R 333°, 3-mile DME, 4000'; over MFR VORTAC, 3300'; over R 146°, 2-mile DME, 2600'.

MSA: 000°-090°-10,500'; 090°-180°-8600'; 180°-270°-8100'; 270°-360°-6600'.

NOTE: Inoperative table does not apply to HIRL or ALS Runway 14.

%IFR departure procedures: All IFR departures must comply with Medford SID's.

*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14*	1840	RVR 50	531	2240	1½	931	2340	2	1031	2560	2½	1251
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	670	2240	1½	910	2340	2	1010	2560	2½	1230
A	Categories A and B, 1000-2; Category C, 1100-2; Category D, 1300-2½.			T 2-eng. or less—Runway 14, RVR 24'; Runway 9, 1000-2; Standard all other runways.%			T over 2-eng.—Runway 14, RVR 24'; Runway 9, 1000-2; Standard all other runways.%					

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Facility, MFR; Procedure No. VOR/DME No. 1, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. 4; Dated, 5 Nov. 66

RULES AND REGULATIONS

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.5-mile DME Fix, R 146°.
MFR R 216°, CW.....	MFR R 316°.....	15-mile Arc MFR, R 308° lead radial.	6800	Right-ascending turn direct to MFR VORTAC; continue climb to 6000' in holding pattern.
MFR R 316°, 15-mile DME.....	MFR R 316°, 9-mile DME.....	Direct.....	5800	Supplementary charting information: \$Hold 8E, 1 minute, right turns, 337° Inbnd.
MFR R 316°, 9-mile DME.....	MFR R 316°, 3-mile DME.....	Direct.....	4000	Runway 14, TDZ elevation, 1309'.
MFR R 316°, 3-mile DME.....	MFR VORTAC.....	Direct.....	3300	

Procedure turn not authorized. Approach crs (profile) starts at MFR R 316°, 9-mile DME.

Final approach crs, 146°.

Minimum altitude over R 316°, 9-mile DME, 6800'; over R 316°, 3-mile DME, 4000'; over MFR VORTAC, 3300'; over R 146°, 2-mile DME, 2600'.

MSA: 000°-090°-10,500'; 090°-180°-8900'; 180°-270°-8100'; 270°-360°-6900'.

Note: Inoperative table does not apply to HIRL or ALS Runway 14.

*IFR departure procedures: All IFR departure procedures must comply with Medford SID's.

*Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14°.....	1840	RVR 50	531	2340	1½	931	2340	2	1031	2560	2½	1251
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	2000	1	670	2240	1½	910	2340	2	1010	2560	2½	1230
A.....	Categories A and B, 1000-2; Category C, 1100-2; Category D, 1300-2½.			T 2-eng. or less—Runway 14, RVR 24'; Runway 9, 1000-2; Standard all other runways.%			T over 2-eng.—Runway 14, RVR 24'; Runway 9, 1000-2 Standard all other runways.%					

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Facility, MFR; Procedure No. VOR/DME No. 2, Amdt. 3; Eff. date, 5 June 69; Sup. Amdt No. 2; Dated, 5 Nov. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1-mile DME Fix.
R 157°, ACT VORTAC CCW.....	R 141°, ACT VORTAC.....	13-mile Arc ACT, R 150° lead radial.	2700	Climb to 2000' on R 141° direct ACT VORTAC.
R 028°, ACT VORTAC CW.....	R 141°, ACT VORTAC.....	13-mile Arc ACT, R 132° lead radial.	2700	Supplementary charting information: Runway 32, TDZ elevation, 515'.
Heart 13-mile DME.....	8-mile DME (NOPT).....	ACT, R 141°.....	1700	
ACT VORTAC.....	8-mile DME Fix, R 141°.....	Direct.....	2700	

Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 2700' within 10 miles of 8-mile DME Fix.

Final approach crs, 321°.

Minimum altitude over 8-mile DME, 1700'.

MSA: 000°-180°-2800'; 180°-270°-2500'; 270°-090°-2100'.

#RVR 24, Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32.....	820	1	305	820	1	305	820	1	305	820	1	305
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	900	1	385	980	1	465	980	1½	465	1080	2	565
A.....	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515'; Facility, ACT; Procedure No. VOR/DME Runway 32, Amdt. 3; Eff. date, 5 June 69; 8 up. Amdt. No. 2; Dated, 25 Mar. 67

RULES AND REGULATIONS

12. 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: 6.3 miles after passing AGS VOR TAC.	
EMR NDB.....	AGS VORTAC.....	Direct.....	2000	Climb to 2000' on AGS R 168° to Shell Bluff Int.; or, when directed by ATC, climbing left turn to 2000' direct to AGS VORTAC and hold. Hold NW, 1 minute, right turns, 142° Inbnd. Supplementary charting information: Final approach crs to center of landing area.	
R 238°, AGS VORTAC (CW).....	R 322°, AGS VORTAC.....	10-mile DME Arc.....	2000		
R 072°, AGS VORTAC (CCW).....	R 322°, AGS VORTAC.....	10-mile DME Arc.....	2000		
10-mile DME Fix.....	AGS VORTAC (NOPT).....	R 322°, AGS VORTAC.....	1700		

Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2000' within 10 miles of AGS VORTAC. FAF, AGS VORTAC. Final approach crs, 136°. Distance FAF to MAP, 6.3 miles.

Minimum altitude over AGS VORTAC, 1700'.

MSA: 000°-090°-2100'; 090°-180°-2000'; 180°-270°-2900'; 270°-360°-1900'.

NOTE: (1) Use AGS altimeter setting. (2) No weather reporting service.

*Night operations not authorized on Runways 5/23.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C.....	1200	1	776	1200	1¼	776	1200	1¼	776	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Augusta; State, Ga.; Airport name, Daniel Field; Elev., 424'; Facility, AGS; Procedure No. VOR-1, Amdt. 6; Eff. date, 5 June 69; Sup. Amdt. No. 5; Dated, 16 Jan. 69

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing Stafford Int.	
BUF VORTAC.....	Stafford Int/18-mile DME.....	Direct.....	3000	Climb to 3000', right turn to R 311° GEE VORTAC to Stafford Int. and hold. Supplementary charting information: Hold SE of Stafford Int, 1 minute, right turn, 311° Inbnd. Tree in 7:1 on N side of runway. Chart 22.6-mile DME, R 311° in profile view. UNICOM 122.8.	
ROC VORTAC.....	Stafford Int/18-mile DME.....	Direct.....	3000		
GEE VORTAC.....	Caledonia Int/10-mile DME.....	Direct.....	3000		
Caledonia Int/10-mile DME.....	Stafford Int/18-mile DME (NOPT)....	GEE VOR R 311°, 8 miles....	2600		

Procedure turn N side of crs, 131° Outbnd, 311° Inbnd, 3000' within 10 miles of Stafford Int/18-mile DME.

FAF, Stafford Int/18-mile DME. Final approach crs, 311°. Distance FAF to MAP, 4.6 miles.

Minimum altitude over Stafford Int/18-mile DME, 2600'.

MSA: 000°-090°-2900'; 090°-180°-3300'; 180°-270°-3300'; 270°-360°-2900'.

NOTE: Use ROC altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS
C.....	1420	1	510	1420	1¼	510	NA		NA
A.....	Not authorized.			T 2-eng. or less—200-1 all runways.			T over 2-eng.—200-1 all runways.		

City, Batavia; State, N.Y.; Airport name, Genesee County; Elev., 910'; Facility, GEE; Procedure No. VOR-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 5 Sept. 68

RULES AND REGULATIONS

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		MAP: CHS VORTAC.
CHS VORTAC, R 180° CW	CHS R 213°	CHS 10-mile DME Arc	1600	Climb to 2000' on R 033° within 15 miles of CHS VORTAC. Supplementary charting information: Final approach crs intercepts runway centerline 2200' from threshold. VASI Runways 21, 15, 33. TDZ elevation, 37'.
CHS VORTAC, R 302° CCW	CHS R 213°	CHS 10-mile DME Arc	1600	
10-mile DME Arc	5-mile DME Fix (NOPT)	CHS R 213°	580	

Procedure turn W side of crs, 213° Outbnd, 033° Inbnd, 1500' within 10 miles of CHS VORTAC.
Final approach crs, 033°.
Minimum altitude over 5-mile DME Fix, 580'.
MSA: 000°-090°-3100'; 090°-180°-2100'; 180°-360°-1500'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	580	1	543	580	1	543	580	1	543	580	1½	543
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	535	580	1	535	580	1½	535	600	2	555
VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	410	1	403	440	1	403	440	1	403	440	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	435	500	1	455	500	1½	455	600	2	555
A	Standard.			T 2-eng. or less—RVB 24', Runway 15; Standard all other runways.			T over 2-eng.—RVB 24', Runway 15; Standard all other runways.					

City, Charleston; State, S.C.; Airport name, Charleston AFB/Municipal; Elev., 45'; Facility, CHS; Procedure No. VOR Runway 3, Amdt. 4; Eff. date, 5 June 69; Sup. Amdt. No. 3; Dated, 19 Dec. 68

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		MAP: 3.7 miles after passing FLO VORTAC.
R 090°, FLO VORTAC CW	R 055°, FLO VORTAC	8-mile Arc	1900	Left turn, climb to 2000' direct to FLO VORTAC and hold. Supplementary charting information: Hold NE of FLO VORTAC, 235° Inbnd, right turn, 1 minute/7 miles.
8-mile Arc	FLO VORTAC (NOPT)	FLO R 055°	900	

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 1700' within 10 miles of FLO VORTAC.
FAF, FLO VORTAC. Final approach crs, 235°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over FLO VORTAC, 900'.
MSA: 000°-360°-2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS		
S-23	560	1	413	560	1	413	560	1	413	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	600	1	453	600	1	453	600	1½	453	NA		
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Florence; State, S.C.; Airport name, Municipal; Elev., 147'; Facility, FLO; Procedure No. VOR Runway 23, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. 4; Dated, 29 Aug. 68

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.2 miles after passing Lion Int.
CYN VORTAC.....	Chatsworth Int.....	Direct.....	1700	Climbing left turn to 1700' direct to Lion Int. and hold. When directed by ATC, climbing right turn to 2000' via RBV R 230° to RBV VORTAC and hold SW, 1-minute right turns, 050° inbound. Supplementary charting information: Missed approach holding—Lion Int. hold SE 1-minute left turns, 324° inbound. Runway 60' wide.
Chatsworth Int.....	Lion Int (NOPT).....	Direct.....	1700	

Procedure turn S side of crs, 144° Outbnd, 324° Inbnd, 1700' within 10 miles of Lion Int.
FAF, Lion Int. Final approach crs, 324°. Distance FAF to MAP, 5.2 miles.
Minimum altitude over Chatsworth Int, 1700'; over Lion Int, 1700'.
MSA: 000°-090°-1900'; 090°-180°-1600'; 180°-360°-2400'.
NOTES: (1) Radar vectoring. (2) Use McGuire altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C.....	460	1	411	520	1	471	NA	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Lumberton; State, N.J.; Airport name, Flying "W" Ranch; Elev., 49'; Facility, PNE; Procedure No. VOR-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 16 May 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MSN VOR.
MSN NDB.....	MSN VOR.....	Direct.....	2800	Climb to 2800' on MSN VOR, R 137° within 10 miles. Return to MSN VOR. Supplementary charting information: 2249' tower, 43°03'30" 89°28'40". 1141' tank, 43°08'20" 89°22'25". Runway 13, TDZ elevation, 858'.

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 2800' within 10 miles of MSN VOR.

Final approach crs, 137°

MSA: 000°-090°-2600'; 090°-180°-2500'; 180°-360°-3300'.

NOTE: Radar vectoring.

CAUTION: Runways 8/26 unlighted.

*Sliding scale not authorized.

%IFR departure procedures: Aircraft departing all runways—When weather is below 1500-2, aircraft departing southwestbound, flight below 2700' beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249' tower 8 miles SW of airport.

Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300' MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13°.....	1440	1	582	1440	1	582	1440	1	582	1440	1 1/4	582
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1460	1	601	1460	1	601	1460	1 1/4	601	1460	2	601
A.....	Standard.			T 2-eng. or less—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other Runways.%			T over 2-eng.—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Trux Field; Elev., 559'; Facility, MSN; Procedure No. VOR Runway 13, Amdt. 6; Eff. date, 5 June 69; Sup. Amdt. No. 5; Dated, 14 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
MSN NDB.....	MSN VOR.....	Direct.....	2600	MAP: MSN VOR. Climb to 2600' on MSN VOR R 176° within 10 miles. Return to VOR. Supplementary charting information: 2249' tower, 43°03'30"/89°28'40". 1141' tank, 43°08'20"/89°22'25". Runway 18, TDZ elevation, 857'.

Procedure turn W side of crs, 356° Outbnd, 176° Inbnd, 2600' within 10 miles of MSN VOR.

Final approach crs, 176°.

MSA: 000°-090°-2600'; 090°-180°-2500'; 180°-360°-3300'.

NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL Runway 18.

CAUTION: Runways 8/26 unlighted.

* Sliding scale not authorized.

% IFR departure procedures: Aircraft departing all runways—When weather is below 1500-2, aircraft departing southwestbound, flight below 2700' beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249' tower 8 miles SW of airport.

Takeoffs Runways 4, 8, 22, 31, and 26, climb to at least 1300' MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-15°.....	1400	1	543	1400	1	543	1400	1	543	1400	1¼	543
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1460	1	601	1460	1	601	1460	1¼	601	1460	2	601
A.....	Standard.			T 2-eng. or less—RVR 24', Runway 36; 300-1, Runway 13; 300-1, Runway 26; Standard all other runways.%			T over 2-eng.—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859'; Facility, MSN; Procedure No. VOR Runway 18, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. 4; Dated, 14 Nov. 68

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
MSN NDB.....	MSN VOR.....	Direct.....	2600	MAP: MSN VOR. Climb to 2800' on MSN VOR R 311° within 10 miles. Return to MSN VOR. Supplementary charting information: 2249' tower, 43°03'30"/89°28'40". 1141' tank, 43°08'20"/89°22'25". Runway 31, TDZ elevation, 859'.

Procedure turn N side of crs, 131° Outbnd, 311° Inbnd, 2600' within 10 miles of MSN VOR.

Final approach crs, 311°.

Minimum altitude over College Int, 1420'.

MSA: 000°-090°-2600'; 090°-180°-2500'; 180°-360°-3300'.

NOTE: Radar vectoring.

CAUTION: Runways 8/26 unlighted.

* Sliding scale below ¼ not authorized.

% IFR departure procedures: Aircraft departing all runways—When weather is below 1500-2, aircraft departing southwestbound, flight below 2700' beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249' tower 8 miles SW of airport.

Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300' MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-31°.....	1420	1	561	1420	1	561	1420	1	561	1420	1¼	561
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1460	1	601	1460	1	601	1460	1¼	601	1460	2	601
	VOR/NDB Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-31.....	1360	1	501	1360	1	501	1360	1	501	1360	1¼	501
A.....	Standard.			T 2-eng. or less—RVR 24', Runway 36; 300-1, Runway 13; 300-1, Runway 26; Standard all other runways.%			T over 2-eng.—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859'; Facility, MSN; Procedure No. VOR Runway 31, Amdt. 7; Eff. date, 5 June 69; Sup. Amdt. No. 6; Dated, 14 Nov. 68

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing MAI VOR.
				Turn left, climb to 3000' to Chipley Int via MAI VOR R 270° and hold. Supplementary charting information: hold W, 1 minute, left turns 090° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold. TDZ elevation, 107'.

Procedure turn N side of crs, 125° Outbnd, 205° Inbnd, 2000' within 10 miles of MAI VOR.
FAF, MAI VOR. Final approach crs, 303°. Distance FAF to MAP, 3.6 miles.

Minimum altitude over MAI VOR, 1000'.

MSA: 000°-180°-1500'; 180°-270°-2000'; 270°-360°-2500'.

Notes: (1) Radar vectoring. (2) Use DHN FSS altimeter setting when control tower not in operation. (3) Straight-in MDA becomes 840' and circling MDA 700' when control tower not in operation. (4) Night minimums authorized runways 14-32 only.

#Alternate minimums not authorized when control tower not in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-32.....	520	1	413	520	1	413	520	1	413	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	560	1	447	580	1	467	580	1½	467	NA
A.....	Standard.#			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Marianna; State, Fla.; Airport name, Marianna Municipal; Elev., 113'; Facility, MAI; Procedure No. VOR Runway 32, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. 1; Dated, 26 Dec. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3 miles after passing EOS VOR.
Waco Int.....	EOS VOR.....	EOS R 337°.....	3000	Climb to 2800', right turn to EOS VOR and hold.* Supplementary charting information: *Hold NW, 1 minute, right turns, 123° Inbnd. Final approach crs aiming point is the airport reference point.

Procedure turn S side of crs, 303° Outbnd, 123° Inbnd, 2800' within 10 miles of EOS VOR.

FAF, EOS VOR. Final approach crs, 123°. Distance FAF to MAP, 3 miles.

Minimum altitude over EOS VOR, 2500'.

MSA: 000°-270°-3800'; 270°-360°-3100'.

Note: Use Joplin, Mo., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
C.....	1700	1	447	1720	1	467	1720	1½	467	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Neosho; State, Mo.; Airport name, Neosho Memorial; Elev., 1253'; Facility, EOS; Procedure No. VOR-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 6 Feb. 69

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: 5.5 miles after passing Daniel Int.
EMR NDB	AGS VORTAC	Direct	2000	Climb to 2000' on AGS R 158° to Shell Bluff Int.; or, when directed by ATC, climbing left turn to 2000' direct to AGS VORTAC and hold. Hold NW, 1 minute, right turns, 142° Inbnd. Supplementary charting information: Final approach crs to center of landing area.
R 238°, AGS VORTAC (CW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	
R 072°, AGS VORTAC (CCW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	
10-mile DME Arc	AGS VORTAC (NOPT)	R 322°, AGS VORTAC	1700	

Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2000' within 10 miles of AGS VORTAC. FAF, Daniel Int/7.5-mile DME Fix. Final approach crs, 142°. Distance FAF to MAP, 5.5 miles. Minimum altitude over AGS VORTAC, 1700'; over Daniel Int/7.5-mile DME Fix, 1700'. MSA: 090°-090°-2100'; 090°-180°-2900'; 180°-270°-2900'; 270°-360°-1900'. Note: Operating DME or NDB receivers required. #300-1 required on Runway 8/26.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	575	720	1	575	720	1 1/4	575	720	2	575
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Augusta; State, Ga.; Airport name, Bush Field; Elev., 145'; Facility, AGS; Procedure No. VOR/DME-1, Amdt. 8; Eff. date, 5 June 69; Sup. Amdt. No. VOR-1, Amdt. 8; Dated, 16 Jan. 69

13. 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: 5.3 miles after passing Mendon Int.
Leroy Int.	Mendon Int.	LFD VORTAC R 293°	2500	Make climbing left turn to 3000' and proceed to Hickory Int via BTL VORTAC R 331°; or, when directed by ATC, climb to 2500' on NE crs ILS to BT LOM. Supplementary charting information: Runway 4, TDZ elevation, 941'.
BTL VORTAC	Mendon Int.	Direct	2500	
R 115°, BTL VORTAC CW	R 223°, BTL VORTAC (NOPT)	12-mile Arc BTL, R 215° lead radial.	2500	
R 330°, BTL VORTAC CCW	R 223°, BTL VORTAC (NOPT)	12-mile Arc BTL, R 235° lead radial.	2500	
Vicksburg Int.	Mendon Int (NOPT)	Direct	2500	

Procedure turn E side of crs, 224° Outbnd, 044° Inbnd, 2500' within 10 miles of Mendon Int. FAF, Mendon Int. Final approach crs, 044°. Distance FAF to MAP, 5.3 miles. Minimum altitude over Mendon Int, 2500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4	1300	3/4	419	1300	3/4	419	1300	3/4	419	1300	1	419
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	1 1/4	459	1500	2	539
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. E. Kellogg Regional; Elev., 941'; Facility, I-BTL; Procedure No. LOC (BC) Runway 4, Amdt. 5; Eff. date, 5 June 69; Sup. Amdt. No. 4; Dated, 8 Apr. 67

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing Narod Int.	
Brackett Int.	Fairgrounds Int.	Direct	3000	Climbing right turn to 4200' direct to ONT VOR and hold.* Supplementary charting information: *Hold E, 1 minute, right turns, 258° Inbnd, Runway 7, TDZ elevation, 942'.	

Procedure turn not authorized. Approach crs (profile) starts at Fairgrounds Int. FAF, Narod Int. Final approach crs, 075°. Distance FAF to MAP, 4 miles.

Minimum altitude over Fairgrounds Int, 3000'; over Narod Int., 2300'.

Notes: (1) ASR. (2) Night minimums not authorized Runways 3/21. (3) Dual VOR receivers required for execution of this approach unless fixes provided by radar.

% Northbound and eastbound (278° through 105° CW) IFR departures must comply with published SID's.

Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	1300	¾	418	1300	¾	418	1300	¾	418	1300	1	418
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1420	1	468	1480	1	528	1480	1½	528	1520	2	508
A	Standard.			T 2-eng. or less—Runway 25, RVR 24'; Standard all other runways.#%			T over 2-eng.—Runway 25, RVR 24'; Standard all other runways.#%					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, I-ONT; Procedure No. LOC (BC) Runway 7, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. ILS-7 (BC), Orig.; Dated, 16 Oct. 65

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing Turner Int.	
ACT VORTAC	Turner Int.	ACT R 163°	2700	Climb to 2000' direct to AC LOM, or, turn left, climb to 2000' direct ACT VORTAC Supplementary charting information: Runway 36, TDZ elevation, 810'.	
TPL VOR	Lambert Int.	TPL R 020°	2700		
Lambert Int.	Turner Int (NOPT)	Direct	1700		
Bostle Int.	Turner Int (NOPT)	320° crs and LOC crs 006°	1700		

Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 2700' within 10 miles of Turner Int.

FAF, Turner Int. Final approach crs, 005°. Distance FAF to MAP, 4 miles.

Minimum altitude over Lambert Int, 2700'; over Turner Int, 1700'.

#RVR 24', Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	800	¾	290	800	¾	290	800	¾	290	800	1	290
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	385	980	1	465	980	1½	465	1080	2	665
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515'; Facility I-ACT; Procedure No. LOC (BC) Runway 36, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. ILS-36 (BC), Orig.; Dated, 10 Apr. 65

14. 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

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: 4.5 miles after passing Windsor Marker.
MSN VOR.....	Windsor Marker.....	LOC crs.....	2700	Climb to 2600' direct to MS LOM. When directed by ATC, left-climbing turn to 2700' on MSN VOR R 090° within 10 miles; return to VOR. Supplementary charting information: 1020' terrain, 43°13'52"/89°19'03", 2249' tower, 43°03'31"/89°28'40", 1141' tank, 43°08'20"/89°22'25". Chart in plan view—Final approach from holding at Windsor Marker not authorized, procedure turn required. Runway 18, TDZ elevation, 857'.

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2700' within 10 miles of Windsor Marker.
FAF, Windsor Marker. Final approach crs, 179°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over Windsor Marker, 2200'.
Notes: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL Runway 18. (3) Final approach from holding pattern at Windsor Marker not authorized, procedure turn required.
CAUTION: Runways 8/26 unlighted.
*Sliding scale not authorized.
%IFR departure procedures: Aircraft departing all runways—When weather is below 1500-2, aircraft departing southwestbound, flight below 2700' beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249' tower 8 miles SW of airport.
Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300' MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-18"	1220	1	363	1220	1	363	1220	1	363	1220	1	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1460	1	601	1460	1	601	1460	1½	601	1460	2	601
A.....	Not authorized.			T 2-eng. or less—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways.%			T over 2-eng.—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 869'; Facility, I-MSN; Procedure No. LOC (BC) Runway 18, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 14 Nov. 68

15. 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: 3.1 miles after passing PBA NDB.
				Climb to 1500' on 199° bearing from PBA NDB within 15 miles of PBA NDB. Supplementary charting information: Tower 153', 1.4 miles NE of airport.

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 1500' within 10 miles of PBA NDB.
FAF, PBA NDB. Final approach crs, 199°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over PBA NDB, 709'.
MSA: 000°-300°-1300'.
NOTE: This procedure not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	460	1	417	500	1	457	500	1½	457	600	2	557
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Barrow; State, Alaska; Airport name, Wiley Post-Will Rogers Memorial; Elev., 42'; Facility, PBA; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 20 Jan. 68

RULES AND REGULATIONS

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

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
Hickory Int.	BT LOM	Direct	2500	MAP: 3.7 miles after passing BT LOM. Make left-climbing turn to 3000' and proceed to the Leroy Int via BTL R 178. Supplementary charting information: Runway 22, TDZ elevation, 929'.
Litchfield VORTAC	BT LOM	Direct	2500	
Battle Creek VORTAC	BT LOM	Direct	2500	
Bellevue Int.	BT LOM (NOPT)	Direct	2200	

Procedure turn W side of crs, 044° Outbnd, 224° Inbnd, 2500' within 10 miles of BT LOM.
FAF, BT LOM. Final approach crs, 224°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over BT LOM, 2200'.
MSA: 000°-180°-2700'; 180°-270°-2400'; 270°-360°-2900'.
*Sliding scale less than 3/4 mile not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22°	1400	3/4	471	1400	3/4	471	1400	3/4	471	1400	1	471
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1400	1	459	1400	1	459	1400	1 1/2	459	1500	2	459
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, BT; Procedure No. NDB (ADF) Runway 22, Amdt. 4; Eff. date, 5 June 68; Sup. Amdt. No. 3; Dated, 8 Apr. 67

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
DAB VORTAC	DA LOM	Direct	1500	MAP: 4.4 miles after passing DA LOM. Climbing right turn to 1500', direct to DA LOM and hold. Supplementary charting information: Hold SW, 1 minute, left turns, 065° Inbnd. HIRL Runways 6L/24R. TDZ elevation, 30'.
Barberville Int.	DA LOM	Direct	1600	
Lake Helen Int.	DA LOM	Direct	1600	
Smyrna Int.	DA LOM	Direct	1600	
Woodruff Int.	DA LOM (NOPT)	Direct	1400	

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400' within 10 miles of DA LOM.
FAF, DA LOM. Final approach crs, 065°. Distance FAF to MAP, 4.4 miles.
Minimum altitude over DA LOM, 1400'.
MSA: 000°-090°-1400'; 090°-180°-1500'; 180°-270°-2000'; 270°-360°-1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6L	480	1	450	480	1	450	480	1	450	480	1	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	446	500	1	466	500	1 1/2	466	600	2	506
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34'; Facility, DA; Procedure No. NDB (ADF) Runway 6L, Amdt. 9; Eff. date, 5 June 68; Sup. Amdt. No. NDB (ADF) Runway 6, Amdt. 8; Dated, 4 Nov. 67

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
				MAP: 2.7 miles after passing GAL NDB. Climb straight ahead to 2000' on 240° bearing within 10 miles.

Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 2000' within 10 miles of GAL NDB.
FAF, GAL NDB. Final approach crs, 246°. Distance FAF to MAP, 2.7 miles.
Minimum altitude over GAL NDB, 1400'.
MSA within 25 miles of facility: 066°-140°-3100'; 140°-230°-3700'; 230°-320°-2000'; 320°-066°-4300'.
NOTE: ASR/PAR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	388	620	1	468	620	1 1/2	468	720	2	560
A	Standard.			T 2-eng or less—Standard.			T 2 over 2-eng.—Standard.					

City, Galena; State, Alaska; Airport name, Galena; Elev., 152'; Facility, GAL; Procedure No. NDB ADF; Runway 25, Amdt. 12; Eff. date, 5 June 69; Sup. Amdt. No. 11; Dated, 26 Sept. 68

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

Terminal routes				Missed approach
From--	To--	Via	Minimum altitudes (feet)	MAP: AAP NDB.
Houston VORTAC.....	AAP NDB.....	Direct.....	1800	Right turn, climb to 2000' on crs of 270° from AAP NDB within 10 miles. Supplementary charting information: Clearance delivery frequency on field 121.7 MHz. 214' water tower 1 mile W of airport. 234' water tower 1.6 miles W of airport. UNICOM 122.8 MHz.
Arcole Int.....	AAP NDB.....	Direct.....	2500	
Eisenberg Int.....	AAP NDB.....	Direct.....	1600	
Blue Int.....	AAP NDB.....	Direct.....	1600	
Elser Int.....	AAP NDB.....	Direct.....	1600	
Andrau Int.....	AAP NDB.....	Direct.....	1600	

Procedure turn W side of crs, 344° Outbnd, 164° Inbnd, 1600' within 10 miles of AAP NDB.

Final approach crs, 164°.

Minimum altitude over AAP NDB, 680'.

MSA within 25 miles of AAP NDB: 090°-180°-2000'; 180°-090°-1800'.

Notes: (1) Radar vectoring. (2) Use Houston altimeter setting when Andrau altimeter setting not received. (MDA increased 40' when Andrau altimeter setting not received.)

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C.....	680	1	600	680	1	600	680	1½	600	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Houston; State, Tex.; Airport name, Andrau Airpark; Elev., 80'; Facility, AAP; Procedure No. NDB (ADF) Runway 16, Amdt. 10; Eff. date, 5 June 69; Sup. Amdt. No. ADF 1, Amdt. 9; Dated, 14 Jan. 67

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing DWH NDB.	
Conroe Int.....	DWH NDB.....	Direct.....	1700	Right-climbing turn to 1700' direct to	
Shppard Int.....	DWH NDB.....	Direct.....	1700	DWH NDB and hold.	
Maple Int.....	DWH NDB.....	Direct.....	1700	Supplementary charting information:	
Reily Int.....	DWH NDB.....	Direct.....	1700	Hold N, 1 minute, right turns, 167° Inbnd.	
Cypress Int.....	DWH NDB.....	Direct.....	1700	REIL Runway 17.	
Elser Int.....	DWH NDB.....	Direct.....	1700	UNICOM 122.8.	
Humble VORTAC.....	DWH NDB.....	Direct.....	2000		

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 1700' within 10 miles of DWH NDB.

FAF, DWH NDB. Final approach crs, 167°. Distance FAF to MAP, 3.1 miles.

Minimum altitude over DWH NDB, 800'.

MSA within 25 miles of DWH NDB, 1800'.

Notes: (1) Radar vectoring. (2) Use Houston Intercontinental Airport altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
B-17.....	560	1	410	560	1	410	560	1	410	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	560	1	410	600	1	450	600	1½	450	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Houston; State, Tex.; Airport name, David Wayne Hooks Memorial; Elev., 150'; Facility, DWH; Procedure No. NDB (ADF) Runway 17, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. NDB (ADF) Runway 16, Orig.; Dated, 15 July 67

RULES AND REGULATIONS

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

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.1 miles after passing AOH NDB.	
Findlay VORTAC.....	AOH NDB.....	Direct.....	2700	Turn left, climb to 2600' on crs 092° within 10 miles; return to AOH NDB and hold. Supplementary charting information: Hold E, AOH NDB, 1 minute, right turn, 272° Inbnd. CAUTION: Transmission lines and towers 1111', 1.1 miles E of airport. Runway 27, TDZ elevation, 975'.	
Rosewood VORTAC.....	AOH NDB.....	Direct.....	2800		
Neptune Int.....	AOH NDB.....	Direct.....	3000		
Bremen Int.....	AOH NDB.....	Direct.....	2800		

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 2600' within 10 miles of AOH NDB.

FAF, AOH NDB. Final approach crs, 272°. Distance FAF to MAP, 2.1 miles.

Minimum altitude over AOH NDB, 1700'.

MSA: 090°-090°-2400'; 090°-180°-2500'; 180°-360°-2500'.

When Allen County altimeter not available, use Findlay, Ohio, altimeter setting, straight-in and circling MDA increased 100'.

*Alternate minimums authorized for those operators having approved weather reporting service at the airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-27#.....	1420	1	445	1420	1	445	1420	1	445	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C#.....	1420	1	445	1440	1	465	1440	1½	465	NA	
A.....	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.				

City, Lima; State, Ohio; Airport name, Allen County; Elev., 975'; Facility, AOH; Procedure No. NDB (ADF) Runway 27, Amdt. Orig.; Eff. date, 5 June 69

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing ON LOM.	
ONT VOR.....	Highgrove Int.....	Direct.....	4200	Climb straight ahead to 3000', left turn direct to SB NDB at 4200' and hold.* Supplementary charting information: Hold E, 1 minute, right turn, 335° Inbnd. Runway 25, TDZ elevation, 929'.	
RAL VOR.....	Highgrove Int.....	Direct.....	4200		
Highgrove Int.....	Colton NDB.....	Direct.....	4200		
Moreno Int.....	Colton NDB.....	Direct.....	4200		

Procedure turn not authorized. Approach crs (profile) starts at Colton NDB.

FAF, ON LOM. Final approach crs, 255°. Distance FAF to MAP, 5.9 miles.

Minimum altitude over Colton NDB, 4200'; over ON LOM, 2800'; over Dixon Int, 1600'.

MSA: 090°-090°-11,900'; 090°-270°-6700'; 270°-330°-11,100'.

Notes: (1) ASR. (2) Night minimums not authorized Runways 3/21.

SIFR departure procedures: Northbound and eastbound (278° through 105° CW) published SID's must be used.

*Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25.....	1600	RVR 40	671	1600	RVR 40	671	1600	RVR 60	671	1600	1½	671
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#.....	1600	1	648	1600	1	648	1600	1½	648	1600	2	648
	NDB/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25.....	1400	RVR 40	531	1400	RVR 40	531	1400	RVR 40	531	1400	RVR 60	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#.....	1400	1	503	1480	1	528	1480	1½	528	1520	2	528
A.....	Standard.			T 2-eng. or less—Runways 25, RVR 24'; Standard all other runways.*			T over 2-eng.—Runway 25, RVR 24'; Standard all other runways.*					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 932'; Facility, ON; Procedure No. NDB (ADF) Runway 25, Amdt. 23; Eff. date, 5 June 69; Sup. Amdt. No. ADF 1, Amdt. 22, Dated, 9 July 66

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

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
EVV VORTAC.....	OWB NDB.....	Direct.....	2400	Climbing left turn to 2100' direct OWB NDB and hold. Supplementary charting information: Hold S, 1 minute, right turns, 360° Inbnd. 803' tower 1.5 miles N of airport. 827' tower 1.9 miles E of airport. Runway 35, TDZ elevation, 401'.
CCT VOR.....	OWB NDB.....	Direct.....	2100	
Apalona Int.....	OWB NDB.....	Direct.....	2100	
Booneville Int.....	OWB NDB.....	Direct.....	2100	
Lamar Int.....	OWB NDB.....	Direct.....	2100	

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2100' within 10 miles of OWB NDB.

FAF, OWB NDB. Final approach crs, 360°. Distance FAF to MAP, 4.3 miles.

Minimum altitude over OWB NDB, 1700'.

MSA: 000°-090°-1900'; 090°-180°-2300'; 180°-270°-1900'; 270°-360°-2500'.

NOTE: Inoperative table does not apply to ALS Runway 35.

CAUTION: 803' tower 1.5 miles N and 827' tower 1.9 miles E of airport.

*Use Evansville altimeter setting when control zone not effective.

*Circling and straight-in MDA increased 100' when control zone not effective.

Standard alternate minimums apply for operators with approved weather reporting service.

Runway 35 departures, climb on magnetic heading 340° to 1500' before proceeding as cleared; Runway 5 departures, climb on magnetic heading 050° to 1500' before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35*	800	1	399	800	1	399	800	1	399	800	1	399
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	800	1	393	800	1	453	1120	1½	713	1140	2	733
A.....	Not authorized.*			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Owensboro; State, Ky.; Airport name, Owensboro-Davies County; Elev., 407'; Facility, OWB; Procedure No. NDB (ADF) Runway 35, Amdt. 2; Eff. date, 5 June 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 9 Apr. 66

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
MTW VOR.....	SBM NDB.....	Direct.....	2400	Climb to 2400' on 205° bearing from SBM NDB within 10 miles; return to NDB. Supplementary charting information: Final approach crs intercepts runway centerline 3700' from threshold. Runway 21, TDZ elevation, 746'.
Franklin Int.....	SBM NDB.....	Direct.....	2400	
OSH VOR.....	SBM NDB.....	Direct.....	2700	
Belgium Int.....	SBM NDB.....	Direct.....	2400	
Calvary Int.....	SBM NDB.....	Direct.....	2700	

Procedure turn W side of crs, 025° Outbnd, 205° Inbnd, 2400' within 10 miles of SBM NDB.

Final approach crs, 205°.

MSA: 000°-180°-2100'; 180°-270°-2500'; 270°-360°-2700'.

NOTES: (1) Use Green Bay altimeter setting except for operators with approved weather reporting service. (2) Operators with approved weather reporting service may reduce all MDA's by 200'.

*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-21.....	1400	1	654	1400	1	654	1400	1½	654	NA		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C.....	1400	1	654	1400	1	654	1400	1½	654	NA		
A.....	Not authorized.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Sheboygan; State, Wis.; Airport name, Sheboygan County Memorial; Elev., 746'; Facility, SBM; Procedure No. NDB (ADF) Runway 21, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. ADF 1, Orig.; Dated, 18 Aug. 66

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

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: 4.5 miles after passing AC LOM.
From—	To—	Via		
ACT VORTAC.....	AC LOM.....	Direct.....	2000	Climb to 2700' on AC LOM bearing 185° from AC LOM within 15 miles, or, turn right climbing to 2000' direct ACT VORTAC. Supplementary charting information: Runway 18, TDZ elevation, 504'.
Int AC bearing 185° and ACT VORTAC R 164°.....	AC LOM.....	Direct.....	2000	
R 306°, ACT VORTAC CW.....	AC LOM bearing 005°.....	13-mile Arc ACT, R 010° lead radial.....	2000	
13-mile DME Arc.....	AC LOM (NOPT).....	AC LOM bearing 005°.....	1800	
Brandon Int.....	AC LOM bearing 005°.....	ACT R 028°.....	2000	
Int AC LOM bearing 005° and ACT VORTAC R 028°.....	AC LOM (NOPT).....	AC LOM bearing 005°.....	1500	

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2000' within 10 miles of AC LOM.
FAF, AC LOM. Final approach crs, 185°. Distance FAF to MAP, 4.5 miles.
Minimum altitude over AC LOM, 1800'.
MSA: 090°-270°-2800'; 270°-090°-2100'.
RVR 24', Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18.....	840	RVR 40	336	840	RVR 40	336	840	RVR 40	336	840	RVR 50	236
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	900	1	385	980	1	465	980	1½	465	1080	2	605
A.....	Standard.			T 2 eng. or less—Standard.†			T over 2 eng.—Standard.†					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 513'; Facility, AC; Procedure No. NDB (ADF) Runway 18, Amdt. 6; Eff. date, 5 June 60; Sup. Amdt. No. 8; Dated, 14 Oct. 67

16. 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

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			Minimum altitudes (feet)	Missed approach MAP: Cambridge NDB.
From—	To—	Via		
Choctank Int.....	Cambridge NDB.....	Direct.....	2000	Climb to 1600', right turn direct to CGE NDB and hold. Supplementary charting information: Hold SE of Cambridge NDB, 1 minute, right turns, 333° Inbnd. Runway 34, TDZ elevation, 20'.
Golden Hill Int.....	Cambridge NDB.....	Direct.....	2000	

Procedure turn E side of crs, 153° Outbnd, 333° Inbnd, 1600' within 10 miles of Cambridge NDB.
Final approach crs, 333°.
MSA: 000°-090°-1400'; 090°-180°-1700'; 180°-270°-1300'; 270°-360°-1400'.
NOTE: Use Salisbury, Md., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	VIS			VIS			VIS		
S-34.....	560	1	540	NA			NA			NA		
	MDA	VIS	HAA	VIS			VIS			VIS		
C.....	560	1	540	NA			NA			NA		
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Cambridge; State, Md.; Airport name, Cambridge Municipal; Elev., 20'; Facility, CGE; Procedure No. NDB (ADF) Runway 34, Amdt. 1; Eff. date, 5 June 60; Sup. Amdt. No. Orig.; Dated, 17 Oct. 68

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Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing MSN LOM.
Morey Int.	MSN NDB	Direct	2700	Climb straight ahead to 2600' within 10 miles. Return to MSN NDB.
Marshall Int.	MSN NDB	Direct	2600	Supplementary charting information:
Albany Int.	MSN NDB	Direct	2600	2340' tower, 43°03'20" 80°28'40"
MSN VOR	MSN NDB	Direct	2600	1141' tank, 43°08'20" 80°22'20"
				1156' tank, 43°04'00" 80°20'00"
				Runway 36, TDZ elevation, 850'.

DAY AND NIGHT MINIMUM

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
B-36.....	1300	RVR 40	501	1300	RVR 40	501	1300	RVR 40	501	1300	RVR 40	501
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1400	1	601	1400	1	601	1400	1½	601	1400	2	601
A.....	Standard.	T 2-eng. or less—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways. %						T over 2-eng.—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways. %.				

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 850'; Facility, MSN; Procedure No. NDB (ADF) Runway 36, Amdt. 14; Eff. date, 5 June 69; Sup. Amdt No. 13; Dated, 14 Nov. 68.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing PB NDB.	
PBI VORTAC	PB NDB/LOM	Direct	1600	Climb to 1600' on crs 093° within 15 miles of PB NDB.	
Andrews Int.	PB NDB/LOM	Direct	2000		
Morgan Int.	PB NDB/LOM	Direct	1600	Supplementary charting information:	
Willy Int.	PB NDB/LOM	Direct	1600	TDZ elevation, 17'.	
Pompano Int.	PB NDB/LOM	Direct	2000		
Shawnee Int.	PB NDB/LOM (NOPT)	Direct	1600		
Pinto Int.	PB NDB/LOM	Direct	1600		

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
B-9.....	520	1/4	503	520	1/4	503	520	1/4	503	520	1 1/4	503
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	520	1	501	520	1	501	520	1 1/2	501	680	2	661
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19'; Facility, PB; Procedure No. NDB (ADF) Runway 9, Amdt. 8; Eff. date, 5 June 69; Sup. Amdt. No. 7; Dated, 16 May 68

17. 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 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			Minimum altitudes (feet)	Missed approach MAP: 3.7 miles after passing LOM.
From—	To—	Via		
R 285°, BTL VORTAC CW	BTL LOC (NOPT)	12-mile Arc BTL, R 034° lead radial.	2000	Make left-climbing turn to 3000' and proceed to Leroy Int via BTL VOR R 176°; or, when directed by ATC, climb to 2500' turn left and return to BT LOM. Supplementary charting information: Runway 22, TDZ elevation, 929'.
R 160°, BTL VORTAC CCW	BTL LOC (NOPT)	12-mile Arc BTL, R 034° lead radial.	2000	
BTL VORTAC	BT LOM	Direct	2500	
JXN VORTAC	Bellevue Int.	Direct	2500	
LFD VORTAC	BT LOM	Direct	2500	
Bellevue Int.	BT LOM (NOPT)	LOC crs	2200	
Hickory Int.	BT LOM	Direct	2500	

Procedure turn W side of crs, 044° Outbnd, 224° Inbnd, 2500' within 10 miles of BT LOM.

FAF, BT LOM. Final approach crs, 224°. Distance FAF to MAP, 3.7 miles.

Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2160'; at MM, 1155'.

Distance to runway threshold at OM, 3.7 miles; at MM, 0.5 mile.

MSA: 000°-180°-2700'; 180°-270°-2400'; 270°-360°-2000'.

*Inoperative component table does not apply to ALS for A, B, and C category aircraft. Increase visibility to 1 mile when ALS inoperative.

†Air carrier sliding scale and reduction for ALS less than 1/4 mile not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-22	1129	1/4	200	1129	1/4	200	1129	1/4	200	1129	1/4	200
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22*	1340	1/4	411	1340	1/4	411	1340	1/4	411	1340	1/4	411
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1380	1	439	1400	1	459	1400	1 1/4	439	1500	2	559
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional; Elev., 941'; Facility, I-BTL; Procedure No. ILS Runway 22, Amdt. 4; Eff. date, 5 June 69; Sup. Amdt. No. 3; Dated, 8 Apr. 67

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: ILS DH 230; LOC 4.4 miles after passing DA LOM.
From—	To—	Via		
DAB VORTAC	DA LOM	Direct	1500	Climb to 1500' on NE LOC crs, left turn, direct to DAB VORTAC via R 140° or, when directed by ATC, climbing right turn to 2000' to Smyrna Int via DAB R 161°. Supplementary charting information: TDZ elevation, 30'.
Lake Helen Int.	DA LOM	Direct	1600	
Smyrna Int.	DA LOM	Direct	1600	
Barberville Int.	DA LOM	Direct	1600	
Barberville Int CCW	LOC crs (NOPT)	16-mile Arc DAB, R 224° lead radial.	1600	
16-mile Arc	DA LOM (NOPT)	LOC crs	1400	
Woodruff Int.	DA LOM (NOPT)	Direct	1400	

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400' within 10 miles of DA LOM.

FAF, DA LOM. Final approach crs, 065°. Distance FAF to MAP, 4.4 miles.

Minimum glide slope interception altitude, 1400'. Glide slope altitude at OM, 1378'.

Distance to runway threshold at OM, 4.4 miles.

MSA: 000°-090°-1400'; 090°-180°-1500'; 180°-270°-2000'; 270°-360°-1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-6L	280	1/4	250	280	1/4	250	280	1/4	250	280	1/4	250
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6L	380	1	350	380	1	350	380	1	350	380	1	350
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	446	500	1	466	500	1 1/4	466	600	2	566
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34'; Facility, I-DAB; Procedure No. ILS Runway 6L, Amdt. 10; Eff. date, 5 June 69; Sup. Amdt. No. ILS Runway 6, Amdt. 9; Dated, 4 Nov. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: Categories A, B, and C—ILS DH, 1500', Category D—ILS DH, 1650'.
From—	To—	Via		
15-mile DME Fix, R 216° MFR VORTAC.....	15-mile DME Fix, R 316° MFR VOR TAC.....	15-mile CW Arc MFR R 307° lead radial.	6800	Categories A, B, and C, climb straight ahead to 1800'; Category D, climb straight ahead to 2250'; right-climbing turn direct FR LMM, then direct MF LOM: Continue climb to 6500' in holding pattern. Supplementary charting information: #Hold SE, 1 minute, right turns, 320° Inbnd. Runway 14, TDZ elevation, 1300'.
15-mile DME Fix, R 316° MFR VORTAC*.....	MF LOM (NOPT).....	R 316°, MFR VORTAC and NW crs MFR localizer.	6500	
Lakecreek Int*.....	MF LOM (NOPT).....	15-mile CCW Arc and NW crs MFR localizer, MFR R 325°, lead radial.	6500	
MFR VORTAC.....	MF OM.....	Direct.....	6500	
Gold Hill Int.....	MF LOM.....	Direct.....	6500	
Klamath Junction Int.....	MF LOM.....	Direct.....	8000	
Talent Int.....	MF LOM.....	Direct.....	8000	
MF LOM.....	Evans Creek FM.....	Direct.....	6500	

Procedure turn E side of crs, 320° Outbnd, 140° Inbnd, 6500' within 10 miles of Evans Creek FM.
Final approach crs, 140°.
Minimum glide slope interception altitude, 6000'. Glide slope altitude at Evans Creek, 5605'; at OM, 2688'; at MM, 1506'.
Distance to runway threshold at Evans Creek, 14.4 miles; at OM, 4.5 miles; at MM, 0.5 mile.
MSA: 000°-090°-10,500'; 090°-180°-8000'; 180°-270°-8100'; 270°-360°-6000'.
NOTES: (1) Procedure not authorized with glide slope inoperative. (2) Evans Creek FM and procedure turn may be eliminated provided VFR on-top is maintained to MF LOM; and further, the aircraft must be able to arrive over MF LOM at 2688' on-top.
%IFR departure procedures: Published SID's must be used.
*Descent on glide slope to cross OM at 2688' authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-4.....	1500	RVR 24	200	1500	RVR 24	200	1500	RVR 24	200	1650	RVR 40	550
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	2000	1	670	2000	1	670	2000	1½	670	2000	2	670
A.....	1000-2.		T 2-eng. or less—Runway 14, RVR 24'; Runway 9, 1000-2; Standard all other runways.%						T over 2-eng.—Runway 14, RVR 24'; Runway 9, 1000-2; Standard all other runways.%			

City, Medford; State, Oreg.; Airport name, Medford-Jackson County; Elev., 1330'; Facility, I-MFR; Procedure No. ILS Runway 14, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Orig.; Dated, 21 Nov. 68

Terminal routes				Missed approach	
From--	To--	Via	Minimum altitudes (feet)	MAP: ILS DH, 1129'; LOC 5.9 miles after passing ON LOM.	
ONT VOR.....	Highgrove Int.....	Direct.....	4200	Climb to 1300', turn left direct to ONT VOR at 4200' and hold.* Supplementary charting information: *Hold E, 1 minute, right turns, 238° Inbnd. Runway 25, TDZ elevation, 922'.	
HAL VOR.....	Highgrove Int.....	Direct.....	4200		
Highgrove Int.....	Colton NDB.....	Direct.....	4200		
Moreno Int.....	Colton NDB.....	Direct.....	4200		

Procedure turn not authorized. Approach crs (profile) starts at Colton NDB.
FAF, ON LOM. Final approach crs 255°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over Colton NDB, 4200'; over ON LOM, 2800'; over Baker Int, 1480'.
Minimum glide slope interception altitude, 2800'. Glide slope altitude at OM, 2732'; at MM, 1145'.
Distance to runway threshold at OM, 5.9 miles; at MM, 0.6 mile.
MSA: 000°-090°-11,900'; 090°-270°-6700'; 270°-360°-11,100'.
NOTES: (1) ASR. (2) Night minimums not authorized Runways 3/21.
#Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25.
%IFR departure procedures: Northbound and eastbound (278° through 105° CW) published SID's must be used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-25.....	1129	RVR 24	200	1129	RVR 24	200	1129	RVR 24	200	1129	RVR 24	200
	LOC Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25.....	1480	RVR 24	551	1480	RVR 24	551	1480	RVR 24	551	1480	RVR 50	551
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1480	1	528	1480	1	528	1480	1½	528	1520	2	568
	LOC/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25.....	1240	RVR 24	311	1240	RVR 24	311	1240	RVR 24	311	1240	RVR 40	311
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1420	1	468	1480	1	528	1480	1½	528	1520	2	568
A.....	Standard.		T 2-eng. or less—Runway 25, RVR 24'; Standard all other runways.% #						T over 2-eng.—Runway 25, RVR 24'; Standard all other runways.% #			

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, I-ONT; Procedure No. ILS Runway 25, Amdt. 24; Eff. date, 5 June 69; Sup. Amdt. No. ILS-25, Amdt. 23; Dated, 18 June 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
ACT VORTAC	AC LOM	Direct	2000	Climb to 2700' on LOC crs 185° within 20 miles, or, turn right, climbing to 2000' direct ACT VORTAC.
Int ACT LOC (BC) and ACT VORTAC, R 164°	AC LOM	Direct	2000	
R 306°, ACT VORTAC CW	ACT LOC (FC)	13-mile Arc ACT, R 010° lead radial.	2000	Supplementary charting information: Runway 18, TDZ elevation, 504'.
13-mile DME Arc	AC LOM (NOPT)	LOC crs 185°	1800	
Brandon Int.	ACT LOC (FC)	ACT R 028°	2000	
Int ACT LOC (FC) and ACT VORTAC R 028°	AC LOM (NOPT)	LOC crs 185°	1800	

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2000' within 10 miles of AC LOM.
 FAF, AC LOM. Final approach crs, 185°. Distance FAF to MAP, 4.5 miles.
 Minimum glide slope interception altitude, 1800'. Glide slope altitude at OM, 1765'; at MM, 694'.
 Distance to runway threshold at OM, 4.5 miles; at MM, 0.5 mile.
 MSA: 090°-270°-2800'; 270°-090°-2100'.
 #RVR 24', Runway 18.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-18	704	RVR 24	200	704	RVR 24	200	704	RVR 24	200	704	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18	780	RVR 24	276	780	RVR 24	276	780	RVR 24	276	780	RVR 40	276
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	900	1	385	980	1	465	980	1½	465	1080	2	565
A	Standard.			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515'; Facility, ACT; Procedure No. ILS Runway 18, Amdt. 3; Eff. date, 5 June 69; Sup. Amdt. No. 2; Dated 27 Mar. 69

18. 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			Minimum altitudes (feet)	Missed approach
From—	To—	Via		
Morey Int.	LOM	Direct	2700	Climb to 2700' on N crs MSN ILS direct to Windsor Marker. When directed by ATC, right-climbing turn to 2700' on MSN VOR R 090° within 10 miles; return to LOM.
Marshall Int.	LOM	Direct	2600	
Brooklyn Int.	LOM (NOPT)	LOC crs	2100	Supplementary charting information: 2249' tower, 43°03'30"/89°28'40". 1141' tank, 43°08'20"/89°22'25". 1156' tower, 43°04'00"/89°20'00". Runway 36, TDZ elevation, 859'.

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2600' within 10 miles of MSN LOM.
 FAF, MSN LOM. Final approach crs, 359°. Distance FAF to MAP, 3.9 miles.
 Minimum glide slope interception altitude, 2100'. Glide slope altitude at OM, 1916'; at MM, 1056'.
 Distance to runway threshold at OM, 3.9 miles; at MM, 0.6 mile.
 MSA: 000°-090°-2600'; 090°-180°-2200'; 180°-360°-3300'.

NOTES: (1) Radar vectoring. (2) Final approach from holding pattern at LOM not authorized, procedure turn required.

CAUTION: Runways 8/26 unlighted.

IFR departure procedures: Aircraft departing all runways—When weather is below 1500-2, aircraft departing southwestbound, flight below 2700' beyond 4 miles from airport is prohibited between R 201° and R 257° inclusive of the MSN VOR due to 2249' tower 8 miles SW of airport.

Takeoffs Runways 4, 8, 22, 31, and 36, climb to at least 1300' MSL on takeoff heading before proceeding on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-36	1059	RVR 24	200	1059	RVR 24	200	1059	RVR 24	200	1059	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1240	RVR 24	381	1240	RVR 24	381	1240	RVR 24	381	1240	RVR 40	381
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	601	1460	1	601	1460	1½	601	1460	2	601
A	Standard.			T 2-eng. or less—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways.%			T over 2-eng.—RVR 24', Runway 36; 200-1, Runway 13; 300-1, Runway 26; Standard all other runways.%					

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859'; Facility, I-MSN; Procedure No. ILS Runway 36, Amdt. 15; Eff. date, 5 June 69; Sup. Amdt. No. 14; Dated, 14 Nov. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 1046'; LOC 5.7 miles after passing OS LOM.	
OSH VOR.....	OS LOM.....	Direct.....	2600	Climb to 2600' on E crs of ILS within 10 miles, return to LOM. When directed by ATC, make right-climbing turn to 2600' on R 165° OSH VOR within 10 miles, return to LOM. Supplementary charting information: Runway 9 TDZ elevation 700'.	

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2600' within 10 miles of OS LOM.
FAF, OS LOM. Final approach crs, 089°. Distance FAF to MAP, 5.7 miles.
Minimum glide slope interception altitude, 2600'. Glide slope altitude at OM, 2498'; at MM, 1001'.
Distance to runway threshold at OM, 5.7 miles; at MM, 0.6 mile.
MSA: 000°-180°-2700'; 180°-360°-2400'.
NOTES: (1) Radar vectoring. (2) Runways 4/22 and 13/31 unlighted. (3) Use Green Bay altimeter setting when OSH control zone not effective. (4) Circling and straight-in LOC MDA and ILS DH increased 160' except operators with approved weather reporting service.* (5) Alternate minimums not authorized when OSH control zone not effective except for operators with approved weather reporting service. (6) Inoperative component table does not apply to REIL Runway 9.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9.....	1046	¾	250	1046	¾	250	1046	¾	250	1046	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9.....	1160	¾	364	1160	¾	364	1160	¾	364	1160	1	364
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1220	1	415	1260	1	455	1260	1½	455	1360	2	555
A.....	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 806'; Facility, I-OSH; Procedure No. ILS Runway 9, Amdt. 12; Eff. date, 5 June 60; Sup. Amdt. No. 11; Dated, 6 Feb. 60

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 849'; LOC 5.3 miles after passing TU LOM.	
Kellyville Int.....	TU LOM.....	Direct.....	2700	Climb to 2500' on bearing 355° from TU LOM within 15 miles; or, right turn, climbing to 2500' via TUL VORTAC R 036° within 20 miles. Supplementary charting information: TDZ elevation, 640'.	
Coweta Int.....	TU LOM.....	Direct.....	2700		
TUL VORTAC.....	TU LOM.....	Direct.....	2700		
Shell Lake Int.....	TU LOM.....	Direct.....	2700		
Glenpool Int.....	TU LOM.....	Direct.....	2700		
Stebbins Int.....	TU LOM.....	Direct.....	2700		
OKM VOR.....	TU LOM (NOPT).....	OKM R 346° and TUL LOC (FO).	2200		

Procedure turn E side of crs, 175° Outbnd, 355° Inbnd, 2700' within 10 miles of TU LOM.
FAF, TU LOM. Final approach crs, 355°. Distance FAF to MAP, 5.3 miles.
Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2164'; at MM, 828'.
Distance to runway threshold at OM, 5.3 miles; at MM, 0.5 mile.
MSA: 000°-090°-2300'; 090°-180°-3600'; 180°-360°-3200'.
NOTE: ASR.
% 300-1 required Runways 3L, 21R, 17R, and 35L.
#RVR 24', Runway 35R.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-35R.....	849	RVR 24	200	849	RVR 24	200	849	RVR 24	200	849	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35R.....	1040	RVR 24	391	1040	RVR 24	391	1040	RVR 24	391	1040	RVR 40	391
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1120	1	446	1140	1	466	1140	1½	466	1240	2	566
A.....	Standard.			T 2-eng. or less—Standard.%#			T over 2-eng.—Standard.%#					

City, Tulsa; State, Okla.; Airport name, Tulsa International; Elev., 674'; Facility, I-TUL; Procedure No. ILS Runway 35R, Amdt. 16; Eff. date, 5 June 60; Sup. Amdt. No. 15; Dated, 19 Dec. 68

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach MAP: ILS DH, 317'; LOC 5.7 miles after passing LOM.
From—	To—	Via		
R 358°, PBI VORTAC CCW.....	PBI R 273°/LOC crs.....	10-mile arc PBI, R 283° lead radial.	1600	Climb to 1600' on E crs of ILS LOC within 15 miles.
R 181°, PBI VORTAC CW.....	PBI R 273°/LOC crs.....	10-mile arc PBI, R 283° lead radial.	2000	Supplementary charting information: Runway 9, TDZ elevation, 17'.
Willy Int.....	PB NDB/LOM.....	Direct.....	1600	
Morgan Int.....	PB NDB/LOM.....	Direct.....	1600	
Andrews Int.....	PB NDB/LOM.....	Direct.....	2000	
Sunshine Int.....	PB NDB/LOM.....	Direct.....	2000	
Pompano Int.....	PB NDB/LOM.....	Direct.....	2000	
Shawnee Int.....	PB NDB/LOM (NOPT).....	Direct.....	1600	
10-mile Arc.....	PB NDB/LOM (NOPT).....	LOC crs.....	1600	
Pluto Int.....	PB NDB/LOM.....	Direct.....	1600	

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1600' within 10 miles of PB NDB/LOM.

FAF, PB NDB/LOM. Final approach crs, 093°. Distance FAF to MAP, 5.7 miles.

Minimum glide slope interception altitude, 1600'. Glide slope altitude at OM, 1589'; at NM, 222'.

Distance to runway threshold at OM, 5.7 miles; MM, 0.6 mile.

MSA: 000°-090°-1700'; 090°-270°-2100'; 270°-360°-1400'.

NOTE: Glide slope unusable below 150'.

#Category D, 700-2.

*Inoperative table does not apply AILS Runway 9. Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			B			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9°.....	317	¾	300	317	¾	300	317	¾	300	317	¾	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9°.....	480	¾	463	480	¾	463	480	¾	463	480	1	463
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	480	1	461	480	1	461	480	1½	461	680	2	661
A.....	Standard.#			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19'; Facility, I-PBI; Procedure No. ILS Runway 9, Amdt. 11; Eff. date, 5 June 69; Sup. Amdt. No. 10; Dated, 16 May 68

19. By amending § 97.31 of Subpart C to establish 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	
											Supplementary charting information: Runway 7 TDZ elevation, 147'.

Missed approach:

Runway 25—Climb straight ahead to 2000' on 246° bearing GAL NDB, or, R 245° GAL VORTAC within 15 miles.

Runway 67—Climb straight ahead to GAL NDB or GAL VORTAC, continue climb to 2000' on 065° bearing/R 065° within 10 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
Precision approach.												
S-25.....	352	½	200	352	½	200	352	½	200	352	½	200
Military aircraft minimums:												
S-25.....	252	¾	100	252	¾	100	252	¾	100	252	¾	100
Surveillance approach:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25.....	500	½	408	500	½	408	500	½	408	500	½	408
S-7.....	400	½	313	400	½	313	400	½	313	400	½	313
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	500	1	408	600	1	448	600	1½	448	700	2	548
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Galena; State, Alaska; Airport name, Galena; Elev., 182'; Facility, Galena Radar; Procedure No. Radar-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Radar 1, Orig.; Dated, 4 Feb. 67

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	Distance	Altitude	
As established by Ontario ASR minimum altitude vectoring chart.												ASR Runway 25, FAF 6 miles from runway. ASR Runway 7, FAF 6 miles from runway. \$Minimum altitude over 3-mile Radar Fix on final approach, 1700'. #Minimum altitude over 2-mile Radar Fix on final approach, 1700'. #Maneuvering not authorized NW of airport between extended centerlines of Runways 3/21 and 7/25. %IFR departure procedures: Northbound and eastbound (278° through 105° CW) published SID's must be used. *Increase visibility ¼ mile for Categories A, B, and C for inoperative ALS Runway 25. Inoperative table does not apply to HIRL Runway 7. Night minimums Runways 3/21 not authorized.

Missed approach:
 Runway 25—Climbing left turn to 4200' direct to ONT VORTAC and hold.
 Runway 07—Climbing right turn to 4200' direct to ONT VORTAC and hold.
 Runway 25, TDZ elevation, 929'; Runway 7, TDZ elevation, 942'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-25*§	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 40	491	1420	RVR 50	491
8-7#	1420	1	478	1420	1	478	1420	1	478	1420	1	478
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1420	1	468	1480	1	528	1480	1 1/4	528	1520	2	558
A.	Standard.			T 2-eng. or less—Runway 25, RVR 24'; Standard all other runways. %#			T over 2-eng.—Runway 25, RVR 24'; Standard all other runways. %#					

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 952'; Facility, ONT ASR; Procedure No. Radar-1, Amdt. 1; Eff. date, 5 June 69; Sup. Amdt. No. Radar 1, Orig.; Dated, 2 Sept. 67

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 May 1, 1969.

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

[F.R. Doc. 69-5492; Filed, May 15, 1969; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 550—PAY ADMINISTRATION (GENERAL)

Specific Exceptions

Section 550.505 is amended by adding a new paragraph (o) to provide an exception to the dual pay prohibition for certain athletic officials in Iceland.

§ 550.505 Specific exceptions.

(o) Pay for part-time or intermittent employment by the Department of the Navy as an athletic official in connection with nonappropriated fund activities at the U.S. Naval Station, Keflavik, Iceland.

(5 U.S.C. 5533)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 69-5836; Filed, May 15, 1969; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Miscellaneous Amendments

On January 18, 1968 (33 F.R. 633-634) and December 18, 1968 (33 F.R. 18706-18707), there were published in the FEDERAL REGISTER notices with respect to proposed amendments to Part 78, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notices and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 123-126, 134-134h), said part is hereby amended in the following respects:

1. New paragraphs (p), (q), (r), (s), (t), (u), (v), and (w) are added to § 78.1 to read as follows:

§ 78.1 Definitions.

(p) *Shipping permit.* An official document issued by a State or Federal Inspector or by an accredited veterinarian on which are listed the identification tag, tattoo, backtag, or registration number, or similar identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee.

(q) *Certificate.* An official document issued by a State or Federal Inspector or by an accredited veterinarian at the point of origin on which are listed the identification tag, tattoo, or registration number or similar identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meet the requirements of § 78.12.

(r) *Qualified herd.* A herd of cattle in a noncertified area for which the State has records showing that the herd has been subjected to official testing for brucellosis in accordance with the procedures for herd tests for initial modified

area certification specified in Part IV, Section 1A of the July 1967 "Recommended Uniform Methods and Rules for Brucellosis Eradication"¹ within 12 months prior to interstate movement, and that the herd is not known to be affected with brucellosis.

(s) *Official test.* Any test for brucellosis which is prescribed in Part II(F) of the "Recommended Uniform Methods and Rules for Brucellosis Eradication"¹ and which is conducted under the supervision of a Federal or State veterinary official or by an accredited veterinarian.

(t) *Noncertified area.* Any area not listed in § 78.13.

(u) *Owner's statement.* A statement signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the statement; (4) the point from which the animals are moved interstate; and (5) the name and address of the owner or shipper.

(v) *Quarantined feedlot.*² A confined dry lot area for the finish feeding of cattle, from which cattle move only to immediate slaughter, and which is maintained, under the direct supervision and control of the State official responsible for animal health programs, in accordance with procedures established by such official to assure individual animal identification for all cattle entering or leaving the lot.

(w) *Herd known to be affected.* A herd in which any animals have been classified as reactors as defined in the "Recommended Uniform Methods and Rules for Brucellosis Eradication"¹ and which has not passed a negative test at least 60 days following the removal of all reactors, in accordance with such methods and rules.

2. Section 78.12 is amended to read as follows:

§ 78.12 Movement of cattle not known to be affected with brucellosis.^{3,4}

Steers and spayed heifers over 6 months of age may be moved interstate without further restriction under this subpart if they are not known to be affected with brucellosis. Other cattle, including calves under 6 months of age, may be moved interstate in compliance with the applicable provisions of this section only if they are not known to be affected with brucellosis.

(a) *Movement of cattle to quarantined feedlots.* Cattle originating in any herd in any area may be moved interstate directly to a quarantined feedlot or to a public stockyard or specifically approved

stockyard for sale and shipment to a quarantined feedlot if such cattle are accompanied by a shipping permit as defined in § 78.1(p). A separate shipping permit shall be required for the interstate movement from any such stockyard to a quarantined feedlot. The cattle covered by the shipping permit shall not be diverted en route for any other purpose.

(b) *Movement of cattle for immediate slaughter.*

(1) Cattle originating in herds known to be affected with brucellosis in any area, and cattle originating in herds of unknown status⁵ in any noncertified area, may be moved interstate for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a slaughtering establishment specifically approved for such purpose in accordance with § 78.16(b) of this part or to a public stockyard or a specifically approved stockyard for sale and shipment to such a slaughtering establishment, if such cattle are accompanied by a shipping permit as defined in § 78.1(p). A separate shipping permit shall be required for the interstate movement from any such stockyard to a slaughtering establishment. The cattle covered by the shipping permit shall not be diverted en route for any other purpose.

(2) Cattle originating in herds not known to be affected with brucellosis in modified certified brucellosis areas and in qualified herds in noncertified areas may be moved interstate into any area for immediate slaughter, if such cattle are accompanied by a waybill or similar document, or an owner's statement as defined in § 78.1(u).

(c) *Movement of cattle for feeding, breeding, or other purposes.*—(1) *Movement from modified certified brucellosis areas.*

(i) Cattle originating in herds not known to be affected with brucellosis in any modified certified brucellosis area may be moved interstate into any area for any purpose, if such cattle are accompanied by a waybill or similar document or an owner's statement as defined in § 78.1(u).

(ii) Cattle originating in any herd known to be affected with brucellosis in any modified certified brucellosis area may be moved interstate from such area only in accordance with the provisions of paragraph (a) or (b) of this section.

(2) *Movement from noncertified areas.*

(i) Cattle originating in certified brucellosis-free herds in any noncertified area may be moved interstate into any area when accompanied by a certificate as defined in § 78.1(q) which also states that the cattle originated in a certified brucellosis-free herd.

(ii) Cattle originating in qualified herds in any noncertified area may be moved interstate as follows:

⁵ A herd of unknown status may become a qualified herd as defined in § 78.1(r) upon compliance with the provisions of § 78.1(r).

(a) Official vaccinates under 30 months of age at the time of interstate movement which originate in qualified herds may be moved interstate into any area when accompanied by a certificate as defined in § 78.1(q).

(b) Other cattle originating in qualified herds may be moved interstate into any area when accompanied by a certificate as defined in § 78.1(q), provided such cattle, except calves under 6 months of age, were subjected to an official test for brucellosis and found negative not less than 30 days from the date of the last qualifying herd test and not more than 30 days before the date of the interstate movement. The required certificate must show, in addition to items required under § 78.1(q), the test dates and results if an official test is required by this (b).

(iii) Cattle which originate in herds of unknown status⁵ or in herds known to be affected with brucellosis in any noncertified area may be moved interstate only in accordance with the provisions of paragraph (a) or (b) of this section.

(d) *Handling in transit of certain cattle moved interstate from any area.* Cattle moving interstate subject to this section, except cattle consigned for immediate slaughter or to a quarantined feedlot, shall be moved only in clean vehicles and, if unloaded in the course of such movement, shall be handled only in clean pens at public stockyards or specifically approved stockyards, or in clean pens at feed, water, and rest stations.

(e) *Other movements.* The Director of Division may upon request in specific cases permit the movement, not otherwise provided for in this section, of cattle not known to have reacted to a test for brucellosis and not otherwise known to be affected with brucellosis, under such conditions as he may prescribe in each case to prevent the spread of brucellosis. The Director of Division will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

Statement of considerations. The foregoing amendments are based on recommendations made by the United States Livestock Sanitary Association (now the United States Animal Health Association) in 1965 that the regulations relating to brucellosis (Part 78, Title 9, Code of Federal Regulations) be amended to strengthen restrictions on the interstate movement of cattle into modified certified brucellosis areas from noncertified areas. These recommendations were thoroughly reviewed and discussed at the 1967 meeting of the United States Livestock Sanitary Association (now the United States Animal Health Association) with interested groups having the opportunity to express their views. The Association reaffirmed its recommendation at the 1968 meeting.

The amendments were first published as a Notice of Proposed Rule Making on January 18, 1968. Comments received from this publication were considered in the preparation of the second proposal, which was published on December 18, 1968. Additional changes have been made

¹ Copies of the current Uniform Methods and Rules for Brucellosis Eradication are available upon request from the Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

² A list of quarantined feedlots in any State may be obtained from the State Veterinarian.

³ In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

⁴ Brucellosis reactor cattle may be moved interstate only in accordance with the provisions of §§ 78.4-78.9.

in the amendments since publication of the second proposal which will permit the use of backtags as an alternate means of individual animal identification as required in this part and will permit the movement of steers and spayed heifers without restriction, if not known to be affected with brucellosis.

It is recognized that calves less than 6 months of age can be a factor in the spread of brucellosis. These animals may act as spreaders of the disease during transient infection following ingestion of milk from infected dams.

The primary purpose of the foregoing amendments is to provide livestock greater protection against brucellosis. Unrestricted movement of cattle of unknown status from noncertified areas into other areas jeopardizes the advanced status of the certified areas and provides a hazard to the eradication of brucellosis. With 95 percent of the Nation's counties now recognized as modified certified brucellosis areas, the amendments are designed to reduce the hazard from interstate movement of cattle originating in the noncertified areas.

It does not appear that further notice and public participation in the rule making procedure with respect to this amendment would provide additional information to this Department. Therefore under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further procedure is unnecessary.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended; 33 F.R. 15485)

Effective date. The foregoing amendments shall become effective on August 1, 1969. This delay in effective date is necessary in order to afford affected persons time to comply with the new requirements.

Done at Washington, D.C., this 12th day of May 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-5837; Filed, May 15, 1969;
8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Grade Requirements for Wheat; Correction

The test weight per bushel requirements and the definition for sample grade wheat in the grades and grade requirements for all classes of wheat, except Mixed Wheat, in the Official Grain Standards of the United States were amended November 1, 1968 (33 F.R. 16065), effective January 31, 1969, after

public rule-making proceedings in accordance with the administrative procedure provisions in 5 U.S.C. 553. The amendments were inadvertently not reflected in the revision of the official grain standards published on February 28, 1969 (34 F.R. 3591) and should be included in the revision when it becomes effective March 1, 1970, to effectuate the intent of the Department in this respect.

Therefore § 26.327 of the standards as revised (7 CFR 26.327) is hereby amended by changing paragraph (a) thereof to read as follows:

§ 26.327 Grades and grade requirements.

(a) *Grades and grade requirements for all classes of wheat except Mixed Wheat.* (See also § 26.328.)

Grade	Minimum test weight per bushel		Defects					Wheat of other classes ¹	
	Hard Red Spring Wheat or White Club Wheat	All other classes and sub-classes	Heat-damaged kernels	Damaged kernels (total)	Foreign material	Shrunken and broken kernels	Defects (total)	Contrasting classes	Wheat of other classes (total)
U.S. No. 1.....	58.0	60.0	0.1	2.0	0.5	3.0	3.0	1.0	3.0
U.S. No. 2.....	57.0	58.0	.2	4.0	1.0	5.0	5.0	2.0	3.0
U.S. No. 3.....	55.0	56.0	.5	7.0	2.0	8.0	8.0	3.0	10.0
U.S. No. 4.....	53.0	54.0	1.0	10.0	3.0	12.0	12.0	10.0	10.0
U.S. No. 5.....	50.0	51.0	3.0	15.0	5.0	20.0	20.0	10.0	10.0

U.S. Sample grade.... U.S. Sample grade shall be wheat which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than two crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain; or contains castor beans (*Ricinus communis*), stones, broken glass, animal filth, an unknown foreign substance(s), or a commonly recognized harmful or toxic substance(s); or which is musty, sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.

¹ Red Durum Wheat of any grade may contain not more than 10.0 percent of wheat of other classes.

The foregoing amendment makes the changes necessary to reflect the November 1, 1968, amendment in the standards and also makes a clarifying change in the column heading "All other classes" in the table of grades and grade requirements, which does not change the effect of the provisions in the table.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and public participation in rule-making procedure in connection with the foregoing amendment are unnecessary. This amendment shall become effective on March 1, 1970, to coincide with the effective date of the revision of the official standards published on February 28, 1969.

(Sec. 4, 39 Stat. 482, as amended by 82 Stat. 762; 29 F.R. 16210, as amended; 33 F.R. 10750)

Done at Washington, D.C., this 13th day of May 1969.

JOHN E. TROMER,
Acting Deputy Administrator
Marketing Services.

[F.R. Doc. 69-5846; Filed, May 15, 1969;
8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Pollution Control Administration, Department of the Interior

PART 620—WATER QUALITY STANDARDS

Adoption, Identification, and Availability of State Standards

Pursuant to the authority of section 10(c) of the Federal Water Pollution

Control Act, as amended, 33 U.S.C. 466(c), the Secretary of the Interior hereby determines that the water quality standards adopted by the States listed, and contained in the documents identified in § 620.10, except as otherwise indicated, are consistent with paragraph (3) of section 10(c) of the Federal Water Pollution Control Act, as amended, and are such standards as protect the public health or welfare, enhance the quality of water and serve the purposes of the Federal Act; such standards shall hereafter be the standards applicable to the interstate waters for which adopted.

The documents containing such standards are incorporated herein and made a part hereof.

1. Section 620.10 is amended by adding the following:

ARIZONA

Water quality standards established by Arizona on July 18, 1968, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Water Quality Standards for Surface Waters in Arizona," together with supporting material.

CALIFORNIA

Water quality standards established by California in June 1967 for interstate waters subject to its jurisdiction and which are contained in the following documents:

1. Water Quality Control Policy for Klamath River in California, 1967.
2. Water Quality Control Policy for Smith River, 1967.
3. Water Quality Control Policy for Humboldt Bay, 1967.
4. Water Quality Control Policy for Humboldt-Del Norte Coast, 1967.
5. Water Quality Control Policy for Sonoma-Marina Coast, 1967.
6. Water Quality Control Policy for Mendocino Coast, 1967.
7. Lake Tahoe, Water Quality Control Policy, June 1966.
8. Water Quality Control Policy for East Walker River, 1967.

9. Water Quality Control Policy for West Fork Carson River, 1967.
10. Water Quality Control Policy for Truckee River, 1967.
11. Water Quality Control Policy for West Walker River and Lake Topaz, 1967.
12. Water Quality Control Policy for East Fork Carson River, 1967.
13. Statement of Policy for Water Quality Control of Minor California, Nevada Interstate Waters, April 1967.
14. Water Quality Control Policy for Pacific Ocean, 1967.
15. Water Quality Control Policy for San Diego Bay, 1966.
16. Water Quality Control Policy for Mission Bay including Tidal Prism of San Diego River and Agua Hedionda Lagoon, 1967.
17. Water Quality Control Policy for Tijuana River Basin in California, 1967.
18. Water Quality Control Policy for Sacramento-San Joaquin Delta, 1967.
19. Water Quality Control Policy for Goose Lake, Calif., January 1967.
20. Water Quality Control Policy for Tidal Waters Inland from the Golden Gate within the San Francisco Bay Region, 1967.
21. Water Quality Control Policy for Pacific Ocean, Pescadero Point to Mouth of Tomales Bay (Bolinas Lagoon, Drakes Estero, Liman-tour Estero, Portions of Tomales Bay and Tidal Portions of Coastal Streams), 1967.
22. Water Quality Control Policy for Coastal Waters, Point Piedras Blancas to Pescadero Point, 1967.
23. Water Quality Control Policy for Coastal Waters, Point Arguello to Point Piedras Blancas, 1967.
24. Water Quality Control Policy for Coastal Waters, Rincon Point to Point Arguello, 1967.
25. Water Quality Control Policy for Pacific Ocean Coastal Waters, Rincon Point to San Gabriel River, 1967.
26. Water Quality Control Policy for San Gabriel River Tidal Prism, 1967.
27. Water Quality Control Policy for Pacific Ocean Coastal Waters, 1967.
28. Water Quality Control Policy for Coastal Bays, Marinas & Sloughs, 1967.
29. Water Quality Control Policy for Colorado River in California, 1967.
30. Water Quality Control Policy for Alamo River in California, 1967.
31. Water Quality Control Policy for New River in California, 1967.

as amended, together with supporting material; except for temperature criteria and the minimum limit of the dissolved oxygen criteria for the near shore coastal waters of the Santa Ana Region.

COLORADO

Water quality standards established in Colorado on June 12, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Stream Classification for Surface Waters of Colorado, Including: Stream Quality Standards, Plan of Implementation, Enforcement Procedures," as amended; except for dissolved oxygen and temperature criteria for the Animas River below Durango and temperature-change limits for waters classified as "B-1" and "B-2".

FLORIDA

Water quality standards established by Florida on February 20, 1968, for interstate waters subject to its jurisdiction and which are contained in the document entitled, "Rules of the Florida Air and Water Pollution Control Commission, Chapter 28-5, Pollution of Waters", as amended.

IOWA

Water quality standards established by Iowa on May 26, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Water Qual-

ity Criteria and Plan for Implementation and Enforcement for the Surface Waters of Iowa," as amended; except for the treatment requirements and implementation plan for waste discharges into the Mississippi and Missouri Rivers, the requirement for disinfection of controllable waste discharges which may be sources of bacteriological pollution, and the temperature criteria for the interstate waters of Iowa other than the Mississippi and Missouri Rivers.

NEBRASKA

Water quality standards established by Nebraska on November 18, 1968, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Information Bulletin for Public Hearings on Proposed Revisions of Water Quality Standards for Interstate and Intrastate Waters of Nebraska, October 1968," as amended.

TERRITORY OF PUERTO RICO

Water quality standards established by Puerto Rico on June 30, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled, "Sanitary Rules and Regulations No. 127, To Establish Classifications and Standards for the Coastal Waters of Puerto Rico in accordance with Article 8 of Act No. 142 Approved May 1, 1950, for the Water Pollution Control, as amended, and of Act No. 81 approved March 14, 1912, 'An Act to Reorganize the Sanitary Service', as amended," together with supporting material, as amended by Sanitary Regulation No. 128, adopted December 29, 1967 and further amended by Sanitary Regulation No. 129, adopted December 23, 1968.

SOUTH CAROLINA

Water quality standards established by South Carolina on November 7, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled "General Water Quality Criteria and Specific Water Quality Standards, Implementation Plan," except for the dissolved oxygen criteria for waters classified as "B," "C," and swamp waters, the temperature-rise criteria for all freshwater classifications and the maximum temperature limit for all freshwater areas except the Savannah, Tugaloo, and Chattooga Rivers.

UTAH

Water quality standards established by Utah in June 1967, and amended in November 1968, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Water Quality Standards and Implementation Plan," as amended.

VIRGINIA

Water quality standards established by Virginia for interstate waters subject to its jurisdiction and which are contained in the following documents:

1. "Plan for Management of Water Quality in the Clinch & Powell River Basins in Virginia, Publication No. WQ-4, March 29, 1967," adopted March 29, 1967.
2. "Plan for Management of Water Quality in the Holston River Basin in Virginia, Publication No. WQ-6, March 29, 1967," adopted June 13, 1967.
3. "Plan for Management of Water Quality in the Shenandoah River and its Tributaries from the West Virginia-Virginia State line to the Junction of the North & South Forks, South Fork to Route 619 Bridge, Potomac River Tributaries (Frederick and Clarke Counties) and Interstate Tributaries (Rockingham County) in Virginia, Publication No. WQ-9, June 5, 1967," adopted June 13, 1967.
4. "Plan for Management of Water Quality in the South Fork Shenandoah River in Warren, Page, Rockingham and Augusta

Counties in Virginia, June 4, 1968," adopted January 17, 1968.

5. "Plan for Management of Water Quality in the tributaries of the Potomac River in Prince William, Stafford, King George, Westmoreland and Northumberland Counties in Virginia, Publication No. WQ-12, May 29, 1967," adopted May 29, 1967.
6. "Plan for Management of Water Quality in the Tributaries of the Potomac River in Fairfax County, East of the Western Fairfax-Arlington County Boundary and in Arlington and Prince William Counties, but not including Chopawamsic Creek, Publication No. WQ-13, June 5, 1967," adopted June 13, 1967.
7. "Plan for Management of Water Quality in the New River Basin in Virginia, Publication No. WQ-15, June 5, 1967," adopted June 13, 1967.
8. "Plan for Management of Water Quality in the Dan, Smith, Yadkin and Roanoke River Basins in Virginia, Publication No. WQ-18, June 30, 1967," adopted June 29, 1967.
9. "Plan for Management of Water Quality in the Chowan River Basin in Virginia, Publication No. WQ-20, May 29, 1967," adopted May 29, 1967.
10. "Plan for Management of Water Quality in the Rappahannock River Basin in Virginia, Publication No. WQ-22, May 29, 1967," adopted May 29, 1967.
11. "Plan for Management of Water Quality in the Big Sandy River Basin in Virginia, Publication No. WQ-24, June 5, 1967," adopted June 13, 1967.
12. "Plan for Management of Water Quality in the York River Basin in Virginia, Publication No. WQ-26, May 29, 1967," adopted May 29, 1967.
13. "Plan for Management of Water Quality in the James River Basin in Virginia, Publication No. WQ-30, June 30, 1967," adopted June 22, 1967.
14. "Plan for Management of Water Quality in the Back Bay, North Landing and Northwest Rivers and other Interstate Streams and their Tributaries in Virginia Beach, Chesapeake, and Nansemond County, Virginia, Publication No. WQ-32, June 16, 1967," adopted June 22, 1967.
15. "Plan for Management of Water Quality in the Chesapeake Bay and Atlantic Ocean Drainage Basins in Virginia, Publication No. WQ-34, June 16, 1967," adopted June 22, 1967.
16. "Plan for Management of Water Quality in the Tributaries of the Potomac River in Highland County, Virginia, Publication No. WQ-38, June 5, 1967," adopted June 13, 1967.

as amended, together with supporting documents; except for dissolved oxygen criteria for the open ocean and freshwater streams, the 95° F. maximum temperature limit, the chloride criteria for the North Fork Holston River, and certain parts of the implementation plan.

WYOMING

Water quality standards established by Wyoming on October 28, 1968, for interstate waters subject to its jurisdiction and which are contained in the document, "Water Quality Standards for Interstate Waters in Wyoming," together with supporting documents.

2. Section 620.10 is further amended by adding to the paragraph entitled "District of Columbia" the following:

An addendum to the water quality standards established by the District of Columbia which was adopted on December 16, 1968, by Commissioners' Order No. 68-801 and which is entitled "Revised Water Criteria and Uses (1972)".

3. Section 620.10 is further amended by deleting from the paragraph entitled "Maine" the phrase:

*** and except for Hancock County interstate waters; and substituting therefor the

following: and except for Hancock County interstate waters designated as Class SC.

4. Section 620.10 is further amended by adding to the paragraph entitled "Montana" the following:

An addendum adopted on October 8, 1968, and made part of the water quality standards established by Montana.

5. Section 620.10 is further amended by adding to the paragraph entitled "New Mexico" the following:

An addendum adopted on October 9, 1968, and made a part of section 2, page 5 of the document "Implementation and Enforcement Plan for Water Quality Control in New Mexico, June 1967."

6. Section 620.10 is further amended by revising the paragraph "Oregon" to read as follows:

OREGON

Water quality standards established by Oregon on June 1, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Chapter 334, Oregon Administrative Rules, State Sanitary Authority, Division 1, Water Pollution, Subdivision 1, Standards of Quality for Public Waters of Oregon and Disposal therein of Sewage and Industrial Wastes," together with appendixes and supporting documents, and as amended on May 24, 1968, by a document entitled "Addendum, Adopted May 24, 1968, Implementation and Enforcement Plan for the Public Waters of the State of Oregon, May 1967."

7. Section 620.10 is further amended by deleting from the paragraph entitled "Rhode Island" the phrase:

"* * * and except for the interstate waters within the jurisdiction of the Conference on the Pollution of the Blackstone and Ten Mile Rivers held pursuant to Section 10(d) of the Federal Water Pollution Control Act, as amended."

(Sec. 1, 70 Stat. 506, as amended; 33 U.S.C. 466i)

Dated: May 7, 1969.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

NOTE: Incorporation by reference provisions in these regulations approved by the Director of the Federal Register on May 15, 1969.

[F.R. Doc. 69-5822; Filed, May 15, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

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

Prescription-Drug Advertisements: Order Acting on Objections

The Commissioner of Food and Drugs published in the FEDERAL REGISTER of

May 23, 1967 (32 F.R. 7533), a proposal to amend § 1.105 by revising and revoking several paragraphs. Numerous comments and objections were received which resulted in discussions between interested industry representatives and the Food and Drug Administration staff for clarification of the regulations and minimizing disagreement.

An order acting on the proposal was published in the FEDERAL REGISTER of June 27, 1968 (33 F.R. 9393). Within the 30-day period permitted by the order, the Pharmaceutical Manufacturers Association filed objections together with a request for a public hearing on § 1.105 (e) (2) (ii) and (iii), (3) (i), (5) (ii), (6) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (xiii), (xiv), (xvii), (xviii), and (xxi), and 1.105(i). Thus, portions not stayed by objections became effective on August 26, 1968. (Announcement of the stay of effectiveness of the above-specified portions was not heretofore published in the FEDERAL REGISTER.)

After discussing the objections with the Pharmaceutical Manufacturers Association, the Commissioner concludes that § 1.105(e) should be revised in the following ways:

1. The third sentence of subparagraph (3) (i) and all of subparagraph (5) (ii) should be revised to read as indicated below and subparagraph (6) (xxi) should be deleted. These changes eliminate the requirements for two levels of brief summary discussion, but the requirement of fair balance would continue to call for the same kind of a discussion, in terms of scope, depth, and detail, in presenting both the information relating to effectiveness and the information relating to side effects and contraindications.

2. Subparagraph (6) (viii) should be deleted and subparagraph (7) (xiii) added as indicated below to shift the provision to the "may be" false, lacking in fair balance, or misleading category. This change plus one above causes redesignation of subdivisions (ix) through (xxii) of subparagraph (6).

3. In subparagraph (6), subdivision (xiv), redesignated (xiii), should be revised as indicated below. The prohibition it contained against the use of a study on a small number of patients without disclosing the fact that a small number of patients were involved is deleted because it is adequately covered by subparagraph (6) (v).

4. A new sentence should be added to the end of subparagraph (1) and new closing text should be added to subparagraph (6) as indicated below.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e)) and delegated to the Commissioner (21 CFR 2.120): It is ordered, That § 1.105 be amended by revising paragraphs (e) and (1) to read as follows:

§ 1.105 Prescription-drug advertisements.

* * * * *

(e) True statement of information in brief summary relating to side effects, contraindications, and effectiveness:

(1) *When required.* All advertisements for any prescription drug ("prescription drug" as used in this section means drugs defined in section 503(b)(1) of the act and § 1.106(c), applicable to drugs for use by man and veterinary drugs, respectively), except advertisements described in subparagraph (2) of this paragraph, shall present a true statement of information in brief summary relating to side effects, contraindications (when used in this section "side effects, contraindications" include side effects, warnings, precautions, and contraindications and include any such information under such headings as cautions, special considerations, important notes, etc.) and effectiveness. Advertisements broadcast through media such as radio, television, or telephone communications systems shall include information relating to the major side effects and contraindications of the advertised drugs in the audio or audio and visual parts of the presentation and unless adequate provision is made for dissemination of the approved or permitted package labeling in connection with the broadcast presentation shall contain a brief summary of all necessary information related to side effects and contraindications.

(2) *Exempt advertisements.* The following advertisements are exempt from the requirements of subparagraph (1) of this paragraph under the conditions specified:

(i) *Reminder advertisements.* Reminder advertisements if they contain only the proprietary or trade name of a drug (which necessitates declaring the established name, if any, and furnishing the formula showing quantitatively each ingredient of the drug to the extent required for labels) and, optionally, information relating to dosage form, quantity of package contents, price, the name and address of the manufacturer, packer, or distributor or other written, printed, or graphic matter containing no representation or suggestion relating to the advertised drug: *Provided, however,* That if the Commissioner finds that there is evidence of significant incidence of fatalities or serious damage associated with the use of a particular prescription drug, he may notify the manufacturer, packer, or distributor of the drug by mail that this exemption does not apply to such drug by reason of such finding.

(ii) *Advertisements of bulk-sale drugs.* Advertisements of bulk-sale drugs that promote sale of the drug in bulk packages in accordance with the practice of the trade solely to be processed, manufactured, labeled, or repackaged in substantial quantities and that contain no claims for the therapeutic safety or effectiveness of the drug.

(iii) *Advertisements of prescription-compounding drugs.* Advertisements of prescription-compounding drugs that promote sale of a drug for use as a prescription chemical or other compound for use by registered pharmacists in compounding prescriptions if the drug otherwise complies with the conditions

for the labeling exemption contained in § 1.106(k) and the advertisement contains no claims for the therapeutic safety or effectiveness of the drug.

(3) *Scope of information to be included; applicability to the entire advertisement.* (i) The requirement of a true statement of information relating to side effects, contraindications, and effectiveness applies to the entire advertisement. Untrue or misleading information in any part of the advertisement will not be corrected by the inclusion in another distinct part of the advertisement of a brief statement containing true information relating to side effects, contraindications, and effectiveness of the drug. If any part or theme of the advertisement would make the advertisement false or misleading by reason of the omission of appropriate qualification or pertinent information, that part or theme shall include the appropriate qualification or pertinent information, which may be concise if it is supplemented by a prominent reference on each page to the presence and location elsewhere in the advertisement of a more complete discussion of such qualification or information.

(ii) The information relating to effectiveness is not required to include information relating to all purposes for which the drug is intended but may optionally be limited to a true statement of the effectiveness of the drug for the selected purpose(s) for which the drug is recommended or suggested in the advertisement. The information relating to effectiveness shall include specific indications for use of the drug for purposes claimed in the advertisement; for example, when an advertisement contains a broad claim that a drug is an antibacterial agent, the advertisement shall name a type or types of infections and micro-organisms for which the drug is effective clinically as specifically as required, approved, or permitted in the drug package labeling.

(iii) The information relating to side effects and contraindications shall disclose each specific side effect and contraindication (which include side effects, warnings, precautions, and contraindications and include any such information under such headings as cautions, special considerations, important notes, etc.; see subparagraph (1) of this paragraph) contained in required, approved, or permitted labeling for the advertised drug dosage form(s); *Provided, however,*

(a) The side effects and contraindications disclosed may be limited to those pertinent to the indications for which the drug is recommended or suggested in the advertisement to the extent that such limited disclosure has previously been approved or permitted in drug labeling conforming to the provisions of § 1.106 (b) or (c); and

(b) The use of a single term for a group of side effects and contraindications (for example, "blood dyscrasias" for disclosure of "leukopenia," "agranulocytosis," and "neutropenia") is permitted only to the extent that the use of such a single term in place of disclosure of each specific side effect and contrain-

dication has been previously approved or permitted in drug labeling conforming to the provisions of § 1.106 (b) or (c).

(4) *Substance of information to be included in brief summary.* (i) (a) An advertisement for a prescription drug covered by a new-drug application approved pursuant to section 505 of the act after October 10, 1962, or any approved supplement thereto, shall not recommend or suggest any use that is not in the labeling accepted in such approved new-drug application or supplement. The advertisement shall present information from labeling required, approved, or permitted in a new-drug application relating to each specific side effect and contraindication in such labeling that relates to the uses of the advertised drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(b) If a prescription drug was covered by a new-drug application or a supplement thereto that became effective prior to October 10, 1962, an advertisement may recommend or suggest:

(1) Uses contained in the labeling accepted in such new-drug application and any effective, approved, or permitted supplement thereto.

(2) Additional uses contained in labeling in commercial use on October 9, 1962, to the extent that such uses did not cause the drug to be an unapproved "new drug" as "new drug" was defined in section 201(p) of the act as then in force, and to the extent that such uses would be permitted were the drug subject to subdivision (iii) of this subparagraph.

(3) Additional uses contained in labeling in current commercial use to the extent that such uses do not cause the drug to be an unapproved "new drug" as defined in section 201(p) of the act as amended.

The advertisement shall present information from labeling required, approved, or permitted in a new-drug application relating to each specific side effect and contraindication in such labeling that relates to the uses of the advertised drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(ii) An advertisement for a prescription drug subject to certification under section 507 of the act shall not recommend or suggest any use that is not in the labeling covered by the certification or the applicable certification regulations or regulations providing for exemption from certification. The advertisement shall present information from such labeling covered by the certification or the applicable certification regulations or regulations providing for exemption from certification, relating to each specific side effect and contraindication in such labeling and such regulations for the advertised drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(iii) In the case of an advertisement for a prescription drug other than a drug the labeling of which causes it to be an

unapproved "new drug" and other than drugs covered by subdivisions (i) and (ii) of this subparagraph, an advertisement may recommend and suggest the drug only for those uses contained in the labeling thereof:

(a) For which the drug is generally recognized as safe and effective among experts qualified by scientific training and experience to evaluate the safety and effectiveness of such drugs; or

(b) For which there exists substantial evidence of safety and effectiveness, consisting of adequate and well-controlled investigations, including clinical investigations (as used in this section "clinical investigations," "clinical experience," and "clinical significance" mean in the case of drugs intended for administration to man, investigations, experience, or significance in humans, and in the case of drugs intended for administration to other animals, investigations, experience, or significance in the specie or species for which the drug is advertised); by experts qualified by scientific training and experience to evaluate the safety and effectiveness of the drug involved, on the basis of which it can fairly and responsibly be concluded by such experts that the drug is safe and effective for such uses; or

(c) For which there exists substantial clinical experience (as used in this section, this means substantial clinical experience adequately documented in medical literature or by other data (to be supplied to the Food and Drug Administration, if requested)), on the basis of which it can fairly and responsibly be concluded by qualified experts that the drug is safe and effective for such uses; or

(d) For which safety is supported under any of the preceding clauses in (a), (b), and (c) of this subdivision and effectiveness is supported under any other of such clauses.

The advertisement shall present information relating to each specific side effect and contraindication that is required, approved, or permitted in the package labeling by § 1.106 (b) or (c) of the drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(5) *"True statement" of information.* An advertisement does not satisfy the requirement that it present a "true statement" of information in brief summary relating to side effects, contraindications, and effectiveness if:

(i) It is false or misleading with respect to side effects, contraindications, or effectiveness; or

(ii) It fails to present a fair balance between information relating to side effects and contraindications and information relating to effectiveness of the drug in that the information relating to effectiveness is presented in greater scope, depth, or detail than is required by section 502(n) of the act and this information is not fairly balanced by a presentation of a summary of true information relating to side effects and contraindications of the drug; *Provided, however,* That no advertisement shall be

considered to be in violation of this section if the presentation of true information relating to side effects and contraindications is comparable in depth and detail with the claims for effectiveness or safety.

(iii) It fails to reveal facts material in the light of its representations or material with respect to consequences that may result from the use of the drug as recommended or suggested in the advertisement.

(6) *Advertisements that are false, lacking in fair balance, or otherwise misleading.* An advertisement for a prescription drug is false, lacking in fair balance, or otherwise misleading, or otherwise violative of section 502(n) of the act, among other reasons, if it:

(i) Contains a representation or suggestion, not approved or permitted for use in the labeling, that a drug is better, more effective, useful in a broader range of conditions or patients (as used in this section "patients" means humans and in the case of veterinary drugs, other animals), safer, has fewer, or less incidence of, or less serious side effects or contraindications than has been demonstrated by substantial evidence or substantial clinical experience (as described in subparagraph (4) (iii) (b) and (c) of this paragraph) whether or not such representations are made by comparison with other drugs or treatments, and whether or not such a representation or suggestion is made directly or through use of published or unpublished literature, quotations, or other references.

(ii) Contains a drug comparison that represents or suggests that a drug is safer or more effective than another drug in some particular when it has not been demonstrated to be safer or more effective in such particular by substantial evidence or substantial clinical experience.

(iii) Contains favorable information or opinions about a drug previously regarded as valid but which have been rendered invalid by contrary and more credible recent information, or contains literature references or quotations that are significantly more favorable to the drug than has been demonstrated by substantial evidence or substantial clinical experience.

(iv) Contains a representation or suggestion that a drug is safer than it has been demonstrated to be by substantial evidence or substantial clinical experience, by selective presentation of information from published articles or other references that report no side effects or minimal side effects with the drug or otherwise selects information from any source in a way that makes a drug appear to be safer than has been demonstrated.

(v) Presents information from a study in a way that implies that the study represents larger or more general experience with the drug than it actually does.

(vi) Contains references to literature or studies that misrepresent the effectiveness of a drug by failure to disclose that claimed results may be due to concomitant therapy, or by failure to disclose the credible information available

concerning the extent to which claimed results may be due to placebo effect (information concerning placebo effect is not required unless the advertisement promotes the drug for use by man).

(vii) Contains favorable data or conclusions from nonclinical studies of a drug, such as in laboratory animals or in vitro, in a way that suggests they have clinical significance when in fact no such clinical significance has been demonstrated.

(viii) Uses a statement by a recognized authority that is apparently favorable about a drug but fails to refer to concurrent or more recent unfavorable data or statements from the same authority on the same subject or subjects.

(ix) Uses a quote or paraphrase out of context to convey a false or misleading idea.

(x) Uses literature quotations or references that purport to support an advertising claim but in fact do not support the claim or have relevance to the claim.

(xi) Uses literature, quotations, or references for the purpose of recommending or suggesting conditions of drug use that are not approved or permitted in the drug package labeling.

(xii) Offers a combination of drugs for the treatment of patients suffering from a condition amenable to treatment by any of the components rather than limiting the indications for use to patients for whom concomitant therapy as provided by the fixed combination drug is indicated, unless such condition is included in the uses permitted under subparagraph (4) of this paragraph.

(xiii) Uses a study on normal individuals without disclosing that the subjects were normal, unless the drug is intended for use on normal individuals.

(xiv) Uses "statistics" on numbers of patients, or counts of favorable results or side effects, derived from pooling data from various insignificant or dissimilar studies in a way that suggests either that such "statistics" are valid if they are not or that they are derived from large or significant studies supporting favorable conclusions when such is not the case.

(xv) Uses erroneously a statistical finding of "no significant difference" to claim clinical equivalence or to deny or conceal the potential existence of a real clinical difference.

(xvi) Uses statements or representations that a drug differs from or does not contain a named drug or category of drugs, or that it has a greater potency per unit of weight, in a way that suggests falsely or misleadingly or without substantial evidence or substantial clinical experience that the advertised drug is safer or more effective than such other drug or drugs.

(xvii) Uses data favorable to a drug derived from patients treated with dosages different from those recommended in approved or permitted labeling if the drug advertised is subject to section 505 or 507 of the act, or, in the case of other drugs, if the dosages employed were different from those recommended in the labeling and generally recognized as safe and effective. This provision is not in-

tended to prevent citation of reports of studies that include some patients treated with dosages different from those authorized, if the results in such patients are not used.

(xviii) Uses headline, subheadline, or pictorial or other graphic matter in a way that is misleading.

(xix) Represents or suggests that drug dosages properly recommended for use in the treatment of certain classes of patients or disease conditions are safe and effective for the treatment of other classes of patients or disease conditions when such is not the case.

(xx) Presents required information relating to side effects or contraindications by means of a general term for a group in place of disclosing each specific side effect and contraindication (for example employs the term "blood dyscrasias" instead of "leukopenia," "agranulocytosis," "neutropenia," etc.) unless the use of such general term conforms to the provisions of subparagraph (3) (iii) of this paragraph.

Provided, however, That any provision of this paragraph shall be waived with respect to a specified advertisement as set forth in a written communication from the Food and Drug Administration on a petition for such a waiver from a person who would be adversely affected by the enforcement of such provision on the basis of a showing that the advertisement is not false, lacking in fair balance, or otherwise misleading, or otherwise violative of section 502(n) of the Act. A petition for such a waiver shall set forth clearly and concisely the petitioner's interest in the advertisement, the specific provision of this paragraph from which a waiver is sought, a complete copy of the advertisement, and a showing that the advertisement is not false, lacking in fair balance, or otherwise misleading, or otherwise violative of section 502(n) of the act.

(7) *Advertisements that may be false, lacking in fair balance, or otherwise misleading.* An advertisement may be false, lacking in fair balance, or otherwise misleading or otherwise violative of section 502(n) of the act if it:

(i) Contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for such information or conclusions.

(ii) Uses the concept of "statistical significance" to support a claim that has not been demonstrated to have clinical significance or validity, or fails to reveal the range of variations around the quoted average results.

(iii) Uses statistical analyses and techniques on a retrospective basis to discover and cite findings not soundly supported by the study, or to suggest scientific validity and rigor for data from studies the design or protocol of which are not amenable to formal statistical evaluations.

(iv) Uses tables or graphs to distort or misrepresent the relationships, trends, differences, or changes among the variables or products studied; for example,

by failing to label abscissa and ordinate so that the graph creates a misleading impression.

(v) Uses reports or statements represented to be statistical analyses, interpretations, or evaluations that are inconsistent with or violate the established principles of statistical theory, methodology, applied practice, and inference, or that are derived from clinical studies the design, data, or conduct of which substantially invalidate the application of statistical analyses, interpretations, or evaluations.

(vi) Contains claims concerning the mechanism or site of drug action that are not generally regarded as established by scientific evidence by experts qualified by scientific training and experience without disclosing that the claims are not established and the limitations of the supporting evidence.

(vii) Fails to provide sufficient emphasis for the information relating to side effects and contraindications, when such information is contained in a distinct part of an advertisement, because of repetition or other emphasis in that part of the advertisement of claims for effectiveness or safety of the drug.

(viii) Fails to present information relating to side effects and contraindications with a prominence and readability reasonably comparable with the presentation of information relating to effectiveness of the drug, taking into account all implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and any other techniques apt to achieve emphasis.

(ix) Fails to provide adequate emphasis (for example, by the use of color scheme, borders, headlines, or copy that extends across the gutter) for the fact that two facing pages are part of the same advertisement when one page contains information relating to side effects and contraindications.

(x) In an advertisement promoting use of the drug in a selected class of patients (for example, geriatric patients or depressed patients), fails to present with adequate emphasis the significant side effects and contraindications or the significant dosage considerations, when dosage recommendations are included in an advertisement, especially applicable to that selected class of patients.

(xi) Fails to present on a page facing another page (or on another full page) of an advertisement on more than one page, information relating to side effects and contraindications when such information is in a distinct part of the advertisement.

(xii) Fails to include on each page or spread of an advertisement the information relating to side effects and contraindications or a prominent reference to its presence and location when it is presented as a distinct part of an advertisement.

(xiii) Contains information from published or unpublished reports or opinions falsely or misleadingly represented or suggested to be authentic or authoritative.

(1) (1) Advertisements subject to section 502(n) of the act include advertisements in published journals, magazines, other periodicals, and newspapers, and advertisements broadcast through media such as radio, television, and telephone communication systems.

(2) Brochures, booklets, mailing pieces, detailing pieces, file cards, bulletins, calendars, price lists, catalogs, house organs, letters, motion picture films, film strips, lantern slides, sound recordings, exhibits, literature, and reprints and similar pieces of printed, audio, or visual matter descriptive of a drug and references published (for example, the "Physicians Desk Reference") for use by medical practitioners, pharmacists, or nurses, containing drug information supplied by the manufacturer, packer, or distributor of the drug and which are disseminated by or on behalf of its manufacturer, packer, or distributor are hereby determined to be labeling as defined in section 201(m) of the act.

Since there are reasonable grounds for concluding that the basis for the principal objections of the Pharmaceutical Manufacturers Association to the order published in the FEDERAL REGISTER of June 27, 1968, has been eliminated by the foregoing revisions, this order shall become effective 31 days after its date of publication in the FEDERAL REGISTER. If the Pharmaceutical Manufacturers Association or other interested persons who may be adversely affected file objections to this order prior to its effective date, the portions objected to shall be stayed and provision will be made for a public hearing on the objections at an early date.

Objections should be filed with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, preferably in quintuplicate, and may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 31 days from its date of publication.

List of substances	Limitations
Polymethacrylic acid, sodium salt, having a viscosity in 30 percent-by-weight aqueous solution of 125-325 centipoises at 25° C. as determined by LV-series Brookfield viscometer (or equivalent) using a No. 2 Spindle at 60 r.p.m.	For use only as a coating adjuvant for controlling viscosity when used at a level not to exceed 0.3% by weight of coating solids.

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.

tion in the FEDERAL REGISTER, except for any provisions that may be stayed as described above.

(Secs. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e))

Dated: May 8, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-5819; Filed, May 15, 1969; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS PART 121—FOOD ADDITIVES

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

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2334) filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional optional substance (specified below) in the formulation of paper and paperboard used in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

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

(a) . . .
(5) . . .

For use only as a coating adjuvant for controlling viscosity when used at a level not to exceed 0.3% by weight of coating solids.

tionable 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: May 8, 1969.

J. K. Kink,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-5817; Filed, May 15, 1969;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration PART 2—DELEGATIONS OF AUTHORITY

Chiefs of Station Fiscal Activities and Board on Collections and Compromises

In Part 2, §§ 2.88 and 2.89 are added to read as follows:

§ 2.88 Chiefs of station fiscal activities are delegated authority to compromise certain claims not exceeding \$500 representing charges for medical services which have not been waived and to terminate or suspend collection action on certain debts incurred in connection with the Veterans Administration Medical Program.

This delegation of authority is identical to § 17.96a of this chapter.

§ 2.89 The Board on Collections and Compromises is delegated authority to waive salary overpayment debts of not more than \$500 in the aggregate.

This delegation of authority is identical to § 17.300a of this chapter.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-5833; Filed, May 15, 1969;
8:46 a.m.]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. In § 13.200, paragraphs (b)(3) and (c)(1) and (3) are amended to read as follows:

§ 13.200 Central Office Board on Waivers and Compromises; field station committees.

(b) Board on Waivers and Compromises. . . .

(3) Control and staff. The professional and clerical staff of the Board will function under the supervision and administrative and quality control of the Director, Guardianship Service.

(c) Committee on Waivers and Compromises—(1) Composition. The Committee shall consist of a Chairman and five members at stations having loan guaranty activities or four members at

other stations. Members shall be selected so that in each of the debt claims activities of compensation, pension and education; insurance, loan guaranty (at station having such activities), and finance, there is at least one member with special competence. At least one member shall be from the Office of the Chief Attorney. An alternate Chairman and alternate members may be designated to act in the absence of their principals at stations, when needed.

(3) Control and staff. The Committee and professional and clerical staff shall function under the administrative and quality control of the Chief Attorney.

2. In § 13.201, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 13.201 Jurisdiction.

The Central Office Board and field station Committees are authorized, except as to determinations under § 2.6(d)(2) of this chapter where applicable, to consider and determine as limited in §§ 13.200 through 13.217, questions of school liability, compromise, and waiver concerning the following debts and overpayments:

3. Section 13.202 is revised to read as follows:

§ 13.202 Board and Committee authority.

(a) Central Office Board. On matters covered in § 13.201, the Central Office Board is authorized to determine the following issues:

(1) Compromise. Where approval of a compromise is recommended by the field station Committee, and the debt or overpayment exceeds \$2,500, but not \$20,000 exclusive of interest (except in loan guaranty matters, which, under 38 U.S.C. ch. 37, are unlimited as to amount).

(2) School liability. Where a field station Committee makes a recommendation concerning liability of a school, or liability of both the school and the veteran or eligible person, and the debt or overpayment exceeds \$2,500, or, regardless of the amount, the school requests administrative review of its liability pursuant to § 13.214.

(3) Jurisdiction assumed. Where jurisdiction within § 13.201 is otherwise assumed.

(b) Field station Committee—(1) Decisions. On matters covered in § 13.201, the field station Committee is authorized to determine the following issues:

(i) Waivers. A decision may be rendered to approve or deny waiver.

(ii) Compromises. (a) Reject a compromise offer concerning a debt or overpayment exceeding \$500, exclusive of interest; or, accept a compromise offer concerning a debt or overpayment exceeding \$500 but not over \$2,500, both amounts exclusive of interest.

(b) Accept or reject a compromise offer concerning a debt or overpayment of \$500 or less, exclusive of interest, in those cases where there has been no prior denial of waiver.

(iii) School liability. A decision may be rendered as to school liability as provided in § 13.214, where the debt or overpayment is \$2,500 or less.

(2) Tentative decision. When the Committee is not authorized to render a decision, a tentative decision will be prepared for approval by the Central Office Board.

(c) Fiscal officer. The chief of the fiscal activity has authority to:

(1) Suspend or terminate collection action of all debts of \$20,000 or less, exclusive of interest.

(2) Accept or reject a compromise offer for all debts of \$500 or less, exclusive of interest, in those cases where there has been a prior denial of waiver.

4. In § 13.207, the title, the introductory portion preceding paragraph (a), and paragraph (b)(9) are amended and paragraphs (b)(10) and (11) and (c) are added so that the amended and added material reads as follows:

§ 13.207 Waiver of overpayments.

The term "overpayment" means payments made and determined to be erroneous, indebtedness resulting from services erroneously furnished and indebtedness of a veteran-borrower who used his entitlement under the loan guaranty program or the indebtedness of his spouse, under laws administered by the Veterans Administration.

(b) The following debts or overpayments are excluded from waiver under this section:

(9) The indebtedness of an obligor under the loan guaranty program, other than the indebtedness of the veteran-borrower who used his entitlement or the indebtedness of the veteran-borrower's spouse.

(10) Disability compensation overpayment resulting from receipt of disability severance pay for the same disability.

(11) Any other debt or overpayment, waiver of which would result in duplication of payments, except as otherwise provided by law.

(c) In any case where there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, action on a request for waiver will be deferred pending appropriate disposition of the matter. However, the Committee may act on a request for waiver concerning such debts, after the Chief Attorney has determined that prosecution is not indicated, or the Department of Justice has notified the Veterans Administration that the alleged fraud, false claim or misrepresentation does not warrant action by that department, or the Department of Justice or the appropriate U.S. attorney specifically authorized action on the request for waiver.

5. In § 13.213, paragraphs (a) and (c) are amended to read as follows:

§ 13.213 Refunds.

(a) Voluntary payments and offsets whether voluntary or involuntary, made from Veterans Administration benefits on or after the date of receipt by the Veterans Administration of a request for waiver will be refunded if waiver is granted, except as provided in paragraph (b) of this section.

(c) Voluntary payments and offsets whether voluntary or involuntary, from Veterans Administration benefits made prior to the date of receipt by the Veterans Administration of a request for waiver will not be refunded and will be excluded from waiver.

6. In § 13.214, paragraph (a) is amended to read as follows:

§ 13.214 Educational benefits.

(a) General. The amount of an overpayment of educational assistance allowance or special training allowance on behalf of a veteran or eligible person constitutes a liability of the school if it is determined that the overpayment was made as the result of (1) willful or negligent failure of the school to report, as required by § 21.4203 or § 21.4204 of this chapter, excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) false certification by the school. If it appears that the falsity or misrepresentation was deliberate, no administrative collection may be pursued pending a determination whether the matter should be referred to the Department of Justice for possible criminal or civil action. However, the amount of the overpayment may be recovered from the school by administrative collection procedure when the false certification or misrepresentation is the consequence of an administrative error or a mistake of fact, or where it is determined that no criminal or civil action is warranted. Any amount so collected from the school will be reimbursed if the overpayment is recovered from the veteran or eligible person. This provision does not preclude the imposition of any civil or criminal liability under this or any other law (38 U.S.C. 1785).

7. Section 13.217 is revised to read as follows:

§ 13.217 Standards for compromise.

Decisions of the Board or Committee respecting acceptance or rejection of a compromise offer shall be in conformity with the standards in § 1.900 et seq. of this chapter. In loan guaranty cases the offer of a veteran or other obligor to effect a compromise must relate to an indebtedness established after the liquidation of the security, if any, and shall be reviewed by the Committee or Board within its respective authority. An offer to effect a compromise may be accepted if it is deemed advantageous to the Government.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: May 9, 1969.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-5834; Filed, May 15, 1969;
8:46 a.m.]

PART 17—MEDICAL

Collections, Compromises and Waivers

1. In § 17.62, paragraphs (a) and (b) (1) are amended to read as follows:

§ 17.62 Charges for care or services.

(a) *Furnished in error or on tentative eligibility.* Charges at rates prescribed by the Chief Medical Director shall be made for inpatient or outpatient care or services (including domiciliary care) authorized for any person on the basis of eligibility as a veteran or a tentative eligibility determination under § 17.35(a), but who was subsequently found to have been ineligible for such care or services as a veteran because the military service or any other eligibility requirement was not met, or

(b) *Furnished in a medical emergency.* Charges at rates prescribed by the Chief Medical Director shall be made for any inpatient or outpatient care or services rendered any person in a medical emergency who was not eligible for such care or services as a veteran, if:

(1) The care or services were rendered as a humanitarian service, under § 17.46 (c) (1) to a person neither claiming eligibility as a veteran nor for whom the establishment of eligibility as a veteran was expected, or

2. Sections 17.64 and 17.65 are revised and § 17.65a is added to read as follows:

§ 17.64 Referrals of compromise settlement offers.

Any offer to compromise or settle any charges or claim for \$20,000 or less asserted by the Veterans Administration in connection with the medical program shall be referred as follows:

(a) *To Chiefs of Fiscal activities.* If the debt represents charges made under § 17.62(a), the compromise offer shall be referred to the Chief of the Fiscal activity of the station for application of the collection standards in § 1.900 et seq. of this chapter, pursuant to authority delegated in § 17.96a, provided:

(1) The debt does not exceed \$500, and
(2) There has been a previous denial of waiver of the debt by a field station Committee on Waivers and Compromises.

(b) *To Committees on Waivers and Compromises.* If the debt represents charges made under § 17.62(a), but is not of a type contemplated in paragraph (a) of this section, then the compromise offer should be referred for disposition under

§ 13.200 et seq. of this chapter to the field station Committee on Waivers and Compromises which shall take final action or refer the case to the Central Office Board on Waivers and Compromises, or

(c) *To Chief Attorneys.* If the debt in any amount represents charges for medical services for which there is or may be a claim against a third party tortfeasor or under workman's compensation laws or Public Law 87-693; 76 Stat. 593 (See § 1.903 of this chapter) or involves a claim contemplated by § 1.902 of this chapter over which the Veterans Administration lacks jurisdiction, the compromise offer (or request for waiver or proposal to terminate or suspend collection action) shall be promptly referred to the field station Chief Attorney having jurisdiction in the area in which the claim arose, or

(d) *To the Department of Medicine and Surgery Board on Collections and Compromises.* If the debt represents charges for medical services made under § 17.62(b) or a claim arising in connection with any transaction of the Department of Medicine and Surgery for which the referral instructions in paragraphs (a) through (c) of this section or in § 17.65a (c) or (d) are not applicable, the compromise offer should be referred to the Department of Medicine and Surgery Board on Collections and Compromises for consideration as provided for in §§ 17.300 through 17.306.

§ 17.65 Terminations and suspensions.

Any proposal to suspend or terminate collection action on any charges or claim for \$20,000 or less asserted by the Veterans Administration in connection with the medical program shall be referred as follows:

(a) *Of charges for medical services.* If the debt represents charges made under § 17.62 (a) or (b) questions concerning suspension or termination of collection action shall be referred to the Chief of the Fiscal activity of the station for application of the collection standards in § 1.900 et seq. of this chapter, pursuant to authority delegated in § 17.96a, or

(b) *Of other debts.* If the debt is of a type other than those contemplated in paragraph (a) of this section, questions concerning suspension or termination of collection action shall be referred in accordance with the same referral procedures for compromises offers (except the Fiscal activity shall make final determinations in terminations or suspensions involving claims of \$150 or less pursuant to the provisions of § 1.900 et seq. of this chapter.)

§ 17.65a Waivers.

Applications or requests for waiver of debts or claims asserted by the Veterans Administration in connection with the medical program generally will be denied by the station fiscal activity on the basis there is no legal authority to waive debts, unless the question of waiver should be referred as follows:

(a) *Of charges for medical services.* If the debt represents charges made under § 17.62(a), the application or request for waiver should be referred for disposition under § 13.200 et seq. of this chapter to the field station Committee on Waivers and Compromises which shall take final action, or

(b) *Of claims against third persons and other claims.* If the debt is of a type contemplated in § 17.64(c), the waiver question should be referred in accordance with the same referral procedures for compromise offers in such categories of claims, or

(c) *Salary overpayments.* If the debt represents erroneous payment of pay, the Fiscal activity having responsibility for collection shall review the circumstances of the overpayment and report to management any possible remedial action to prevent similar overpayments at the station level in the future. (Pay as used in the foregoing sentence is defined in 4 CFR 201.2 to mean salary, wages, pay, compensation, emoluments, and remuneration for services. It includes overtime pay; night, Sunday standby, irregular and hazardous duty differential; pay for Sunday and holiday work; payment for accumulated and accrued leave, and severance pay. It does not include expenses of travel and transportation or expenses of transportation of household goods.) After such review and necessary development, all requests for waiver of Veterans Administration salary overpayments shall be referred before any determinations are made as to compromise or termination or suspension of collection action as follows:

(1) If the salary overpayment was more than \$500 in the aggregate, the request for waiver shall be referred to the VA Controller for transmittal to the General Accounting Office, or

(2) If the salary overpayment was not more than \$500 in the aggregate, the request for waiver shall be referred to the VA Controller for transmittal to the Board on Collections and Compromises, or

(d) *Other debts.* If the debt represents any claim or charges other than those contemplated in paragraphs (a), (b), and (c) of this section, and is a debt for which waiver has been specifically provided for by law or under the terms of a contract, initial action shall be taken at the station level for referral of the request for waiver through channels for action by the appropriate designated official. If, however, the question of waiver may also involve a concurrent opportunity to negotiate a compromise settlement or establish a basis for termination or suspension of collection action, the application shall be referred to the Board on Collections and Compromises.

3. Section 17.96a is added to read as follows:

§ 17.96a Authority to compromise claims and terminate or suspend collection action.

The Chief of the Fiscal activity at a Veterans Administration hospital or any other Veterans Administration field station is delegated authority to compromise

claims not exceeding \$500 representing charges made under § 17.62(a) in which there has been a prior denial or waiver by a field station Committee on Waivers and Compromises. Such officers are further delegated authority to terminate or suspend collection action of claims not over \$20,000 representing charges made under § 17.62 (a) or (b). In exercising this authority, the standards in § 1.900 et seq. of chapter are to be applied. The authority under this section further involves the responsibility to comply with all reporting procedures which may be required by the VA Controller and the Comptroller General of the United States. Any action, other than a completed compromise settlement, of any Chief of the Fiscal activity of any field station under the exclusive jurisdiction of the Department of Medicine and Surgery is subject to reversal by the Department of Medicine and Surgery Board on Collections and Compromises.

4. Section 17.300, the headnote, the introductory portion preceding paragraph (a) and paragraph (c) are amended to read as follows:

§ 17.300 Establishment and jurisdiction.

There is established in the Department of Medicine and Surgery, under the supervision and administrative control of the Assistant Chief Medical Director for Management and Evaluation, a Board on Collections and Compromises. The Board shall consider and determine, except for determinations as to litigative probabilities and other legal considerations for which authority has been delegated to the General Counsel under § 2.6(d) (2) of this chapter, questions involving any offer to settle for less than liquidated value, and proposals to terminate collection action or to suspend collection action for 1 year or more, which are properly referred to the Board under §§ 17.64 and 17.65, in any claim asserted by the Veterans Administration on a debt or obligation owed the Veterans Administration, if:

(c) The offer of compromise or proposal to terminate or suspend collection action is not one which the station fiscal activity may approve or which should be referred to a field station Committee or the Central Office Board on Waivers and Compromises or to the Chief Attorney or other official or agency having jurisdiction, pursuant to the provisions of paragraph (a), (b), or (c) of § 17.64 or § 17.65.

5. Sections 17.300a and 17.300b are added to read as follows:

§ 17.300a Waiver jurisdiction.

The Board on Collections and Compromises is delegated authority to waive salary overpayment debts of not more than \$500 in the aggregate under 5 U.S.C. 5584 and shall have jurisdiction over any application for such waiver or any other application for waiver which has been properly referred under § 17.65a (c) or (d). In exercising jurisdiction under this section, the Board shall be limited by and shall apply such provisions of title 5, United States Code, and regulations

issued by the General Accounting Office, the Civil Service Commission and the Veterans' Administration as may be applicable, except reporting requirements and reviews for possible remedial administrative action in the case of salary overpayment debts shall be the responsibility of the station fiscal activities and the office of the VA Controller.

§ 17.300b Jurisdiction to review certain field station actions.

The Board on Collections and Compromises shall have jurisdiction to review any compromise offer not accepted, and any termination or suspension of collection action made by the chief of the fiscal activity exercising authority delegated under § 17.96a. Any reversals or other actions to assure uniform application of the standards in § 1.900 et seq. of this chapter shall be coordinated with the office of the VA Controller, with which the Chairman of the Board on Collections and Compromises shall maintain liaison for Department of Medicine and Surgery collection matters.

6. Section 17.302 is revised to read as follows:

§ 17.302 Selection of members.

The members of the Board on Collections and Compromises, and their alternates, shall be selected so that each organizational element headed by an Assistant Chief Medical Director, the Office of Administration and the Program Planning and Budgeting Service is represented on the Board. The chairman and his alternate shall be selected from the staff of the Assistant Chief Medical Director for Management and Evaluation.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: May 9, 1969.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 69-5835; Filed, May 15, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4657]

[Arizona 09391-C, 011812-A, 2729, 2735]

ARIZONA

Withdrawal for National Forest Administrative Sites and Roadside Zones; Partial Revocation of National Forest Roadside Zone Withdrawal

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

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

(A-2729)—TONTON NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

U.S. Highway No. 60, Roadside Zones

A strip of land 200 feet each side of the centerline as the road passes through the following subdivisions:

T. 2 N., R. 16 E. (unsurveyed),
Sec. 5, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 800 acres in Gila County.

Globe Administrative Site

T. 1 S., R. 16 E. (unsurveyed),
Sec. 5, that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying south of Forest Service Roadside Zone withdrawal of January 30, 1963 (Public Land Order 2919) west of the surveyed centerline of State Highway right-of-way A-1588.

The area described contains approximately 13 acres in Gila County.

(A-2735)—PRESCOTT NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Palace Station Administrative Site

T. 12 N., R. 1 W.,
Sec. 18, lot 6, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
The area described contains 87.18 acres in Yavapai County.

(A-00391-C)—KAIBAB NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

U.S. Highway 66 (Interstate 40) Roadside Zones

A strip of land 300 feet on each side of the centerline as the road passes through the following subdivisions:

T. 22 N., R. 2 E.,
Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 22 N., R. 3 E.,
Sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 22 N., R. 4 E.,
Sec. 26, lot 9;
Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 30, lot 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 33, lots 1 and 2;
Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 22 N., R. 5 E.,
Sec. 33, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 21 N., R. 1 W.,
Sec. 7, lot 3;
Sec. 10, N $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate approximately 759.39 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the

national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. Public Land Order No. 2919 of January 30, 1963, withdrawing national forest lands in aid of programs of the Department of Agriculture, is hereby revoked so far as it affects the following described lands:

(A-011812-A)—TONTON NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

U.S. Highway No. 60, Roadside Zones

A strip of land 200 feet on each side of the centerline of the road as it passes through the following subdivisions:

T. 2 N., R. 16 E. (unsurveyed),
Sec. 5, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 6, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, E $\frac{1}{2}$ E $\frac{1}{2}$.
T. 3 N., R. 16 E. (unsurveyed),
Sec. 32, S $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas released from withdrawal by this order aggregate approximately 1,120 acres.

4. At 10 a.m. on June 17, 1969, the lands described in paragraph 3 shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,

Assistant Secretary of the Interior.

MAY 12, 1969.

[P.R. Doc. 69-5823; Filed, May 15, 1969; 8:46 a.m.]

[Public Land Order 4658]

[Oregon 2019]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The departmental order of June 18, 1940, withdrawing lands for the Klamath Project, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 40 S., R. 14 E.,
Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 40 acres. The land is included in a lease issued under the provisions of the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869; 869-4), as amended, to Klamath County.

HARRISON LOESCH,

Assistant Secretary of the Interior.

MAY 12, 1969.

[P.R. Doc. 69-5824; Filed, May 15, 1969; 8:46 a.m.]

[Public Land Order 4659]

[Arizona 3431]

ARIZONA

Partial Revocation of Reclamation Withdrawal (Evergreen Reserve)

By virtue of the authority contained in section 13 of the act of June 25, 1910 (36 Stat. 858, 43 U.S.C. 148), it is ordered as follows:

The departmental order of November 29, 1913, so far as it withdrew the following described lands in the Salt River Indian Reservation for reclamation purposes (Evergreen Station) is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 5 E.,
Sec. 23, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 5 acres.

HARRISON LOESCH,

Assistant Secretary of the Interior.

MAY 12, 1969.

[P.R. Doc. 69-5825; Filed, May 15, 1969; 8:46 a.m.]

[Public Land Order 4660]

[Nevada 054599]

NEVADA

Revocation of National Forest Administrative Site Withdrawal

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

The order of the Acting Secretary of the Interior of July 26, 1906, withdrawing the following described public lands for use by the Forest Service as a tree planting area, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 28 E.,
Sec. 30, SW $\frac{1}{4}$.

The area described contains 145.93 acres in Churchill County, Nev. The land remains withdrawn as a part of the Newlands Reclamation Project.

HARRISON LOESCH,

Assistant Secretary of the Interior.

MAY 12, 1969.

[P.R. Doc. 69-5826; Filed, May 15, 1969; 8:46 a.m.]

[Public Land Order 4661]

[Montana 10280 (SD)]

SOUTH DAKOTA

Withdrawal for Waterfowl Production Areas

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

RULES AND REGULATIONS

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for management in connection with the waterfowl production area program authorized by the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718) as amended by the Act of August 1, 1958 (72 Stat. 486, 487; 16 U.S.C. 718d (b), (c)):

FIFTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

T. 115 N., R. 65 W.,

Sec. 4, SW $\frac{1}{4}$;

Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$.

T. 127 N., R. 74 W.,

Sec. 27, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 121 N., R. 75 W.,

Sec. 14, lot 5;

Sec. 15, lot 7.

The areas described aggregate 680.20 acres.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 12, 1969.

[F.R. Doc. 69-5827; Filed, May 15, 1969;
8:46 a.m.]

[Public Land Order 4662]

[Nevada 2385]

NEVADA

Withdrawal for Atomic Energy
Seismic Station

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

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use of the Atomic Energy Commission for a seismic station:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 64 E.,

Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 2.5 acres in Clark County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 12, 1969.

[F.R. Doc. 69-5828; Filed, May 15, 1969;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

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

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

MILK IN GREATER CINCINNATI, MIAMI VALLEY, OHIO, COLUMBUS, OHIO, NORTHWESTERN OHIO, AND TRI-STATE MARKETING AREAS

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

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), notice is hereby given of a public hearing to be held at the Imperial House-Arlington, 1335 Dublin Road (U.S. Route No. 33 NW.), Columbus, Ohio 43215, beginning at 1 p.m. local time, on June 2, 1969, 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 public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal to expand the Greater Cincinnati marketing area by adding the marketing areas now defined in the Miami Valley, Ohio, Columbus, Ohio, Northwestern Ohio, and Tri-State orders and other areas not now under regulation, raises the issue whether the provisions of the Greater Cincinnati order would tend to effectuate the declared policy of the Act if they are applied to the entire marketing area as proposed, and, if not, what modifications of the provisions would be appropriate.

The issues raised by this proposal include whether the declared policy of the Act would tend to be effectuated by:

(a) Merger of one or more of the above marketing areas, or any combination thereof, including also the redefinition of marketing areas for separate or combined orders which include part or all of the areas presently defined in the respective orders or proposed herein to be regulated; and

(b) The adoption of any of the proposed provisions, or appropriate modification thereof, for any separate order or any combination of such orders, including a review of the appropriate pricing and pooling structure of the orders whether separate or in any combination. The issue of merging the marketing areas also raises the issue of the appropriate disposition of the producer-settlement funds, marketing service funds, and administrative funds accumulated under the respective orders.

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

Proposed by the Central Ohio Cooperative Milk Producers, Inc., Cincinnati Milk Sales Association, Inc., The Cooperative Pure Milk Association, Dairy-men's Cooperative Sales Association, Huntington Interstate Milk Producers Association, Miami Valley Milk Producers Association, and Northwestern Ohio Cooperative Sales Association:

Proposal No. 1. Combine with the Greater Cincinnati marketing area, the Northwestern Ohio, Columbus, Ohio, Miami Valley, Ohio, and Tri-State marketing areas and additional unregulated territory as proposed. Also, rename the expanded marketing area as the "Ohio Valley marketing area". Merge the respective administrative, marketing service and producer-settlement funds and make such conforming changes as are necessary to integrate the five orders into a single order.

The complete regulatory terms for the merged Ohio Valley order are proposed as follows:

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1033.80	Effective time.
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DEFINITIONS

§ 1033.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1033.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1033.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal

agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1033.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1033.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

§ 1033.6 Marketing area.

The "Ohio Valley marketing area", hereinafter called the "marketing area", means all of the territory geographically within the places listed below, and all territory that is occupied by government (municipal, State, or Federal) reservations, installations, or other similar establishments if any part of such territory is within the designated geographical limits of the marketing area:

OHIO COUNTIES

Adams.	Logan.
Allen.	Lucas.
Athens.	Madison.
Auglaize.	Marion.
Brown.	Meigs.
Butler.	Mercer.
Champaign.	Miami.
Clark.	Montgomery.
Clermont.	Morgan.
Clinton.	Morrow.
Coshocton.	Muskingum.
Crawford.	Noble.
Darke.	Paulding.
Defiance.	Perry.
Delaware.	Pickaway.
Fairfield.	Pike.
Fayette.	Preble.
Franklin.	Putnam.
Fulton.	Richland.
Gallia.	Ross.
Greene.	Sandusky (Wood-
Guernsey (except	ville and Madison
Londonderry, Ox-	townships only).
ford and Millwood	Scioto.
townships).	Seneca.
Hamilton.	Shelby.
Hancock.	Union.
Hardin.	Van Wert.
Henry.	Vinton.
Highland.	Warren.
Hocking.	Washington.
Jackson.	Williams.
Knox.	Wood.
Lawrence.	Wyandot.
Licking.	

KENTUCKY COUNTIES

Boone.	Greenup.
Boyd.	Harrison.
Bracken.	Johnson.
Carter.	Kenton.
Campbell.	Lawrence.
Floyd.	Lewis.
Grant.	Magoffin.

KENTUCKY COUNTIES—Continued

Martin.	Pike.
Mason.	Robertson.
Pendleton.	Rowan.

MICHIGAN COUNTIES

Lenawee (Blissfield, Deerfield, Ogden, Palmyra and Riggs townships only).
Monroe (except Ash, Berlin, Dundee, Exeter, London, and Milan townships).

WEST VIRGINIA COUNTIES

Boone.	Mingo.
Braxton.	Monroe.
Cabell.	Nicholas.
Calhoun.	Pleasant.
Clay.	Putnam.
Fayette.	Ritchie.
Gilmer.	Roane.
Greenbrier.	Raleigh.
Jackson.	Summers.
Lincoln.	Wayne.
Logan.	Wirt.
Kanawha.	Wood.
Mason.	Wyoming.

INDIANA COUNTIES

Dearborn.	Ohio.
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§ 1033.7 Fluid milk product.

"Fluid milk product" means raw, pasteurized or sterilized milk, skim milk, flavored milk, milk drinks, buttermilk, whipping cream, cream (sweet), eggnog, concentrated, reconstituted or fortified milk, filled or imitation milk made from fresh fluid skim milk or nonfat dry milk, and any fluid mixture of cream and milk or skim milk, including fluid, frozen or semifrozen malted milk and milk shake mixtures containing less than 15 percent total milk solids. The term "fluid milk products" includes those products in fluid, frozen (except bulk cream), fortified or reconstituted form, regardless of the process or type of container, but does not include ice cream and frozen dessert mixes, pancake mix, yogurt, sour cream, frozen storage cream, evaporated or condensed milk, and any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added.

§ 1033.8 Route disposition.

"Route disposition" means a delivery (including that custom-packaged for another person, disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1033.41(a) other than a delivery in bulk form to any milk processing plant.

§ 1033.9 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which contains stationary milk holding facilities and is operated exclusively for the bulk handling or processing of milk or milk products. The term "plant" does not include distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants).

§ 1033.10 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted health authority for the processing and packaging of milk for fluid consumption in the marketing area from which route disposition is made in the marketing area during the month.

§ 1033.11 Supply plant.

"Supply plant" means a plant in which some milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as milk or skim milk, to a distributing plant during the month.

§ 1033.12 Pool plant.

"Pool plant" means a plant specified under paragraph (a), (b), or (c) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1033.56.

(a) A distributing plant with:

(1) Route disposition within the marketing area during the month of at least 15 percent of its total route disposition, such percentage to be exclusive of receipts from other plants of packaged fluid milk products priced as Class I milk under this or any other Federal order; and

(2) Total route disposition, exclusive of packaged fluid milk products received from other plants and priced as Class I milk under this or any other Federal order, amounting to not less than 50 percent of its total receipts of Grade A milk from dairy farmers, other plants (excluding receipts of packaged fluid milk products from other plants priced as Class I milk under this or any other Federal order and bulk fluid milk products transferred or diverted to it as Class III milk from other plants), and cooperative associations as handlers pursuant to § 1033.16(c) (but excluding any such milk diverted from such plant to a nonpool plant by the cooperative pursuant to § 1033.14(c)) except that:

(i) A plant meeting such percentage requirement for the preceding month may remain qualified under this subparagraph in the current month, and

(ii) A plant which operates routes all of which service only the campus of Ohio State University, Columbus, Ohio, shall be required to meet the 50 percent requirement only during the months of January, February, October, and November.

(b) A supply plant from which during the month the volume of fluid milk products shipped directly to and received at plants qualified pursuant to paragraph (c) of this section and route disposition from such supply plant within the marketing area, if any, is not less than 65 percent during the months of September through February and 35 percent during the months of March through August of the volume of Grade A milk received from dairy farmers at such plant (excluding receipts from other plants or as a diversion pursuant to § 1033.14).

(c) A plant, other than a distributing plant, operated by a cooperative association if, during the month, more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to one or more distributing plants of other handlers qualified under paragraph (a) of this section either from such plant of the cooperative association or pursuant to § 1033.16(c), except that on written request for nonpool status made to the market administrator prior to the beginning of any month, the plant shall be a nonpool plant for such month and for each of the succeeding 11 months in which it does not qualify pursuant to paragraph (a) or (b) of this section on the basis of shipments.

§ 1033.13 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with inspection requirements of a duly constituted health authority for fluid consumption in the marketing area, which milk is (a) received during the month at one or more pool plants, or (b) diverted during the month pursuant to § 1033.14. "Producer" shall not include any such person with respect to milk which is fully subject to the class pricing and producer payment provisions of another order issued pursuant to the Act.

§ 1033.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act which is:

(a) Received during the month at one or more pool plants (in the event the milk is delivered from the same farm pickup tank truck to more than one plant, the entire load shall be deemed to have been received at the first pool plant where any of the milk is withdrawn from the tank truck).

(b) Diverted during the month by a handler from a pool distributing plant to another pool plant or to a nonpool plant, if received at such distributing plant in an amount not less than two (2) days' production of the producer, except in any months of September through February, the quantity of milk of any producer diverted to nonpool plants that exceeds that delivered to pool plants shall not be producer milk; and the diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk. Milk diverted to another pool plant or to a nonpool plant shall be priced at the location of the pool plant or nonpool plant where physically received.

(c) Received by a cooperative association in its capacity as a handler pursuant to § 1033.16(c).

§ 1033.15 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

§ 1033.16 Handler.

"Handler" means:

(a) Any person who operates one or more pool plants;

(b) Any cooperative association with respect to producer milk diverted for its account from a pool plant to another pool plant or to a nonpool plant;

(c) Any cooperative association with respect to producer milk it delivered directly from the farm to the pool plant of another handler in a tank truck or trailer owned or operated by, or under contract to, such cooperative association for its account;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person who operates another order plant described in § 1033.56; and

(g) Any person who operates an unregulated supply plant.

§ 1033.17 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler and who has route disposition in the marketing area, but who receives no milk from other dairy farmers, or who receives skim milk and butterfat (including the skim equivalent of any product suitable for human consumption which is a derivative from skim milk or milk) from a pool plant or other order plant in an amount of not more than 2,500 pounds during the month: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a distributing plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1033.18 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except:

(1) Producer milk (including own farm production); and

(2) Fluid milk products received from other pool plants.

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, repackaged, converted into or combined with another product during the month, or for which other utilization or disposition is not established pursuant to § 1033.33.

§ 1033.19 Chicago butter price.

"Chicago butter price" means the average price per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department.

MARKET ADMINISTRATOR

§ 1033.20 Designation.

The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1033.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1033.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Pay, out of the fund provided by § 1033.76, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 1033.30 or has not made payments pursuant to §§ 1033.71 and 1033.73;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request and submit his books and records to examination by the Secretary at any and all times;

(h) Publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate).

(1) On or before the fifth day of each month the minimum price for Class I milk pursuant to § 1033.51(a) and the Class I butterfat differential pursuant to § 1033.52(a) both for the current month and the minimum prices for Class II and Class III milk pursuant to § 1033.51 (b) and (c), and the Class II and Class III butterfat differentials pursuant to § 1033.52 (b) and (c) all for the preceding months;

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 1033.61, and the producer butterfat differential computed pursuant to § 1033.74;

(i) On or before the 12th day after the end of each month;

(1) Notify each handler of his net obligation pursuant to §§ 1033.57 and 1033.60 and of any adjustments pursuant to § 1033.78; and

(2) Report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 1033.72(c), to each pool plant. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of producer milk at such plant were used in each class, adjusted to eliminate transfers of fluid milk products to other pool plants;

(j) Prepare and disseminate for the benefit of producers, consumers and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information;

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1033.46(a) (9) and the corresponding step of § 1033.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be

based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1033.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1033.30 Monthly reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler for each of his pool plants, and a cooperative association with respect to milk for which it is the handler, shall report for such month to the market administrator, in the detail and on forms prescribed by the market administrator, the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk, including own farm production and quantities diverted to nonpool plants;

(2) Fluid milk products received from other pool plants;

(3) Other source milk, with the identity of each source; and

(4) Inventories of fluid milk products on hand at the beginning and end of the month in bulk and in packaged form, separately;

(b) The utilization or disposition of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts, utilization or disposition as the market administrator may prescribe;

(d) His producer payroll, which shall show for each producer:

(1) The total pounds of milk with the average butterfat test thereof,

(2) the amount of the partial payment to such producer made pursuant to § 1033.73; and

(3) the nature and amount of deductions and charges made by the handler;

(e) The name and address of each new producer.

§ 1033.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler specified in § 1033.16 (d) who operates a partially regulated distributing plant shall report as re-

quired of handlers operating pool plants pursuant to § 1033.30 (a) through (c), except dairy farmer receipts of Grade A milk shall be reported in lieu of producer milk. Such report shall include a separate statement showing route disposition in the marketing area.

(c) On or before the seventh day after the end of the month each handler who operates a partially regulated distributing plant, except one who elects to make payments pursuant to § 1033.57(b), shall report to the market administrator on forms approved by the market administrator his dairy farmer payroll which shall show for each dairy farmer, the total pounds of milk received from him with the average butterfat content thereof, and the net amount of the payment made to such dairy farmer together with the price, deductions and charges involved.

(d) On or before the 22d day after the end of each month, each cooperative association with respect to milk of each member producer shall submit to the market administrator the association's completed producer payroll which shall list the pounds of milk received with the average butterfat content thereof, the rate and net amount of payment, together with the nature and amount of any deductions and charges involved.

(e) Each cooperative association or federation of cooperative associations qualified to receive payments pursuant to § 1033.72(d) shall:

(1) Submit to the market administrator a report of its activity in market management, pursuant to § 1033.72(d), including data on its receipts and expenditures of cooperative payment funds and a description of the services performed. Such report shall be made available for public inspection following verification by the market administrator.

(2) Submit an annual report to the market administrator which shall include:

(i) A concise report of its performance of services and allocation of expenditures to such performance for the previous year; and

(ii) An outline of its proposed program and budget for such program for the coming year.

(3) Make such additional reports to the market administrator as may be requested by him for the administration of the provisions of § 1033.72(d).

§ 1033.32 Verification of handler reports.

Each handler shall make available to the market administrator or to his agent, or to such other persons as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to §§ 1033.30 and 1033.31, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 1033.33 Records and facilities.

Each handler required to make reports to the market administrator shall maintain, and make available to the

market administrator during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other content, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1033.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If, within such 3-year period, the market administrator notifies a handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1033.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1033.30(a) shall be classified by the market administrator, subject to the provisions of §§ 1033.41 through 1033.46. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products the actual weight of any such product shall be included in classifying the total product weight.

§ 1033.41 Classes of utilization.

Subject to the conditions set forth in §§ 1033.43 and 1033.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (except as provided for fortified fluid milk products pursuant to § 1033.40) and butterfat disposed of (including packaged fluid milk products in ending inventory) in a form or manner not specified in paragraph (b) or (c) of this section.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce, added to or disposed of:

(i) Cottage cheese, cottage cheese curd, yogurt and sour cream, except cottage cheese and cottage cheese curd dis-

posed of as livestock or dumped after prior notification to and opportunity for verification by the market administrator.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Ice cream, frozen desserts, frozen cream cheese, butter, and pancake mix;

(ii) Ice cream and frozen dessert mixes, excluding malted milk or milk shake mixtures containing less than 15 percent total milk solids;

(iii) Any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added and which is disposed of as other than sour cream or yogurt;

(iv) Nonfat dry milk; and

(v) Evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans.

(2) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) of this section;

(3) Disposed of in bulk as milk, skim milk or cream to any processor of soup, candy or bakery products which are prepared only for consumption off the premises;

(4) Specifically accounted for as dumped, spilled, or disposed of for animal feed;

(5) Contained in inventories of bulk fluid milk products on hand at the end of the month;

(6) Contained in shrinkage of skim milk and butterfat, respectively, prorated pursuant to § 1033.42(b)(1) for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1033.16(c), not to exceed the quantities calculated pursuant to subdivisions (i) through (vii) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1033.16(c)) and milk diverted in bulk tank lots from another pool plant pursuant to § 1033.14;

(ii) Plus 1.5 percent of milk received by transfer from other pool plants in bulk;

(iii) Plus 1.5 percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1033.16(c), except that if the handler operating the pool plant files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

(iv) Plus 1.5 percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class III utilization was requested by the operator of such plant and the handler;

(v) Plus 1.5 percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the

quantity for which Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk transfers of milk to a pool plant of another handler;

(vii) Less 1.5 percent of bulk transfers of milk to nonpool plants;

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1033.42(b)(2).

§ 1033.42 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively, in the amounts of receipts used in the computations pursuant to § 1033.41(c)(6); and

(2) Skim milk and butterfat in other source milk in bulk fluid form, exclusive of that specified in § 1033.41(c)(6).

§ 1033.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product disposed of by a handler from a pool plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1033.46 (a) (9) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1033.46(a)(4), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk;

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1033.46 (a) (8) or (9) and (b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant; and

(4) Movements in bulk to a pool supply plant from another pool plant, shall be Class III utilization to the extent such utilization is available at the receiving plant after the computations pursuant to § 1033.46 (a) (9) and (b);

(5) Movements in bulk between pool distributing plants shall be assigned to each class at the transferee plant in sequence beginning with Class III milk when the producer milk received during the month exceeds 115 percent of Class I milk at such plant after the computations pursuant to § 1033.46 (a) (9) and (b).

(b) As Class I milk, if moved from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that

is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1033.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of fluid milk products from such nonpool plants;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of fluid milk products for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent that such utilization is available and then to Class III milk; and

(d) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (1), (2), or (3) of this paragraph:

(1) If transferred in consumer packages, classification shall be in the classes

to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to the other class shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1033.41.

§ 1033.44 Responsibility of handler and reclassification of milk.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Producer milk in bulk delivered by a cooperative association as a handler under § 1033.16(c) to the pool plant of another handler or caused to be diverted by the cooperative association from one pool plant to another, shall be deemed to be received as producer milk at the receiving plant and shall be classified according to use or disposition thereat, and the value thereof at the class prices shall be included in the net pool obligation computed for such handler pursuant to § 1033.60. For purposes of location adjustments pursuant to § 1033.53 and administrative expense pursuant to § 1033.76, such milk shall be treated as producer milk of the receiving handler.

§ 1033.45 Skim milk and butterfat in each class.

The market administrator shall correct for mathematical and other obvious errors the monthly pool plant reports submitted under § 1033.30(a) and compute the pounds of skim milk and

butterfat in each class for each such plant, subject to the following conditions:

(a) The skim milk disposed of in a product processed by removing water from milk shall be a quantity equivalent to the nonfat milk solids contained in such product plus all the water so removed;

(b) If a handler with two or more pool plants has no fluid milk products to be assigned under § 1033.46(a) (8) or (9), allocations under § 1033.46 and computation of obligations under § 1033.60 shall be determined separately for each of his pool plants;

(c) Except as specified in paragraph (b) above, the market administrator shall combine the receipts and utilization, other than movements between such plants where classification is agreed upon, at all pool plants of such handler for purposes of §§ 1033.46 and 1033.60; and

(d) The classification, allocation, and pool obligation with respect to producer milk for the account of a cooperative association pursuant to § 1033.16 (b) and (c) shall be determined separately from the operations of any pool plant operated by such cooperative association. The skim milk and butterfat so determined in each class shall be used under § 1033.46(c).

§ 1033.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1033.45, the market administrator shall determine the classification of producer milk received at each pool plant, and by a cooperative association in its capacity as a handler, each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1033.41(c) (6);

(2) Subtract from the remainder in each class, the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the remainder or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this subparagraph is effective with respect to each handler other than a handler regulated under the former Greater Cincinnati or Miami Valley, Ohio, order, subtract from the remainder in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the skim milk remaining in each class, in series beginning with Class III the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(III) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) In the sequence specified below and beginning with Class III, subtract from the skim milk remaining in Class II and III milk, but not in excess thereof:

(i) Fluid milk products received from an unregulated supply plant;

(a) For which the handler requests Class II or Class III utilization; or

(b) Which exceed the difference between the pounds of skim milk remaining in Class I milk multiplied by 1.25 less the sum of skim milk in producer milk, skim milk received from other pool handlers and skim milk received in bulk from other order plants; and

(ii) Fluid milk products received in bulk from an other order plant in excess of any similar transfers to such plant, if Class II or Class III utilization was requested by both parties to the transfer;

(6) Subtract from the skim milk remaining in each class, in series beginning with Class III, skim milk in inventory of bulk fluid milk products (and for the first month this subparagraph is effective with respect to each handler other than a handler regulated under the Greater Cincinnati or Miami Valley, Ohio, order, fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining skim milk in Class III milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the skim milk remaining in each class, pro rata to such quantities, any remaining skim milk in fluid milk products received from unregulated supply plants and not previously subtracted;

(9) Subtract from the skim milk remaining in each class, in the following order, any remaining skim milk in fluid milk products received in bulk from each other order plant, in excess of similar transfers to the same plant, and not previously subtracted;

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts of skim milk by the larger of (a) the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1033.22(k), or (b) the percentage that the remaining Class II and Class III utilization is of the total remaining utilization of skim milk of the handler;

(ii) From Class I, the remainder of such receipts;

(10) Subtract from the skim milk remaining in each class, the pounds of skim milk received in fluid milk products from other pool plants according to classification under § 1033.43(a); and

(11) If the skim milk remaining exceeds the pounds of skim milk in producer milk, subtract such excess from the skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1033.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purposes of computing Class I prices from the effective date hereof, the basic formula price shall be not less than \$4.33.

§ 1033.51 Class prices.

Subject to the provisions of §§ 1033.52 and 1033.53, the class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus \$1.75.

(b) *Class II milk.* The Class II milk price shall be the Class III price plus 20 cents.

(c) *Class III milk.* The Class III milk price shall be the basic formula price computed pursuant to § 1033.50, but not to exceed an amount computed as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption f.o.b. manufacturing plant in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

§ 1033.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1033.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II and III milk.* Multiply the Chicago butter price for the month by 0.115.

§ 1033.53 Location differentials to handlers.

(a) For that skim milk and butterfat:

(1) In producer milk received at a pool plant located outside the marketing area and more than 65 miles by the shortest highway distance from the nearest point of the intersection of that highway with the boundary line of this marketing area, as determined by the market administrator, and which is (i) moved in the form of a fluid milk product to a pool distributing plant and assigned Class I location adjustment credit pursuant to paragraph (b) of this section or (ii) otherwise disposed of as Class I milk, and

(2) In other source milk for which a location adjustment credit is applicable, the handler's obligation pursuant to § 1033.60 shall be reduced at the rate set forth in the following schedule:

Distance from nearest point of highway intersection on the boundary of the marketing area	Rate per hundredweight cents
Less than 65 miles.....	0
65 miles but less than 100 miles.....	15
For each 10 miles or fraction thereof in excess of 100 miles, an additional.....	1.5

(b) (1) Fluid milk products received by a handler at a pool distributing plant from another pool plant under paragraph (a) (1) of this section shall be assigned, for Class I location adjustment credit, to the remaining Class I milk at the transferee plant after the application of § 1033.46(a) (1) through (9), on a pro-rata basis with the aggregate receipts at such plant of producer milk.

(2) If milk eligible for location credit under this paragraph is received from more than one plant, assignment shall be made in sequence beginning with the plant at which the least location adjustment would apply.

§ 1033.54 Use of equivalent prices.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor which is required.

APPLICATION OF PROVISIONS

§ 1033.56 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1033.12 and a greater volume of fluid milk products is disposed of from such plant to pool plants and as route disposition in the Ohio Valley marketing area than in the marketing area regulated pursuant to such other order during the current month and the month immediately preceding. The operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with

respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1033.57 Obligations of a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 14th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1033.31 (b) and (c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section;

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1033.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1033.60(f) and a credit in the amount specified in § 1033.71(b) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to § 1033.31 (b) and (c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1033.12(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by

the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price).

COMPUTATION OF UNIFORM PRICE

§ 1033.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, computed pursuant to § 1033.46(c), by the applicable class prices and add the resulting amounts. Subtract the location differential credits calculated pursuant to § 1033.53;

(b) Add the amounts obtained from multiplying the pounds of overage deducted from each class pursuant to § 1033.46(a)(11) and the corresponding step of § 1033.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I or Class II price for the current month, as the case may be, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a)(6) and the corresponding step of § 1033.46(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a)(3) and the corresponding step of § 1033.46(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(e) Add an amount equal to the difference between the value at the Class I price and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1033.46(a)(4) and the corresponding step of § 1033.46(b);

(f) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a)(8) and the corresponding step of § 1033.46(b).

§ 1033.61 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1033.60 for all handlers who filed the reports prescribed by § 1033.30 for the month and who made the payments pursuant to § 1033.71 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1033.75(a);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1033.74 and multiplying the result by the total hundredweight of such milk.

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtract an amount computed pursuant to § 1033.72(d);

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1033.60(f);

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(h) For the months specified in paragraphs (i) and (j) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (f)(2) of this section by the weighted average price;

(i) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations 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 that is not more than 25 cents;

(j) Add for each month of September through December, one-fourth of the total amount subtracted pursuant to paragraph (i) of this section for the preceding months of April through July;

(k) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and
(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS FOR MILK

§ 1033.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1033.57 (a) and (b) and 1033.71 shall be deposited in this fund, and all payments made pursuant to § 1033.72 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 1033.61(d) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 1033.61(j); and

(c) The difference between the amount added pursuant to § 1033.61(d) and the amount resulting from the subtraction pursuant to § 1033.61 (g) or (l) shall be deposited in, or withdrawn from, this fund, as the case may be.

§ 1033.71 Payments to producer-settlement fund.

On or before the 14th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 1033.22(i) (1) which shall consist of the amount specified in paragraph (a) of this section minus the amount of the credit in paragraph (b) of this section, less the amount paid out to each producer in accordance with § 1033.73 and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll:

(a) The total of the net pool obligation computed pursuant to § 1033.60 for such handler, including any applicable location differential pursuant to § 1033.75(b);

(b) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1033.60(f).

In the calculation of the total amount of the deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 1033.73 (inclusive of the deductions and charges authorized by § 1033.73) will not exceed the total value of the milk received from such producer.

§ 1033.72 Payments to producers and cooperatives from producer-settlement fund.

(a) The market administrator shall compute the payment due each producer

for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 1033.71, by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 1033.61 adjusted by the location differential pursuant to § 1033.75 (a) and (b), and the butterfat differential pursuant to § 1033.74, and subtracting any charges and deductions made pursuant to §§ 1033.71 and 1033.77.

(b) On or before the 17th day of the following month, the market administrator shall pay direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

(c) On or before the 16th day of the following month, the market administrator shall pay to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payment.

(d) On or before the 18th day of each month, the market administrator shall pay to a cooperative association or to a Federation of qualified cooperatives, either of which has as members at least 40 percent of the producers whose milk is priced under the order and which is authorized to receive payment pursuant to paragraph (c) of this section, an amount obtained by multiplying the total pounds of producer milk received by handlers during the month by 2 cents per hundredweight: *Provided, however,* That a qualified cooperative or a Federation of qualified cooperatives, to be eligible to receive such funds, shall provide the following marketwide services:

(1) Analyze milk market conditions and publish the results of such analysis.

(2) Determine the need for amendments to the order, formulate proposed amendments, and propose the same.

(3) Participate in proceedings with respect to amendments to the order.

(4) Conduct a comprehensive educational program among producers—members and nonmembers alike—and to issue a publication available to members and to nonmembers on subscription containing relevant data and information about the order and its operation.

An additional 1 cent per hundredweight on the total pounds of producer milk received by handlers during the month shall be paid to qualifying cooperatives or a Federation of qualified cooperatives who operate plants or reload facilities which benefit all producers (except for such facilities used to produce dairy products distributed on routes operated by the cooperatives or Federation of cooperatives) and who as handlers pursuant to § 1033.16 (b) and (c) serve the requirements of distributing handlers either through the delivery of producer

milk or the milk of producers or supplemental other source milk as contracts or shipping programs require.

§ 1033.73 Partial producer payments.

(a) On or before the 27th day of each month each handler shall pay to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, not less than \$3.50 for each hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1033.5, or its duly authorized agent, with respect to milk of producers which the market administrator determines have authorized such cooperative association to collect payment for their milk and the cooperative association has presented the handler with a written request for such payments. Payments to the cooperative association under this paragraph shall be made 1 day in advance of the applicable payment date in paragraph (a), subject to the condition that the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim with respect to such payments on the part of the cooperative association.

§ 1033.74 Butterfat differential to producers.

In computing the payments due each producer for milk pursuant to § 1033.72, there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of 1 percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of the total butterfat in producer milk assigned to each class pursuant to § 1033.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 1033.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

§ 1033.75 Location differential to producers and on nonpool milk.

(a) Subject to the conditions of paragraph (b) of this section, in making payment to producers or cooperative associations pursuant to § 1033.72, the uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1033.53(a).

(b) Add 5 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1033.16(c) at a pool plant located within the following counties:

OHIO

Coshocton.
Muskingham.
Guernsey.
Morgan.
Noble.
Washington.

Athens.
Meigs.
Gallia.
Jackson.
Lawrence.
Scioto.

KENTUCKY

Lewis.
Greenup.
Carter.
Lawrence.
Johnson.

Magoffin.
Floyd.
Martin.
Pike.
Boyd.

WEST VIRGINIA

Boone.
Braxton.
Cabell.
Calhoun.
Clay.
Fayette.
Gilmer.
Greenbrier.
Jackson.
Kanawha.
Lincoln.
Logan.
Mason.

Mingo.
Monroe.
Nicholas.
Pleasants.
Putnam.
Raleigh.
Ritchie.
Roane.
Summers.
Wayne.
Wirt.
Wood.
Wyoming.

When milk of an individual producer is physically received at more than one plant (including any nonpool plant) during the month, the location differential rate shall be the weighted average (rounded to the nearest one-half cent) of the amounts computed for the respective locations, except that if 65 percent or more of such producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate shall be applicable to all deliveries of such producer during the month regardless of point of delivery.

(c) For the computations pursuant to § 1033.71 the weighted average price shall be adjusted at the rates set forth in § 1033.53(a) applicable at the location of the nonpool plant from which the milk is received.

§ 1033.76 Expense of administration.

As his prorata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1033.16(c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 14th day after the end of the month, four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own farm production);

(b) Other source milk allocated to Class I pursuant to §§ 1033.46(a) (4) and 1033.46(a) (8) and the corresponding step of § 1033.46(b); and

(c) Packaged Class I milk disposed of from partially regulated distributing plants as route disposition in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plants from pool plants and other order plants.

§ 1033.77 Marketing services.

(a) The market administrator shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administra-

tor) from the payments made pursuant to § 1033.72, with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The monies received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review by the Secretary.

§ 1033.78 Correction of errors.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the fifth day after such notice.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1033.80 Effective time.

The provisions of this part, or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1033.81 Suspension or termination.

Any or all provisions of this part, or amendments to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 1033.82 Continuing power and duty of the market administrator.

If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. Any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall continue in such capacity until removed by the Secretary, account

from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct, and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1033.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1033.90 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1033.91 Separability of provisions.

If any provision of this part, or its application to any persons or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1033.92 Termination of obligation.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers

or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part, shall terminate 2 years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

Proposed by the Babcock Dairy Co. et al.:

Proposal No. 2. That the present area, as described in milk marketing Order No. 41 in § 1041.6, be included in its entirety in a Federal milk marketing order merging the Columbus, Miami Valley, Northwestern Ohio, Tri-State, and Greater Cincinnati orders. The Northwestern Ohio marketing area to be included in the merged order is as follows:

§ 1041.6 Northwestern Ohio marketing area.

The "Northwestern Ohio marketing area" hereinafter called the "marketing area," means all the territory geographically within the places listed below, all waterfront facilities connected therewith, and all territory wholly or partly therein occupied by government (municipal, State or Federal) reservations, installations, institutions or other similar establishments:

OHIO COUNTIES

Allen.
Fulton.
Henry.
Putnam.
Hancock.
Wood.
Lucas.
Seneca.
Marion.

Morrow.
Crawford.
Richland.
Van Wert (city of Delphos only).
Sandusky (Woodville and Madison townships only).

MICHIGAN COUNTIES

Monroe (except Ash, Berlin, Exeter, London, Milan and Dundee townships).
Lenawee (Riga, Ogden, Palmyra, Blissfield and Deerfield townships only).

Proposed by the Avoset Co.:

Proposal No. 3. In § 1033.41(c), revise subparagraph (1) (iii) to read as follows:

§ 1033.41 Classes of utilization.

(c) Class III milk. Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(iii) Milk or skim milk and cream mixtures disposed of as a whipped or aerated product, or as a sterilized milk and milk product hermetically sealed in a container and so processed either before or after sealing as to prevent microbial spoilage.

Proposed by the Page Dairy Co.:

Proposal No. 4. Amend the definition of fluid milk product to read as follows:

§ ----.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), "fortified" products, "dietary" milk products, concentrated milk or skim milk, reconstituted milk, skim milk, or milk drinks (plain or flavored), and cream or any mixture in fluid form of cream, milk or skim milk (except egg-nog, yogurt, milk shake mix, frozen dessert mix, sour cream, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, and sterilized products packaged in hermetically sealed metal or glass containers).

Proposal No. 5. Amend the classification sections to read as follows:

§ ----.40 Skim milk and butterfat to be classified.

Skim milk and butterfat which are required to be reported pursuant to § ----.30 shall be classified each month by the market administrator pursuant to the provisions of §§ ----.41 through ----.46.

§ ----.41 Classes of utilization.

Subject to the conditions set forth in § ----.42 through § ----.46, the classes of utilization shall be as follows:

(a) Class I milk. Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, other than those classified pursuant to paragraph

(b) (2), (3), (4), and (5) of this section, except that fluid milk products which have been fortified by the addition of milk solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II milk;

(b) Class II milk. Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat contained in fluid milk products disposed of for livestock feed or in products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods packaged in hermetically sealed glass or metal containers;

(4) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) (1) of this section;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and

(6) Contained in shrinkage of skim milk and butterfat, respectively, prorated pursuant to § ----.42(b) (2) and (3) for each pool plant, not to exceed the quantities calculated pursuant to subdivisions (i) through (vi) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat physically received direct from producers and milk in bulk by diversion from another pool plant pursuant to § ----.14;

(ii) Plus 1.5 percent of milk or skim milk received by transfer from other pool plants in bulk;

(iii) Plus 1.5 percent of receipts of milk or skim milk in bulk from another order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler;

(iv) Plus 1.5 percent of receipts of milk or skim milk in bulk from unregulated supply plant, exclusive of the quantity for which Class II utilization was requested by the handler;

(v) Less 1.5 percent of bulk transfers of milk or skim milk to a pool plant of another handler; and

(vi) Less 1.5 percent of bulk transfers of milk or skim milk to nonpool plants.

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § ----.42(b) (1).

Proposed by Beatrice Foods Co.:

Proposal No. 6. Amend § 1033.7 to read as follows:

§ 1033.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim

milk, buttermilk, concentrated milk, sweet cream, and any mixture of fluid cream and milk or skim milk. The term includes these products in fluid, frozen (except bulk cream) fortified or reconstituted form, but does not include ice cream and other frozen desserts, milk shake mix, ice cream mix, and other frozen dessert mixes (including all similar products containing vegetable fat); aerated cream products, frozen storage cream, sour cream, pancake mix, puddings, yogurt, eggnog, evaporated and condensed milk or skim milk in either plain or sweetened form, either in bulk or in hermetically sealed cans, and any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added.

Proposal No. 7. In § 1033.12 amend paragraphs (a) and (b) to read as follows:

§ 1033.12 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b), or (c) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1033.56.

(a) A distributing plant from which during the month:

(1) Route disposition made within the marketing area is at least 15 percent of its total route disposition; and

(2) At least 50 percent of the total receipts of Grade A milk at such plant from dairy farmers, other plants (excluding receipts of bulk fluid milk products from other plants which are assigned as Class II milk pursuant to § 1033.46(a) (5) (i) (a), (ii), and (10)), and cooperatives as handlers pursuant to § 1033.16, including any such milk diverted to other plants pursuant to § 1033.14 by the handler operating such plant, is route disposition during each of the months of August through January, at least 45 percent February and March, and at least 40 percent during other months, except that a plant which qualifies as a pool plant by complying with the preceding requirements of this subparagraph during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement for the current month is not met.

(b) A supply plant from which during the month the volume of fluid milk products shipped to and received at plants qualified pursuant to paragraph (a) of this section and route disposition from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1033.16(c) but not receipts of other milk on diversion pursuant to § 1033.14). Any supply plant which is qualified by reason of meeting the required percentage of this paragraph during the months of August through March shall continue to be so qualified for the following months of April through July even if the required percentage pursuant

to this paragraph is not met in the latter months, unless such operator requests the market administrator in writing that such plant should not be so qualified, such revised status to be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

Proposal No. 8. Amend § 1033.14 to read as follows:

§ 1033.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act, which is:

(a) Received during the month at one or more pool plants;

(b) Diverted during the month by a handler from a pool plant to another pool plant; or

(c) Diverted by a handler from a pool distributing plant to a nonpool plant if received at such distributing plant in an amount not less than two (2) days' production of the producer, except in any month of September through February, the quantity of milk of any producer diverted to nonpool plants that exceeds that delivered to pool plants shall not be producer milk; and the diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk. Milk diverted to another pool plant or to a nonpool plant shall be producer milk. Milk diverted to another pool plant or to a nonpool plant shall be priced at the location of the pool plant or nonpool plant where physically received.

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1033.16(c).

Proposal No. 9. In § 1033.18, add a new subparagraph (a) (3) to read as follows:

§ 1033.18 Other source milk.

(3) Sterilized products received and disposed of in the same container.

Proposal No. 10. In § 1033.41, amend paragraphs (a), (b), and (c) (1) to read as follows:

§ 1033.41 Classes of utilization.

Subject to the conditions set forth in §§ 1033.43 and 1033.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Fluid milk products classified as Class III pursuant to paragraph (c) (2), (3), and (4) of this section;

(ii) Sterilized products disposed of in the same container in which received;

(iii) Fluid milk products which are fortified with the addition of milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content.

(2) Not accounted for as Class II milk, or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cottage cheese curd, cottage cheese and sour cream, except cottage cheese curd and cottage cheese disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Ice cream and other frozen desserts, milk shake mix, ice cream mix and other frozen dessert mixes (including all similar products containing vegetable fat);

(ii) Aerated cream products, frozen storage cream, cheese, butter, pancake mix, puddings, yogurt and eggnog;

(iii) Evaporated and condensed milk, or skim milk in either plain or sweetened form either in bulk or in hermetically sealed cans;

(iv) Any sour mixture of skim milk and butterfat in nonfluid form to which cheese or any food substance other than a milk product has been added;

(v) Spray and roller process nonfat dry milk solids;

11. In § 1033.41, renumber paragraphs (b) (2), (3), (4), (5), (6), and (7) as (c) (2), (3), (4), (5), (6), and (7).

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 12. Make such changes as may be necessary to make the entire marketing agreements and the orders 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, Mr. C. T. McCleery, Hartman Building, Room 505, 79 East State Street, Columbus, Ohio 43215; Post Office Box 1195, Cincinnati, Ohio 45201; 434 Third National Bank Building, Dayton, Ohio 45402; 312 Davis Building, 151 Michigan Street, Toledo, Ohio 43624; Post Office Box 33, Gallipolis, Ohio 45631; 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: May 13, 1969.

JOHN C. BLUM,
Deputy Administrator
Regulatory Programs.

[F.R. Doc. 69-5845; Filed, May 15, 1969; 8:47 a.m.]

[9 CFR Part 317]

COMPOSITIONAL AND LABELING
REQUIREMENTS FOR CERTAIN
SAUSAGE PRODUCTS

Announcement of Public Hearing

On December 25, 1968, there was published in the *FEDERAL REGISTER* (33 F.R. 19251) an announcement of oral public hearing to consider proposed amendments to the Federal Meat Inspection Regulations (9 CFR Ch. III, Subch. A) pertaining to frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages.

Requests were received from individuals and organizations to postpone the hearing on the basis that additional time was required to complete investigational and research activities being conducted to produce information and data germane to the subject matter of the hearing. On January 24, 1969, there was published in the *FEDERAL REGISTER* (34 F.R. 1169) an announcement postponing the public hearing.

The investigational and research activities germane to the subject matter of the hearing that necessitated the postponement of the hearing have now been completed. Notice is hereby given that oral public hearing will be held with respect to the following proposed amendment to the Federal Meat Inspection Regulations pertaining to the fat content of frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages.

The hearing will commence at 10 a.m., on June 18, 19, and 20, 1969, in Room 218A, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, Washington, D.C.

The Presiding Officer at the hearing will be a hearing examiner from the Office of Hearing Examiners of the Department designated for that purpose.

Any interested person may present any data, views, or arguments he wishes to offer at the hearing. It will facilitate the conduct of the hearing if persons who wish to testify at the hearing will notify the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, in writing or by telephone (Area Code 703-557-4391) as soon as possible to that effect, stating they wish to testify and how long a time they would like to have to present their testimony. However, any person who wishes to testify at the hearing will be afforded opportunity to do so, whether he has given such advance notice or not. Testimony will not be under oath but cross-examination will be allowed.

Written comments and information relating to the proposal in lieu of, or in addition to, oral testimony are encouraged to be submitted. Participation in the hearing will not be necessary to

have written evidence or comments fully considered. Written material may be submitted in duplicate by any interested person on or before June 27, 1969, to the Office of the Hearing Clerk, Room 112A of the U.S. Department of Agriculture, Washington, D.C. 20250, and will be available there for public inspection during normal office hours (9 a.m. to 5:30 p.m. Mondays through Fridays, except holidays).

The hearing will be open to the public. A stenographic transcript will be made of the hearing and copies of the transcript can be obtained from the reporter by any person upon request and payment of the cost of such copies. The transcript will be filed and available for public inspection in the Office of the Hearing Clerk as stated above.

Statement of consideration. Data accumulated by the Department reflect gradual increases in fat content of cooked sausages during recent years. They show a possible need to limit the amount of fat in products of this type to prevent adulteration with fat. The proposed fat content limitation is based on extensive analytical data accumulated by the Department's meat inspection laboratories through routine sample examinations for a number of periods extending beyond the past decade. It represents the maximum fat content that is currently normal to these sausage products. The fat limitation would provide for the continued production of products as now merchandised. Under this proposal it would be possible for processors to produce products with varied fat content as long as the expressed maximum limitation is not exceeded.

After the hearing, the Department will evaluate all relevant material presented at the hearing or otherwise in the possession of the Department, e.g. oral testimony and written submissions of comments, data, and information, and will determine what action should be taken with respect to the proposed amendment.

Information relating to the proposed amendment is on file in the office of the Hearing Clerk, Room 112A of the U.S. Department of Agriculture, Washington, D.C. 20250, where it is available for review during the normal office hours at 9 a.m. to 5:30 p.m., Mondays through Fridays, excepting holidays.

Section 317.8(c) (40) of the regulations (9 CFR 317.8(c) (40)) would be amended by adding at the end thereof a new sentence to read: "Cooked sausage such as frankfurter, frankfurt, frank, furter, wiener, vienna, bologna, garlic bologna, or knockwurst, and similar sausages shall contain no more than 33 percent of fat."

Done at Washington, D.C., on May 15, 1969.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 69-5937; Filed, May 15, 1969;
10:21 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 73]

[Docket No. 18425]

OPERATION OF TELEVISION BROADCAST STATIONS BY REMOTE CONTROL

Order Extending Time for Filing
Reply Comments

In the matter of amendment of Part 73, Subpart E of the Commission's rules and regulations governing television broadcast stations concerning the operation of television broadcast stations by remote control, Docket No. 18425, RM-1340.

1. On January 17, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-48) inviting comments on a proposal to permit operation of VHF television stations by remote control. The date for filing comments has expired on April 25, 1969. The date designated for filing reply comments is May 9, 1969.

2. On May 2, 1969, A. Earl Cullum, Jr. and Associates (Cullum) requested the Commission to extend, for a period of two weeks, the date for filing reply comments. Cullum states that more time is needed to obtain and review comments filed, for summarizing the positions taken and reporting them to the affected stations, for obtaining reactions from the affected stations and for the preparation of reply comments.

3. It appears that the additional time requested is warranted. Accordingly, it is ordered, That the time for filing reply comments is extended from May 9, 1969, to and including May 23, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: May 9, 1969.

Released: May 12, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] JAMES O. JUNTILLA,
Acting Chief,
Broadcast Bureau.

[F.R. Doc. 69-5850; Filed May 15, 1969;
8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 221]

[Reg. U]

PURCHASING OR CARRYING
REGISTERED STOCKS

Credit by Banks

Pursuant to the authority contained in the Securities Exchange Act of 1934

(15 U.S.C. 78g), the Board of Governors is considering amending Part 221 in the following respects:

Section 221.3 would be amended by adding paragraph (x) to read as follows:

§ 221.3 Miscellaneous provisions.

(x) *Third market maker exemption.*

(1) In the case of credit extended to a Third market maker, as defined in subparagraph (2) of this paragraph (x), for the purpose of purchasing or carrying a stock that is registered on a national securities exchange (other than a convertible security described in § 221.3(b)(1) of this part) in order to conduct the market making activity of such a market maker, the maximum loan value of any such stock, except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of the Internal Revenue (Regs. section 1-1236-1(d)), shall be determined by the bank in good faith: *Provided*, That in respect of each such stock he shall, at least 10 full business days prior to such extension of credit, have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market making activity, and all other reports required to be filed by Third market makers pursuant to a rule of the Securities and Exchange Commission, and except when such activity is unlawful shall not have ceased to engage in such market making activity: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-3, executed by the Third market maker who is the recipient of such credit and executed and accepted in good faith¹¹ by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of con-

ducting such market making activity, a bank may rely on such a statement, if executed and accepted in accordance with the requirements of this paragraph (x).

(2) A Third market maker with respect to a stock that is registered on a national securities exchange is a dealer who has and maintains net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3-1 (17 CFR 240.15c3-1)), of \$250,000 for each such stock in respect of which he has filed and not withdrawn a notice with the Securities and Exchange Commission (but in no case does this subparagraph (2) require net capital of more than \$1,500,000), who is in compliance with such rule of the Commission and who, except when such activity is unlawful, meets all the following conditions with respect to such stock: (i) He furnishes bona fide, competitive bid and offer quotations at all times to other broker/dealers on request, (ii) he is ready, willing, and able to effect transactions for his own account in reasonable amounts, and at his quoted prices, with other brokers and dealers, (iii) he does not more than 25 percent of his business in the stock with other market makers and national securities exchanges and (iv) he has a reasonable average rate of inventory turnover on the stock.

The proposed change in § 221.3 is to provide an exemption for bank credit extended to broker/dealers that are not members of any national securities exchange in connection with their market making function in the "third market", that is, the "over-the-counter" market for exchange-listed stocks.

This proposal closely parallels a similar exemption, published for comment by the Board (FEDERAL REGISTER of February 15, 1969; 34 F.R. 2268, 2272) for broker/dealers making a market in certain stock, not registered on a national securities exchange (OTC stock), to be selected by the Board for inclusion on

its list of OTC margin stock. Any broker/dealer registered pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) would be eligible for the proposed "Third market maker" exemption if he met the standards set forth in the regulation (including maintaining certain minimum net capital), had filed with the Securities and Exchange Commission a notice of his intent to begin or continue such "market making" activity, and continued to file such other reports as were required pursuant to a rule respecting market makers in the "third market" that the Commission would adopt. The bank would have to obtain a statement on a new form designated F.R. Form U-3, from the market maker that he is properly registered and will use the credit obtained pursuant to the exemption to finance such activities.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit, in writing, relevant data, views, or arguments. Such material should be submitted to any Federal Reserve Bank, to be received not later than June 16, 1969. Under the Board's rules regarding availability of information (12 CFR 261), such materials will be made available for inspection and copying to any person upon request unless the person submitting the material requests that it be considered confidential.

Dated at Washington, D.C., this 5th day of May 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-5815; Filed, May 15, 1969; 8:45 a.m.]

¹¹ As described in § 221.3(a).

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

STATE UNIVERSITY OF NEW YORK AT BUFFALO ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00559-01-77040. Applicant: State University of New York at Buffalo, Office of Facilities Planning, 3258 Main Street, Buffalo, N.Y. 14214. Article: Mass spectrometer, Model RMU-6E with heated inlet system. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for confirmation and determination of structure of organic substances obtained by synthesis and from natural materials. The instrument will be used by graduate and undergraduate students, faculty, and post-doctoral fellows. Specific uses by research groups are as follows: (1) A study of the fragmentation of pyrimidine, such as 4-methylpyrimidine and 2-amino-5-formyl-4-pyrimidone related heterocyclic compounds, pyridines, quinolines, and pteridines. (2) A study to determine the isotopic com-

position of certain compounds as an aid in work on reaction mechanisms. (3) A study to determine structure identification, molecular weight determination and isotopic contents in mechanistic chemistry. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69-00561-33-46040. Applicant: The Rockefeller University, 66th and York Avenue, New York, N.Y. 10021. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for high resolution studies of viruses, viral components, macromolecules such as proteins and nucleic acids, macromolecular complexes, and virus-infected cells and cellular organelles, particularly cell membranes. Viruses under study include polio, influenza, parainfluenza, reo, and adenoviruses. In addition to high resolution studies of the intact virus particles, extensive examination of components such as capsomeres, nucleocapsids, hemagglutinins, neuraminidase, and viral nucleic acids will be carried out. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00562-33-46040. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in a research program requiring the study of normal and diseased human lymphoid tissue, experimentally altered tissue in laboratory animals, and the distribution of foreign proteins in experimental animals. It will also be used for studying normal and pathological prostate and cardiac tissue of humans and experimental animals. Particular attention will be paid to the substructure of mitochondria. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00563-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Michelson special model with motor. Manufacturer: Sopra, France. Intended use of article: The article will be used for the instruction of students in the theory and operation of a Michelson interferometer in the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements, both relative and absolute, of wavelengths, index of refraction, wavelength differences, etc. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00564-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Michelson special model with motor. Manufacturer: Sopra, France. Intended

use of article: The article will be used for the instruction of students in the theory and operation of a Michelson interferometer in the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements, both relative and absolute, of wavelengths, index of refraction, wavelength differences, etc. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00565-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Michelson standard model. Manufacturer: Sopra, France. Intended use of article: The article will be used for the instruction of students in the theory and operation of the following courses: Physics 351, 352, and 524. The students will learn to adjust the instrument for observation of various fringe systems and they will carry out precise measurements, both relative and absolute, of wavelengths, index of refraction, wavelength differences, etc. Application received by Commissioner of Customs: May 1, 1969.

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 69-5813; Filed, May 15, 1969;
8:45 a.m.]

UNIVERSITY OF VIRGINIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00554-00-46040. Applicant: University of Virginia, Department of Materials Science, Thornton Hall, Charlottesville, Va. 22901. Article: Double-tilt heating stage for a Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for research in metals. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69-00555-33-46040. Applicant: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to study intracellular organelle differentiation following induction with reference to the effect of ionizing radiation upon the morphological changes. The organelles to be studied will be the meiotic spindle, changes of the morphology of the chromosomes when becoming compact to form the sperm head and alterations of the process of irradiation. The Golgi body forming the sperm acrosome will be studied. The formation of the nebenkern, and sperm tail middlepiece, from the mitochondria is now being investigated and will continue. High resolution study or proteins will be carried out. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69-00556-01-07730. Applicant: American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103. Article: X-ray diffraction Guinier camera, Model XDC-700. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for the identification of crystalline powders, and for research developing the methods of analyses by X-ray diffraction. The inherent features of the article make it possible to measure crystal lattice constants to a very high precision and to detect the presence of very small amounts of a particular crystal phase. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69-00557-65-07520. Applicant: University of California, Berkeley Campus, Berkeley, Calif. 94720. Article: Microcalorimeter, Model Mark II and accessories. Manufacturer: Microscal Ltd., United Kingdom. Intended use of article: The article will be used for research programs on the adsorption of surfactants on metals and for a study of the adsorption of surfactants of water-mineral surfaces. Application received by Commissioner of Customs: April 28, 1969.

Docket No. 69-00558-33-46040. Applicant: University of California, Davis,

School of Veterinary Medicine, Davis, Calif. 95616. Article: Electron microscope, Model EM6B. Manufacturer: GEC-AEI Electronics, Ltd., United Kingdom. Intended use of article: The article will be used for both teaching and research. It is essential for the students obtaining advanced degrees in pathology, microbiology, parasitology, and immunology to be well trained in this area so that investigations on the molecular level can be carried out. Biomedical research will include the following areas:

- Morphology and ultrastructure of animal viruses that produce disease and cancer in different kinds of animals.
- Replication of animal viruses on the cellular level with emphasis on the sites and mode of virus reproduction.
- Studies on feline and canine leukemia with special reference to the mode of transmission, cell types and sites of virus synthesis.
- Effects of beta-lysins and other cationic proteins on morphological alterations of bacteria.
- Changes in the pulmonary system in response to toxic and physical factors.
- Study of glomerular lesions in canine pyometra and associated renal disorders.
- Ultrastructure of macrophages in cellular immunity and antibody production.

Application received by Commissioner of Customs: April 28, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 69-5814; Filed, May 15, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration CIBA AGROCHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2407) has been filed by the CIBA Agrochemical Co., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of a food additive tolerance (21 CFR Part 121) of 0.2 part per million for residues of the herbicide 1,1-dimethyl-3-(α,α,α -trifluoro-m-tolyl)-urea in bagasse resulting from concentration and carryover after application of the herbicide on the growing crop sugarcane.

Notice was given in the FEDERAL REGISTER of December 3, 1968 (33 F.R. 17927), that the same firm had filed a related pesticide petition (PP 9F0764) proposing the establishment of a tolerance of 0.1 part per million for negligible residues

of the herbicide in or on the raw agricultural commodity sugarcane.

Dated: May 5, 1969.

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

[P.R. Doc. 69-5820; Filed, May 15, 1969; 8:45 a.m.]

[Docket No. FDC-D-125; NDA 9-807]

S. E. MASSENGILL CO.

Parterol; Notice of Withdrawal of Approval of New-Drug Application

An announcement pertaining to Parterol was published in the FEDERAL REGISTER of February 7, 1969 (34 F.R. 1840).

The S. E. Massengill Co., Bristol, Tenn. 37620, sponsor of new-drug application No. 9-807 covering the drug Parterol (2.5 milligrams of dihydrotachysterol per milliliter), has requested that the Commissioner of Food and Drugs, without further notice, enter a final order withdrawing the application's approval.

The firm stated that they do not wish to avail themselves of an opportunity for a hearing as provided by section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). Parterol as covered by the subject application is intended to prevent relapses in uncomplicated milk fever.

Therefore, pursuant to the provisions of the act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), the Commissioner, at the request of the applicant and on the basis of the foregoing, withdraws approval of new-drug application No. 9-807 effective on date of signature of this document.

Dated: May 8, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[P.R. Doc. 69-5821; Filed, May 15, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16080; Order 69-5-47]

CONTAINERIZATION

Order Regarding Request for Extension of Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of May 1969.

By telegram dated April 16, 1969, The Flying Tiger Line Inc. (Flying Tiger), requested a 30-day period for additional discussions among the air carriers concerning containerization, stating that the date for filing concurrences in a proposed new container agreement had passed, that affirmative votes had not been received from all interested carriers, and that additional discussions are necessary if the carriers are to reach an agreement acceptable to all carriers.

The Board has earlier approved discussions among the carriers and with shippers, frequent meetings have been held and minutes thereof have been filed with the Board and disseminated to all interested parties.¹ The latest effort of the carriers indicates that a new and substantially revised proposal was considered in March 1969, and was circulated to all interested air carriers for adoption as an agreement to be filed with the Board. The proposal has not received the necessary signatures and has not been filed with the Board.

American Airlines, Inc., and United Air Lines, Inc. (United), support the request of Flying Tiger for Board approval of an extension of the containerization discussions; United further states that it does not wish the present container agreements extended. No other party has opposed or supported the request of Flying Tiger.

Upon consideration of the carrier's request, the Board will extend the carrier's authority to hold discussions for an additional 30 days.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. The discussion period granted by ordering paragraph 2 of Order 69-2-15, dated February 4, 1969, is extended for an additional period of 30 days from the date of this order; and

2. All other terms and conditions of Order 69-2-15, supra, and Order 68-7-124 dated July 25, 1968, authorizing discussions continue unchanged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-5848; Filed, May 15, 1969;
8:47 a.m.]

¹ Order 69-2-15, dated Feb. 4, 1969, authorized discussions until Apr. 5, 1969, and approved the extension of the expiry date of the present container agreements (Agreements CAB Nos. 19981 and 19982, as amended) to May 6, 1969.

[Docket No. 20781; Order 69-5-46]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority May 12, 1969.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements would amend an IATA resolution relating to round-trip fares on North and Mid-Atlantic routes, which the Board has approved through March 31, 1970, and set for investigation in Order 69-4-138. This amendment, in conformity with the elimination of international round-trip discounts, would preclude the use of domestic round-trip discounts in countries where they are now offered in the construction of through international round-trip fares. Additionally, resolutions governing North and Mid-Atlantic 14-21-day excursion fares would be amended so as to clarify that children's discounts will apply with respect to weekend surcharges.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval shall be subject to the condition hereinafter ordered.

Agreement CAB	IATA resolution
20939-----	JT12 (Mail 586) 150a.
	JT123 (Mail 586) 150a.
20948-----	JT12 (Mail 588) 070d.
20954-----	JT12 (Mail 589) 070f.
	JT123 (Mail 589) 070f.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 20939, set forth in the above finding paragraph, is deferred with a view toward eventual approval provided such approval shall be limited through March 31, 1970; *Pro-*

vided further, That this agreement shall be incorporated into the investigation in this docket, instituted by Order 69-4-138; and

2. Action on Agreements CAB 20948 and CAB 20954, set forth in the above finding paragraph, is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-5849; Filed, May 15, 1969;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

MAY 12, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation), and all other securities of Top Notch Uranium and Mining Corp. 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 May 13, 1969, through May 22, 1969, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 69-5818; Filed, May 15, 1969;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18546; FCC 69-493]

BEACON RADIO, INC.

Order Designating Application for Oral Argument

In re application of Beacon Radio, Inc., Berlin, Wis., Docket No. 18546, File No. BMP-12479, for additional time to construct radio station WISS, Berlin, Wis.

1. The Commission has before it the above captioned application for additional time to construct Station WISS, Berlin, Wis. The background of this matter is set forth below.

2. On July 1, 1966, Beacon Radio, Inc., filed an application for a new standard broadcast station at Berlin, Wis. The following were officers and stockholders in the applicant:

Name	Date of birth	Office held	Percentage of stock
Jeanne P. Donald, Shawano, Wis.	Aug. 1, 1902	Treasurer	33 1/4
Sherwood Lorenz, Clintonville, Wis.	June 14, 1922	Vice President and Secretary	33 1/4
Raymond G. Gruetzmacher, Shawano, Wis.	Oct. 13, 1923	President	33 1/4

Because these matters will be raised infra, it is apparent from the above table that none of the officers of the applicant were residents of Berlin. None made any commitment to move to Berlin. Additionally, the age of the officers at the time the application was filed is apparent from the birth date data filed and mentioned in the table.

3. Thereafter, on December 13, 1967, the Commission granted the aforementioned application and authorized construction of a new standard broadcast station at Berlin, Wis. The permit that was issued provided in part that the date of required commencement of construction was February 13, 1968 and the date of required completion of construction was August 13, 1968.

4. Subsequently on April 26, 1968, the permittee filed an application for Commission consent to the assignment of the construction permit of Station WISS to Kingsley H. Murphy (BAP-761). Reasons for assignment were given as follows:

The principals of Beacon Radio, Inc., have concluded that they are not at this time, in a position to construct the proposed station, place it in operation and give it the time and attention necessary to provide the best quality broadcast service for the community of Berlin. The principal consideration in reaching this decision has been the health and age of Mrs. Jeanne Donald, a one third owner in the company. * * *

5. August 9, 1968, the permittee filed an application for additional time to complete construction of Station WISS (BMP-12479). The permittee stated its reason as follows:

There is presently pending an application to assign the WISS construction permit to Kingsley H. Murphy, Jr. (BAP-761). That application sets forth the reasons why the permittee has been unable to construct. It is the permittee's understanding that the proposed assignee stands ready to proceed with the construction.

6. On March 12, 1969, the Commission's Broadcast Bureau addressed a letter to the permittee which asked a number of questions. The permittee's response was filed on March 19, 1969. For convenience, each question is followed by the permittee's response.

Question 1: When was it first determined that you were unable to construct the station?

Answer: Early in 1968, January or early February we arrived at the decision not to construct the station.

Question 2: What is the matter with Mrs. Jeanne Donald's health? When did it develop? What is Mrs. Donald's age?

Answer: Mrs. Donald has been subject to severe tension headaches and much sleeplessness. Her doctor's opinion was that this was the result of overwork and stress. He advised against her taking on any further responsibilities in additional businesses. This can be substantiated with a statement from her physician if it is necessary.

Question 3: Why should the health and age of Mrs. Donald, a Treasurer and Director of the permittee, affect construction of the station?

Answer: First, Mrs. Donald's inability to participate in the actual work of operating the station would place a heavier load on the other two parties involved. We have delineated duties within the operation to specific people, best qualified of our group to handle them. If Mrs. Donald were not active, her share would have to be borne by others not as qualified as she. Further, even if Mrs. Donald were not actively engaged in the business, it would not lessen her concern for its success. In fact, it could heighten it. This concern, it was felt, was a good part of her problem. In a small broadcast operation with limited potential it is imperative that everyone involved be able and willing to carry his share of the load.

Question 4: The assignment application (BAP-761) contains a contract of sale dated April 3, 1968. Please state when negotiations for the assignment of the construction permit were initiated.

Answer: Negotiations for the assignment of the construction permit were initiated in February of 1968. Filing for the extension of time was necessary, of course, due to the long time involved in the application for transfer.

7. We note in regard to the permittee's response to Question 2 that according to Commission records Jeanne P. Donald is a 100 percent owner, treasurer, and director, Shawano County Leader Publishing Co., Shawano, Wis., which is the licensee of Station WTCH, Shawano, Wis.

8. On the basis of the information before us, we cannot determine whether the reasons advanced by the applicant in support of its request for an extension of time to complete construction, in light of Beacon Radio's statements in the original application, and its responses to the letter from the Commission's Broadcast Bureau supra constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended and § 1.534(a) of the Commission's rules.

9. Therefore, we believe that an oral argument is indicated. The copending assignment application will be held in abeyance pending the outcome of this argument. In view of the above, *It is ordered*, That the above captioned application is designated for oral argument before the Commission en banc in Washington, D.C., at 10 a.m. on June 16, 1969, on the following issue:

To determine whether the reasons advanced by the applicant in support of its request for an extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to war-

rant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended and § 1.534(a) of the Commission's rules.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant pursuant to § 1.221(c) of the Commission's rules, in person, or by its attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date set for the oral argument and present arguments on the issue specified and may file a brief or Memorandum of Law ten (10) days prior to the date set for oral argument.

Adopted: May 7, 1969.

Released: May 12, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-5851; Filed, May 15, 1969;
8:48 a.m.]

¹ Commissioners Robert E. Lee and Wadsworth dissenting.

[Docket Nos. 18381, 18382; FCC 69R-206]

VIKING TELEVISION, INC., AND CALVARY TEMPLE EVANGELISTIC ASSOCIATION

Memorandum Opinion and Order Modifying Issues

In re applications of Viking Television, Inc., Minneapolis, Minn., Docket No. 18381, File No. BPCT-3772; Calvary Temple Evangelistic Association, Minneapolis, Minn., Docket No. 18382, File No. BPCT-4091; for Construction Permit for New Television Broadcast Station.

1. This proceeding involves the mutually exclusive applications of Viking Television, Inc. (Viking), and Calvary Temple Evangelistic Association (Calvary), which seek a construction permit for a new commercial television broadcast station to operate on Channel 23, Minneapolis, Minn. By order, FCC 68-1126, released November 26, 1968, these applications were designated for consolidated hearing under Suburban and financial issues against Calvary; a limited financial issue against Viking; and a standard comparative issue.¹ Presently before the Review Board are (a) petition to enlarge and to modify issues, filed December 16, 1968, by Calvary; and (b)

¹ By memorandum opinion and order, FCC 69R-134, ----- FCC 2d -----, released Mar. 18, 1969, the Review Board amended the financial issue against Calvary and specified a comparative efforts issue.

² The following related pleadings are also before the Board: (a) Comments, filed Jan. 31, 1969, by the Broadcast Bureau; (b) opposition, filed Feb. 6, 1969, by Viking; (c) supplement to opposition, filed Feb. 27, 1969, by Viking; (d) reply, filed Feb. 28, 1969, by Calvary; and (e) supplemental reply, filed Mar. 3, 1969, by Calvary.

further petition to enlarge issues, filed February 28, 1969, by Calvary.*

2. In its first petition, Calvary seeks the addition of adequacy of staff and various financial issues against Viking and "modification" of the designation order herein with respect to Viking's first year operating costs. Calvary's further petition seeks misrepresentation, real party in interest, site availability and § 73.613(a) waiver (studio location) issues against Viking.*

COST ESTIMATE ISSUE

3. Calvary first requests the addition of an issue to determine the adequacy of Viking's estimate of first year operating costs. Calvary alleges that, by an amendment of July 12, 1967, Viking reduced its first year "operational expenses" (first year costs minus equipment payments) from approximately \$583,000 to \$217,000; that contrary to Viking's expressed intention to effect "drastic economies" in its programming, its revised program schedule reflects no substantial changes; and that therefore a substantial question is raised on the face of the application as to the adequacy of Viking's "revised" first year cost proposal and/or the applicant's ability to effectuate its proposed programming.⁴ In addition, Calvary alleges that Viking cannot effectuate its proposal to broadcast national educational film programs. To support this allegation, Calvary submits a statement of the vice president for network affairs of National Educational Television, which indicates that NET programs are not generally available to commercial stations in markets with NET affiliates (as is the case in the Minneapolis market) and no program rights have been given to any Minneapolis commercial applicant. Since Viking contemplates 182 hours of such programming during its first year of operation, and its cost estimate purports to reflect the expense involved in airing these films, the unavailability of such programs, according to the petitioner, renders Viking's cost proposal even more suspect. Absent an explanation in opposition, the Broadcast Bureau supports the addition of a cost estimate issue.

4. In opposition, Viking argues that the petitioner's allegations are based on

surmise, speculation and unsupported assumptions contrary to the requirements of § 1.229. Furthermore, Viking submits that its July 1967 amendment constituted, in effect, a new application reflecting various ownership, engineering and programming changes. Viking contends that it was this amended application which was considered and designated for hearing by the Commission, and that it is therefore incumbent upon petitioner to demonstrate that the cost estimates contained in its amended application are unreasonable, without regard to previous estimates whose reasonableness has never been established. Viking also submits the affidavit of one of its directors who indicates that, based on his 18 years' experience in television program production, free films of an educational and informational variety are available for use by the applicant and that the use of these free films and other low-cost films will not increase the predicted first-year operating costs of Viking.

5. The request for a cost estimate issue will be denied. The first-year cost estimates appearing in Viking's amended application are not unreasonable on their face, and petitioner has failed to raise questions about any of Viking's allocations which have not been satisfactorily explained by the applicant. The mere fact that Viking amended its application prior to designation and thereby reduced its first-year cost estimates is an insufficient basis for specifying the requested issue. See Snake River Valley Television, Inc., FCC 69R-36, 16 FCC 2d 613 (1969). Nor do petitioner's allegations, which are for the most part unsupported by the affidavits of persons with personal knowledge, warrant the requested Board action.

6. Viking's amendments also provide the basis for the allegations in support of this issue. Thus, Calvary argues that although Viking's program proposal has remained essentially unchanged, that applicant has failed to explain the manner by which it proposes to implement its program proposal with 14 full-time and 9 part-time employees when 25 full-time employees were originally contemplated. As noted by the Broadcast Bureau, Calvary has failed to allege any specific facts establishing that Viking's proposed staff is inadequate to effectuate its proposal. Calvary's allegations are, once again, not supported by affidavits of persons with personal knowledge and, in any event, are insufficient to warrant further consideration.

THE FINANCIAL ISSUE

7. Viking proposes to meet its construction and first year operating costs, in part, by a \$200,000 bank loan and \$300,000 in stock subscriptions. The bank loan from the First National Bank of Minneapolis is to be secured by specified collateral to be pledged by certain Viking stock subscribers. In designating Viking's application for hearing, the Commission found that stock subscribers Harold W. Bangert and Barbara D. Marnet are

relying on some of the same assets to secure the loan and to establish their ability to meet their respective stock commitments; issues were therefore specified to determine whether these stock subscribers had current and liquid assets sufficient to meet their stock subscriptions and bank loan pledges. An issue was also specified to determine whether another Viking stock subscriber, Morton H. Henkin, has sufficient assets to meet his stock subscription. Calvary now seeks to expand these issues to include a determination of whether Morton Henkin and a fourth Viking stock subscriber, Irving Beaudoin, will have sufficient current liquid assets to meet both their stock and pledge commitments.

MORTON H. HENKIN

8. In support of his ability to meet his \$66,667.50 stock subscription to Viking, Henkin submitted a financial statement in lieu of a balance sheet representing that he has \$306,225 in assets and no liabilities with respect to the listed items.⁵ Included among the assets described therein is an item—"Interest bearing items including certificates of deposit, promissory notes and other interest bearing items—\$275,000." Calvary submits that Henkin has pledged a specified certificate of deposit valued at \$50,000, to secure the bank loan. Petitioner questions whether this certificate has also been used to demonstrate Henkin's ability to meet his stock commitment; and, if so, whether Henkin will be able to meet his loan pledge obligation.

9. Petitioner correctly recognizes that evidence on the issue presently specified against Henkin may moot the necessity for further inquiry into the pledge matter. In fact, as noted by the Broadcast Bureau, in determining whether Henkin has sufficient current, liquid assets with which to meet his stock subscription commitment, the assets he has pledged as security for the bank loan will necessarily be considered. In the Board's view, therefore, an additional issue with respect to Henkin's ability to meet his pledge obligation would be redundant.

IRVING BEAUDOIN'S COMMITMENTS, REAL PARTY IN INTEREST AND MISREPRESENTATION ISSUES⁶

10. Calvary contends that, in order to meet his \$90,999 stock subscription commitment to the applicant, Beaudoin has relied, in part, on the assets of his two corporate holdings—Southview Properties and Southview Buildings. However, petitioner submits and attempts to demonstrate that Beaudoin has also pledged all of the outstanding shares of these two corporations to the First

*Based on this showing, the Commission specified an issue against Henkin as described above.

⁶Due to the interrelationship of the allegations and responses thereto concerning the financial, real party in interest and misrepresentation issues contained in both Calvary petitions, these issues will be treated together.

⁴The following related pleadings are also before the Board: (a) Comments, filed Mar. 27, 1969, by the Broadcast Bureau; (b) opposition, filed Mar. 27, 1969, by Viking; and (c) reply, filed Apr. 16, 1969, by Calvary.

⁵Although Calvary's further petition to enlarge issues was not filed within the 15-day period provided by the rules, this petition resulted from Calvary's investigation of information contained in Viking's opposition of Feb. 6, 1969, and supplement thereto, filed Feb. 27, 1969. Inasmuch as the further petition was filed promptly thereafter, the Board finds that good cause for the late filing is present.

⁶While Calvary suggests that an "Evansville" issue may be warranted, the Board notes that the Commission has dispensed with the use of such procedure, and petitioner's suggestion is therefore superfluous. See memorandum opinion and order, FCC 67-812, 9 FCC 2d 26, adopted July 5, 1967.

National Bank of Minneapolis as partial security for the Viking loan.⁸ Calvary argues that the financial information concerning Beaudoin submitted with Viking's October 1, 1968, amendment shows that Beaudoin has net current assets over current liabilities of \$121,000, of which \$90,000 in assets are attributable to Southview Properties and Southview Buildings; and that without these Southview assets (which have been pledged to the bank as security), Beaudoin would be unable to meet his \$90,999 stock subscription commitment. Calvary therefore requests issues to determine whether Beaudoin has sufficient current liquid assets to meet both his stock commitment and pledge obligation.

11. Calvary also seeks an issue to determine whether, in fact, Beaudoin will have available the value attributed to his Southview holdings. Calvary notes that Choban Realty & Insurance Co. has indicated its willingness to purchase from Beaudoin the outstanding shares of both Southview corporations for \$90,000; * that Choban Realty has failed to demonstrate its ability to meet its commitment to Beaudoin as required by FCC Form 301; that Choban Realty's "bare assertion" that its liquid assets exceed its current liabilities by more than \$200,000, is insufficient; and that therefore, Beaudoin may not properly rely on the availability of these funds.⁹ In addition, Calvary avers that Beaudoin may not rely on "Accounts Receivable of Law Firm—\$10,000" in order to meet his stock obligation. Reliance on such items, petitioner submits, is not permissible without a specific showing that such assets will, in fact, provide funds to meet proposed commitments.

12. Finally, although Calvary does not indicate the precise nature of the issue requested, petitioner questions the "sudden and unexplained appearance" of Southview Buildings, Inc. (with a gross value of \$300,000, a net worth of \$119,000, and a claimed liquid value of \$50,000), among Beaudoin's assets. Petitioner avers that this asset appears for the first time in the financial portion of Viking's

amendment of October 1, 1968,¹¹ and that previous balance sheets of Beaudoin reveal "a total absence of any capability on the part of Mr. Beaudoin to acquire such an asset." Beaudoin's sudden acquisition of this valuable asset, according to Calvary, requires "extraordinary scrutiny and, pertinently, the specification of an appropriate issue." The Broadcast Bureau supports the addition of an issue to determine whether Beaudoin has sufficient assets to meet his respective obligations.

13. In opposition, Viking contends that none of its stockholders have intended or now intend to rely upon the same collateral to be pledged to the bank in order to meet their respective commitments to Viking. Initially Viking notes that the bank pledge agreement contemplates that the bank will accept as security the specific collateral of each shareholder (as described in Viking's letter to the Commission, dated Feb. 27, 1968), or its then equivalent in market value at the time of tender.¹² Thus, in February, 1968, Beaudoin's pledge obligation of \$75,000 would have been met by a pledge of 100 shares of Southview Properties (\$40,000) and 100 shares of Southview Buildings (\$35,000). However, Viking submits that the net worth of these two assets has risen substantially in the past year and that Beaudoin need now pledge only 63 shares of Southview Buildings, Inc. in order to satisfy his \$75,000 pledge to the bank.¹³ In assessing Beaudoin's ability to meet his \$90,999 stock commitment, Viking contends that Beaudoin has the following current, liquid assets: \$5,000 cash in banks; \$5,000 cash surrender value on life insurance; 35 shares of Southview Buildings, Inc. valued at \$50,000; 98 shares of Southview Properties, Inc. valued at \$40,000;¹⁴ and certain residential property for which Kassan Realty Co., has made an offer in an

amount of \$17,000.¹⁵ Thus, Viking avers that Beaudoin has a minimum of \$117,000 in current assets minus \$6,000 in current liabilities, or \$111,000 with which to meet his \$90,999 stock commitment.

14. With respect to the increase in valuation of shares in Southview Properties and Southview Buildings, Viking submits that the buildings located on the properties owned by the two corporations were completed subsequent to the applicant's initial financial showing; and that a series of favorable economic and other factors have increased the net worth of Southview Buildings, Inc. The factors include favorable interest rates, waiver and discounts obtained from architect and general and subcontractors, favorable lease arrangements for office space, reduction in encumbrances and an increase in area land values due to the institution of a multimillion dollar area urban renewal project.

15. In reply, Calvary finds "incredulous" Choban Realty's willingness to almost triple its per-share offer for what would now be a minority interest (35 shares) in Southview Buildings, Inc., in a period of less than 4 months; and challenges Choban Realty's explanation (submitted with Viking's opposition) for its increased offer.¹⁶ Calvary argues that Beaudoin's explanation for the rapid rise in the value of Southview Buildings lacks specificity and is suspect in that Southview Properties' land, which is adjacent to Southview Buildings' property, has not experienced a similar increase in value. In light of Viking's allegedly "incredible and distressingly vague representations made in the opposition", Calvary conducted an investigation which developed the following alleged facts: Choban Realty is wholly owned by one Michael Choban; Choban was Beaudoin's contractor for the buildings owned by the

* An explanatory letter contained in Viking's amendment of Dec. 18, 1967, indicates that the specified security pledged to the bank includes:

100 shares Southview Properties, Inc.	\$40,000
100 shares Southview Buildings, Inc.	35,000
	75,000

⁸ Contrary to petitioner's assertion, copies of the Choban Realty letters concerning Southview Properties and Southview Buildings appear in both the original and duplicate dockets.

⁹ In addition, Calvary contends that, in a similar fashion, Kassan Realty has not shown that it can meet its offer of \$17,000 for other Beaudoin real estate.

¹¹ Elsewhere in the instant petition Viking submits that neither Southview Properties nor Southview Buildings appeared separately in Beaudoin's initial balance sheet submitted with the application; the July 12, 1967, amendment lists only Southview Properties; the Feb. 23, 1968, amendment reveals an unencumbered value of \$35,000 for 100 shares of Southview Buildings, Inc.; and the Oct. 1, 1968, amendment reflects a cash offer of \$50,000 for Southview Building's stock.

¹² This contention is supported by the affidavit of Viking's board chairman and a letter from a bank official, attached to the instant opposition.

¹³ The alleged net worth of Southview Buildings, Inc. is \$119,000, or \$1,190 per share; 63 shares would thus be valued at \$74,970. Submitted with Viking's opposition is a letter indicating the bank's willingness to accept this stock as the agreed security. The alleged net worth of Southview Properties, Inc. is \$45,500.

¹⁴ The financial statement of Choban Realty Co., which has offered to purchase the Southview stock, is submitted in Viking's supplementary opposition.

¹⁵ Exhibit 9 of the instant opposition contains a renewed verified offer by Kassan Realty to purchase the property and pledges funds represented by an unencumbered certificate of deposit issued by Northwestern National Bank of South St. Paul, Minn., for the sum of \$19,200, in order to demonstrate its financial capability. In addition, Kassan Realty's president verifies that the current assets of Kassan Realty exceed its current liabilities by more than \$100,000. This showing which has not been substantively challenged by petitioner, is sufficient to demonstrate this company's ability to meet its offering price.

¹⁶ Choban Realty stated that " * * * the original purchase offer of Choban Realty Co. [for Southview Buildings' stock] was far below the then market value of the total number of shares, and this fact, together with the increase in valuation of the property owned by the corporation and your deduction in encumbrances against the property fully warrants, in our opinion, this offer * * *." Calvary questions the reliability of the initial offer and acceptance, and the reasons for Choban Realty's failure to offer less than market value for Southview Properties' shares.

Southview corporations; Beaudoin has deeded certain portions of these properties to Choban; Choban appears in the pertinent records as an owner of these properties and has executed mortgages thereon; and the 1969 tax assessment bills for both properties are in the name of Choban Realty Co.¹⁷ Calvary contends that the foregoing raises substantial questions as to the actual interest of Beaudoin in these assets and as to whether the Choban Realty offers are valid, "armslength" offers upon which Beaudoin and Viking may rely. The allegations contained in Calvary's reply are incorporated by reference in that applicant's further petition to enlarge issues, wherein misrepresentation and real party in interest issues are requested. Petitioner argues that Viking has failed to disclose "the intimate and material relationship between, if not, a unity of, Messrs. Beaudoin and Choban"; and that therefore a misrepresentation issue is required; and further that, based on petitioner's showing, a substantial question exists as to whether Michael Choban is the real party in interest to the Viking application.

18. In opposition to Calvary's further petition to enlarge issues, Viking avers that Beaudoin has requested two independent appraisals of the properties owned by the Southview corporations, both of which allegedly substantiate Beaudoin's estimates.¹⁸ Furthermore, Viking submits Beaudoin's affidavit which states that the Southview corporations, in fact, own the various properties described; that Choban Realty is the general contractor engaged by Beaudoin's two corporations; that in order to obtain construction mortgages and retain a security interest for the balances owed under the construction contracts, Choban Realty was made the fee title holder of certain properties; that Choban Realty has conveyed back to the two corporations the respective properties involved by way of contracts for deed,¹⁹ and that Beaudoin has consistently reported all encumbrances on his property and has submitted current and complete financial information to the Commission. In addition, Beaudoin affirms that Choban has never had, does not now have, and will not have any interest in the Viking application.

17. In reply, Calvary contends that Viking's opposition clearly reflects that Beaudoin does not now and has not in the relevant past owned properties which previously were implied to be owned by him; that Beaudoin has no present right to such properties, such rights being vested in Choban; that Beaudoin is clearly precluded from dealing with the properties at will; and that Beaudoin has no alternative but to rely on Choban's "offers" to "purchase". Calvary finds it apparent that Viking "would not have apprised the Commission of Mr. Choban's involvement had it not been forced to do so" by Calvary's inquiry; and therefore Calvary renews its request for a misrepresentation and concealment issue. With respect to the real party in interest question, Calvary submits that Beaudoin and Choban have been intimately related in the past in common efforts to acquire various governmental entitlements.²⁰

18. It appears from the instant pleadings that Choban Realty holds the fee title to the properties located at 450 Southview Boulevard and 412 Southview Boulevard. Based on the undisputed allegations contained in Viking's pleadings, the Board is persuaded that such title was conveyed to Choban Realty by Beaudoin in order to permit the former to obtain a construction mortgage and retain a security interest in the real estate for the sums due Choban Realty on construction contracts with Beaudoin.²¹ It is equally evident, however, that there presently exists two enforceable contracts for deed by which Choban Realty is obligated to reconvey these properties

¹⁸ Calvary submits excerpts from testimony by Beaudoin offered before the Federal Home Loan Bank Board, allegedly reflecting the "extent and intimacy of the Beaudoin-Choban relationship." According to petitioner, in 1965 Beaudoin and Choban sought authority from the State of Minnesota and the Federal Home Loan Bank Board to establish a savings and loan operation in South St. Paul.

¹⁹ The Board need not determine whether this manner of construction financing is "normal" or "extraordinary". Petitioner has not demonstrated any impropriety with respect to the transfer of the fee title in order to secure supplemental financing.

to Beaudoin. Under these circumstances, the Board finds that the two subject properties have been properly claimed as assets by Beaudoin and may be relied upon to the extent to which they have been shown to be "liquid". Thus, Beaudoin has not misrepresented his interest in the properties described or concealed any encumbrances thereon, and a misrepresentation issue will not be specified.

19. With respect to the bona fides of the Choban Realty offers the Board is of the view that petitioner has not shown that they represent anything other than legitimate, "arms-length" transactions between Beaudoin and Choban Realty. Thus, the pleadings reveal that the net worth of Southview Properties, Inc. is approximately \$45,500, or \$455 per share.²² The value of 98 shares of said corporation would be \$44,590; Choban Realty's offer of \$40,000 would appear reasonable. In a similar fashion, Southview Buildings, Inc. has a net worth of approximately \$119,000, or \$1,190 per share.²³ Thirty-five shares of this company would be worth \$41,650; Choban Realty's offer of \$50,000 again appears reasonable in light of the increase in value of the stock during recent months. While Calvary suggests that the applicant's failure to offer specifics as to a first mortgage on 450 Southview Boulevard (held by Twin City Federal Savings and Loan Association), may, in some manner, render the Choban offers suspect, it appears that all outstanding encumbrances on the assets held by the Southview corporations have been reported to the Commission and were known to Choban at the time the offers were made.²⁴ Thus, the Board is persuaded that the offers of Choban Realty are genuine and are based on reasonable business judgment; that the Beaudoin-Choban relationship revealed by the pleadings does not raise substantial questions as to the existence of any further, undisclosed interest held by Choban in the instant application; and, in light of the affidavits submitted with Viking's opposition, a real party in interest issue is therefore unwarranted.

20. While, as previously noted, the Board is satisfied that the Choban Realty offer of \$90,000 for the stock of

²² This "net worth" valuation (value minus encumbrances) appears in Beaudoin's September 1968 balance sheet. The property values for Southview corporation assets specified therein are generally consistent with the estimates offered by two independent appraisers submitted with Viking's opposition.

²³ The First National Bank of Minneapolis has indicated its present willingness to accept 63 shares of Southview Buildings, Inc., in satisfaction of Beaudoin's \$75,000 pledge commitment. At \$1,190 per share the pledge value would equal \$74,970.

²⁴ Calvary's reply contains allegations as to various matters not previously considered. For example, Calvary's allegations with respect to Beaudoin's 1965 testimony before the Federal Home Loan Bank Board have been offered for the first time in its reply. Viking has not been afforded an opportunity to reply to such allegations, and they therefore may not, and will not be considered by the Board.

¹⁷ Affidavits and exhibits are submitted in support of these contentions.

¹⁸ Beaudoin's affidavit and letters of estimate indicate as follows:

	Beaudoin estimates	Appraiser 1	Appraiser 2
Southview Buildings, Inc.:			
450 Southview Blvd.	\$250,000	\$235,000	\$242,900
200 5th Ave. South.	20,000	20,000	18,000
202 3d Ave. South.	30,000	30,000	30,000
Total	300,000	285,000	290,900
Southview Properties, Inc.:			
412 Southview Blvd.	110,000	102,000	100,250
814 2nd Ave. North.	18,500	18,500	19,250
Total	128,500	120,500	128,500

These figures allegedly represent the market value of the properties. The amounts of existing encumbrances have been deducted by Viking in order to arrive at the net worth figures. See footnote 13, supra.

¹⁹ The contracts for deed are submitted with the opposition.

the Southview corporations is genuine, the balance sheet submitted by Choban does not demonstrate that company's ability to meet its offering price. The balance sheet reflects a total stockholder's equity of \$296,745; however, Choban Realty claims an asset of \$267,423 for "Net Equity in Contracts for Deed." Although Choban Realty's accountant indicates that this valuation is "reasonable" since "a significant portion of the above contracts are well seasoned," this explanation, without more, is insufficient to demonstrate the liquidity of this asset. The financial information submitted fails to indicate the manner in which such an asset would be converted into a "liquid" asset or the period of time necessary for such conversion. An issue will therefore be specified to determine whether the \$90,000 offering price will be available to Beaudoin in order to meet his stock commitment to Viking.²²

MCDERMOTT STOCK COMMITMENT

21. In Viking's October 1, 1968 amendment, the stock subscription obligation of Joseph T. McDermott was increased to \$3,000. Calvary contends that inasmuch as McDermott has been afforded the election of fulfilling his commitment by cash or services, Viking cannot rely on this obligation in order to demonstrate its cash availabilities. An appropriate issue is therefore requested.

22. The balance sheet which accompanies McDermott's stock pledge indicates a net worth of \$31,200, cash in banks of \$21,000, and total liabilities of \$8,800. These figures are unchallenged and indicate McDermott's ability to meet his stock commitment in cash. However, in the event that McDermott chooses to fulfill his obligation through services to Viking,²³ Viking's capital requirements would, as noted by the Bureau, thereby be proportionately reduced. Thus, any further inquiry with respect to McDermott's stock obligation is unwarranted.

MODIFICATION OF THE DESIGNATION ORDER

23. Calvary contends that the Commission overlooked certain matters and/or erred in arriving at a determination

of Viking's "first year operating costs." In the instant designation order, the Commission (at footnote 1) stated that Viking would need \$202,000 for first year operating costs and \$15,000 for miscellaneous expenses. Calvary argues that Viking's application reveals that first year operating costs were estimated by the applicant at \$217,000 and, in addition, \$15,000 was allocated for "other" expenses, including legal, engineering fees and miscellaneous. Secondly, Calvary submits that the Commission erroneously added to Viking's asserted financing availabilities the amount of \$14,242 for cash and prepaid expenses, although Viking's balance sheet of September 13, 1968 shows that \$13,183.39 has already been expended for prepaid expenses and costs of acquisition. Finally, Viking's equipment down payment, according to petitioner, was incorrectly found to be \$125,000 when, in fact, the actual amount required would be \$126,970 (25 percent of the total cost of \$507,880). Calvary requests that the Board modify the designation order with respect to these matters. The Broadcast Bureau argues that the Commission's computations are correct and the requested modifications are unwarranted.

24. In response, Viking states that the of the first year construction costs which correct operating cost estimate should be \$217,000 "without legal and engineering fees and miscellaneous (which are part will have to be met by Viking)." However according to Viking, inasmuch as the designation order already shows an operating cost figure of \$202,000 and a miscellaneous expenses figure of \$15,000, no change in the total costs is necessary. In addition, Viking argues that the expenses which it has already incurred will reduce the amount of cash needed by Viking to meet its first year expenses. Viking agrees that the Commission erred in computing its equipment down payment estimate. The applicant concedes that the proper figure should be \$126,970 and not \$125,000; however, Viking also contends that the \$7,880 estimated by the Commission to be required for "equipment not covered by deferred credit", is incorrect since the letter of credit from its equipment supplier contained in its application was intended to cover all equipment. Viking avers that the following allocations should be used as a guide to determine whether Viking can meet its first year expenses:

Down payment on equipment	\$126,970
Payments and interest on equipment	37,458
Miscellaneous expenses	15,000
First year operating costs	217,000
	396,428

If the above modifications "are too complicated and would involve any procedural irregularities" Viking states that it will accept the Commission's finding that this applicant will require \$389,292 for construction and first year operating costs.

25. By Order, FCC 69M-210, released February 20, 1969, the Examiner accepted

an amendment to Viking's application which contains a supplemental financial statement regarding first year cost estimates. Therein, the applicant states that its first year operating expenses will amount to \$217,000; "other" expenses, including legal, engineering and miscellaneous expenses, have been estimated at an additional \$15,000; and \$126,970 has been allocated for Viking's down payment on equipment totaling \$507,897. Insofar as the instant pleadings are addressed to these allocations, further discussion is unnecessary in light of the Examiner's action herein. With respect to the matter of Viking's prepaid expenses, the Bureau correctly notes that expenses of this nature, already incurred, are properly credited to the applicant, as they are reflected in that applicant's total obligation. To the extent that a portion of its estimated costs are satisfied, Viking may be properly considered to have these funds "available."

STUDIO LOCATION WAIVER AND SITE AVAILABILITY ISSUES

26. Viking proposes to locate its studio at 4444 West 76th Street, Edina, Minn. Due to the location of the studio outside the corporate limits of Minneapolis, Viking, prior to designation, requested a waiver of Rule 73.613(a).²⁴ Calvary points out that the Commission did not act on the waiver request, and argues that a decision on the request must be made at some point in the proceeding and that the Board is empowered to provide for the necessary inquiry at hearing. The Broadcast Bureau notes that while Viking's waiver request specifies Edina as the station location, the engineering section of the application indicates that the street address is located in Minneapolis.²⁵ The Bureau supports the request for a waiver issue.

27. The Board finds that an immediate grant of the waiver request is warranted. Viking's studio location is located approximately 20 blocks from the nearest point of Minneapolis; is served by the Minneapolis post office; and is readily accessible to downtown Minneapolis. Good cause has been shown for the waiver of this rule, and a grant of the instant request is consistent with Commission precedent. Florida Gulfcoast Broadcasters, Inc., 32 FCC 197, 23 RR 1 (1962), affirmed 37 FCC 833, 4 RR 2d 1 (1964), reconsideration denied 38 FCC 1, 4 RR 2d 81 (1965), affirmed 352 F. 2d 726, 6 RR 2d 2001 (D.C. Cir. 1965); Erway Television Corp. 8 FCC 2d 24, 9 RR 2d 1376 (1967).

28. With respect to the availability of the site selected as Viking's studio location, Calvary alleges that the lessee of the site is Empire Photosound, Inc.; that said lessee has advised Calvary's affiant that

²² Rule 73.613(a) provides, in part, that:

The main studio of a television station shall be located in the principal community to be served.

²³ While there is some inconsistency as to the location of the street address, Viking's waiver request contains complete information as to the precise studio location, and the applicant's statements to the contrary must be considered erroneous.

²⁴ In its first petition, Calvary requested an issue to determine the terms and conditions of Viking's loan from the First National Bank of Minneapolis in light of the alleged "double commitments" of the Viking shareholders. As noted herein, an additional clarifying statement from the bank has been furnished with Viking's opposition. Furthermore, issues with respect to any alleged "double commitments," other than those specified in the designation order, are not warranted by the instant pleadings. The issue specified above relates only to Beaudoin's ability to meet his stock commitment and does not relate to his pledge obligation. Therefore, the additional requested issue will not be added. Moreover, although the ability of Kassan Realty to meet its offer has been demonstrated (see footnote 5, supra), such funds would appear unnecessary if Viking is able to meet the issues already specified.

²⁵ McDermott is vice-president and director of Viking and has had experience in television producing and directing.

the only discussions with Viking regarding the space had taken place approximately 2 years ago; that no lease or agreement had ever been signed or reached; and that said property is not now available, nor will it be available in the foreseeable future. Calvary submits a further affidavit of one Floyd Klang, who affirms that in telephone conversations with Empire Photosound's president, the latter evidenced his unwillingness to lease the subject facilities to Viking. The Bureau supports the requested issue on the basis of these affidavits.

29. In opposition, Viking submits the affidavit of the president of Empire Photosound, Inc., who states that although no formal lease or agreement has been executed, Empire's previous commitment to lease studio space to Viking has remained unchanged; that such commitment is reaffirmed; and that Empire's facilities are adequate to serve the needs of both Viking and Empire.

30. In reply, Calvary argues that the affidavit of Empire Photosound's president merely indicates that his company reaffirms its commitment "to lease if available necessary facilities and manpower * * *." Petitioner emphasizes the term "if available", and argues that Empire has not shown its ability to effect a sublease of the property or expand the existing facilities. Calvary submits a statement from the vice president of the owner (lessor) of the building in question, who states that no commitment has been made for a television studio; that the building space is entirely leased; and that no vacancies are anticipated for the next few years.

31. The Board notes that the unsworn statement of the building owner's officer does not indicate that Empire Photosound would be prevented from subleasing its existing facilities consistent with Empire's commitment to Viking. In addition, the affidavit submitted with Viking's opposition clearly indicates that Empire's commitment has remained unchanged and that the existing facilities are adequate to serve the needs of both Empire and Viking. Under these circumstances, the Board finds that Viking has demonstrated that it has reasonable assurance as to the availability of its specified site, and an issue will therefore not be specified.

32. Accordingly, it is ordered, That the petition to enlarge and to modify issues, and the further petition to enlarge issues, filed December 16, 1968, and February 28, 1969, respectively, by Calvary Temple Evangelistic Association, are granted to the extent indicated below and are denied in all other respects; and

33. It is further ordered, That the request for waiver of § 73.613(a) of the Commission's rules, filed July 12, 1967, by Viking Television, Inc., is granted; and that said rule is hereby waived; and

34. It is further ordered, That existing Issue (1), is modified as follows:

(1) To determine with respect to the application of Viking Television, Inc.:

(a) Whether Harold W. Bangert, Morton H. Henkin, and Barbara D. Marmet, have sufficient current and liquid assets in excess

of current liabilities to enable them to meet their stock subscription commitments to the applicant.

(b) Whether Barbara D. Marmet and Harold W. Bangert, in addition to those assets required in Issue "a", have the necessary common stock available to be pledged to secure the \$200,000 bank loan from the First National Bank of Minneapolis.

(c) Whether, in view of the evidence adduced under issue "b", the \$200,000 bank loan from the First National Bank of Minneapolis will be available to the applicant.

(d) Whether Choban Realty Co. has available funds in an amount of \$90,000; and in light thereof, whether Irving W. Beaudoin will have sufficient assets to meet his \$90,999 stock commitment to Viking Television, Inc.

(e) Whether, in view of the preceding issues, the applicant is financially qualified.

Adopted: May 9, 1969.

Released: May 13, 1969.

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

[F.R. Doc. 69-5853; Filed, May 15, 1969;
8:48 a.m.]

FEDERAL MARITIME COMMISSION INTER-AMERICAN FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

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 agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, 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. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

David Orin, Esquire, Casey, Lane & Mitten-
dorf, 26 Broadway, New York, N.Y. 10004.

Agreement No. 9648-A-2, between the member lines of the Inter-American Freight Conference, petitions extension of approval of Agreement No. 9648-A, as amended, beyond the present August 16, 1969 termination date.

The basic agreement is now scheduled to terminate on August 16, 1969 pursuant to the terms of the Commission's approval for a duration of 18 months in its order served February 16, 1968, in

Docket No. 67-48, Inter-American Freight Conference Agreements Nos. 9648 and 9649 and other related agreements.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5853; Filed, May 15, 1969;
8:48 a.m.]

CITY OF MILWAUKEE AND STEARNS MILWAUKEE SEAWAY, INC.

Notice of Agreement Filed for Approval

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 agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. A. Seefeldt, Municipal Port Director,
City of Milwaukee, Room 606, City Hall,
Milwaukee, Wis. 53202.

Agreement No. T-2259-1 between the City of Milwaukee (City) and Stearns Milwaukee Seaway, Inc. (Stearns), amends the basic agreement between the parties which provides for the lease of certain marine terminal property in Milwaukee, Wis. The amendment provides for the exclusive use and occupancy of an open dock facility designated as South Pier 1 Open Dock (the premises), located on the Milwaukee outer harbor plus preferential but non-exclusive berthing privileges at adjacent docks. Rental will be a fixed monthly sum plus 30 percent of all gross storage income in excess of \$30,000 annually earned by Stearns in operation of the premises. In addition Stearns will pay wharfage fees of 25 cents per gross ton for general cargo and steel products and 10 cents per gross ton for pig iron, scrap and bulk commodities moved across the dock to or from vessels at the premises. When the volume of general cargo and steel products combined exceeds 75,000 gross tons in any single calendar year, Stearns will pay wharfage of 50 cents per gross ton on all general cargo and steel products exceeding

75,000 tons. When other stevedores use the crane on the premises for cargo handling, applicable wharfage will not be counted in computing Stearns' wharfage fees.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5854; Filed, May 15, 1969;
8:48 a.m.]

U.S. NORTH ATLANTIC PORTS/ SPANISH PORTS IN VIGO/PASSA- JES RANGE FREIGHT CONFER- ENCE

Notice of Agreement Filed for Approval

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 agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, 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. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. J. Warmstein, Manager, Conferences and Rates, American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

Agreement No. 9793, between Spanish Line, Fresco Line, and American Export Isbrandtsen Lines, Inc., provides for the formation of the U.S. North Atlantic Ports/Spanish Ports in the Vigo/Passajes Range Freight Conference, which will operate in the eastbound trade from North Atlantic ports of the United States (Hampton Roads/Maine Range) either direct or via transshipment to Spanish ports.

Dated: May 13, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-5855; Filed, May 15, 1969;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-722 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

MAY 7, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate sched-

¹ Does not consolidate for hearing or dispose of the several matters herein.

ules 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 Chapter 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.

(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 June 23, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate Supplement 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 subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI69-722..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	443	2	El Paso Natural Gas Co. (Mendel Field, Pecos County, Tex.) (RR. District No. 5) (Permian Basin Area).	\$2,790	4-7-69	5-8-69	10-8-69	11.28	** 17.50	
.....do.....	.....do.....	303	3	Panhandle Eastern Pipe Line Co. (Hansford Field, Haskell County, Tex.) (RR. District No. 10).	1,158	4-7-69	5-8-69	10-8-69	17.5	** 18.5	RI68-354.
.....do.....	.....do.....	456	6	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	607	4-7-69	5-8-69	10-8-69	* 17.25	** 19.5	RI68-133.
RI69-723..	Ainslie Perrault (Operator) et al., 301 Phil-tower Bldg., Tulsa, Okla.	1	2	El Paso Natural Gas Co., (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	.....	4-7-69	5-1-69	11-1-69	13.0	** 14.0	RI64-432.
.....do.....	.....do.....	2	2	El Paso Natural Gas Co., (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	.....	4-7-69	5-1-69	11-1-69	13.0	** 14.0	RI64-432.
RI69-734..	Rincon Oil & Gas Corp., 1126 Mercantile Securities Bldg., Dallas, Tex. 75201.	4	1	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	209	4-11-69	5-12-69	10-12-69	13.0	** 14.0	
.....do.....	.....do.....	5	2	.....do.....	642	4-11-69	5-12-69	10-12-69	13.0	** 14.0	
RI69-735..	Tenneco Oil Co., Post Office Box 2311, Houston, Tex. 77001.	142	9	Southern Union Gathering Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	8,196	4-9-69	5-10-69	10-10-69	** 14.2679	** 15.2624	RI64-434.

See footnotes at end of table.

APPENDIX A—Continued

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 subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI69-726	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001.	239	36	Transwestern Pipeline Co. (Panhandle Area, various Counties, Tex.) (R.R. District No. 10) (Oklahoma "Other" Area).	\$374,531	4-7-69	5-8-69	10-8-69	\$17.0	** 18.5	
do.	do.	121	30	Northern Natural Gas Co. (Hansford Field, Hansford and Hutchinson Counties, Tex.) (R.R. District No. 10).	95,265	4-7-69	5-8-69	10-8-69	\$17.5	** 18.5	RI68-34
RI69-727	Humble Oil & Refining Co. et al.	309	8	Arkansas Louisiana Gas Co. (Cheniere Brake Field, Ouachita Parish, La.) (North Louisiana Area).	1,372	4-7-69	5-8-69	10-8-69	\$18.333	** 19.333	
RI69-728	Sun Oil Co.—DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	283	7	Arkansas Louisiana Gas Co. (Arkoma Area, Red Oak Field, Le Flore County, Okla.) (Oklahoma "Other" Area).	240	4-7-69	5-8-69	10-8-69	\$15.0	** 16.0	
do.	do.	294	5	Arkansas Louisiana Gas Co. (Arkoma Area, George Carman "A" Unit, Pittsburg County, Okla.) (Oklahoma "Other" Area).	240	4-7-69	5-8-69	10-8-69	\$15.0	** 16.0	
RI69-729	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	16	18	Natural Gas Pipeline Co. of America (Southeast Camrick Pool, Beaver County, Okla.) (Panhandle Area).	320	4-7-69	5-10-69	10-10-69	\$18.4	** 18.6	RI68-5034
do.	do.	23	19	Natural Gas Pipeline Co. of America (Camrick Field, Boyd Area, Beaver County, Okla.) (Panhandle Area).	2,980	4-7-69	5-8-69	10-8-69	\$18.0	** 18.2	RI68-5034
RI69-730	E. A. Obering (Operator) et al. Post Office Box 706, Mt. Vernon, Ill. 62864.	1	3	Michigan-Wisconsin Pipe Line Co. (Beene Gas Unit, Laverne Field, Harper County, Okla.) (Panhandle Area).	2,075	4-9-69	5-10-69	10-10-69	\$20.4	** 22.9	RI68-166.
RI69-731	Hassie Hunt Trust, 1401 Elm St., Dallas, Tex. 75202.	37	43	Texas Eastern Transmission Corp. (Deep Formations, Northeast Lisbon Field, Claiborne Parish, La.) (North Louisiana Area).	1,722	4-11-69	5-12-69	10-12-69	\$17.8519	** 19.0	RI69-173.

* The stated effective date is the effective date requested by Respondent.
 † Increase from applicable area ceiling rate to contract rate.

‡ Pressure base is 14.65 p.s.i.a.

§ Respondent filing from fractured increased rate to full contract rate.

|| Subject to a downward B.t.u. adjustment.

¶ Increase from rate inclusive of 1-cent minimum guaranteed payment for liquids to rate exclusive of 1-cent minimum guaranteed payment for liquids.

** Pressure base is 15.025 p.s.i.a.

*** The stated effective date is the first day after expiration of the statutory notice.

†† Periodic rate increase.

‡‡ Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.

§§ Includes 1.333 cents tax reimbursement.

||| Includes base rate of 19.5 cents plus upward B.t.u. adjustment before increase and base rate of 22 cents plus upward B.t.u. adjustment after increase (1,000 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.

¶¶ Applicable only to acreage previously dedicated under Respondent's Rate Schedule No. 4.

*** Renegotiated rate increase.

††† Includes 1.75 cents tax reimbursement.

[Docket No. G-3891 etc.]

D. B. McCONNELL ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

MAY 8, 1969.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 5, 1969, 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

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Rincon Oil & Gas Corp. requests a retroactive effective date of January 1, 1969, for its proposed rate increases. E. A. Obering (Operator) et al., request an effective date of May 7, 1969, and Hassie Hunt Trust requests an effective date of April 1, 1969, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co., Humble Oil & Refining Co. (Operator) et al., and Humble Oil & Refining Co. et al. (all referred to herein as Humble), request that should the Commission suspend their proposed rate increases that the suspension periods with respect thereto be shortened to 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension periods with respect to their rate filings and such requests are denied.

The basic contracts related to the proposed rate increases filed by Ainslie Perrault (Operator) et al. (Perrault), contains a 1-cent-per-Mcf-minimum-guarantee-for-liquids provision but this 1 cent has been excluded from the proposed rate. Perrault is advised that a notice of change in rate will be required if he intends to collect the 1-cent-per-Mcf minimum guarantee for liquids in the future. See the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.

Tenneco Oil Co. (Tenneco) proposes a 15.2924 cents per Mcf rate increase which

reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, Southern Union Gathering Co. (Southern Union), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest for this rate increase. Southern Union questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While Southern Union concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein with respect to Tenneco's rate filing shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of the proposed increased rate and charge.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Humble in the Permian Basin Area which exceeds the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-5754; Filed, May 15, 1969; 8:45 a.m.]

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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given:

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per med acre	Pro- sura base
G-3891 C 4-25-69	D. B. McConnell (Operator) et al. et al. John M. Shiner, attorney, 604 Johnson Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Sugo Field, Bossier Parish, La.	\$11.96	15.025
G-7341 C 4-25-69	Artec Oil & Gas Co. (Operator) et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Artec Field, San Juan County, N. Mex.	12.0	15.025
G-12203 E 4-21-69	Sun Oil Co. (successor to Van Grass Oil Co.), 1008 Walnut St., Philadelphia, Pa. 19103.	Colorado Interstate Gas Co., a divi- sion of Colorado Interstate Corp., Moccasin Field, Beaver County, Okla.	\$15.0	14.65
C150-1153 D 4-24-69	Cable Corp. (SW), Post Office Box 1101, Tampa, Tex. 76065.	Cities Service Gas Co., acreage in Seward County, Kans.	Assigned	
C150-914 C 4-25-69	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Southwest Cedarvale Field, Wood- ward County, Okla.	\$17.0	14.65
C150-1148 C 4-24-69	Appalachian Exploration & De- velopment, Inc., Post Office Box 1473, Charleston, W. Va. 25323.	United Fuel Gas Co., Peas District, Petroleum County, W. Va.	28.0	15.325
C150-985 A 4-25-69	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Texas Gas Pipeline Co., a divi- sion of Tennessee Inc., Block 154 Field, Ship Shoal Area, Federal Domain, Offshore Louisiana.	21.25	15.025
C150-982 A 4-25-69	David C. Elmiff (Operator) et al., 1235 Bank of the South- west Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., Bayou Boeuf Field, Lafourche Parish, La.	21.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per med acre	Pro- sura base
C150-987 B 4-23-69	Mountain Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 25837.	Ben Gittelman, d.b.a. Central-West Virginia Producers, Union District, Richie County, W. Va.	(9)	
C150-988 B 4-23-69	Rock Camp Oil & Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 25837.	do.	(9)	
C150-989 B 4-23-69	Rocky Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 25837.	do.	(9)	
C150-990 B 4-23-69	Tin Fork Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 25837.	do.	(9)	
C150-991 B 4-23-69	Union Gas Co., c/o A. M. Richards, agent, Post Office Box 274, Cairo, W. Va. 25837.	do.	(9)	
C150-992 B 4-23-69	Rich Oil & Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 25837.	do.	(9)	
C150-993 B 4-23-69	Low Gas Co., c/o C. W. Richards, agent, Post Office Box 274, Cairo, W. Va. 25837.	do.	(9)	
C150-994 A 4-24-69	Standard Oil Co. of Texas, a division of Calverton Oil Co., Post Office Box 146, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., High Island Area, Offshore, Jefferson County, Tex.	15.81	14.65
C150-995 A 4-23-69	Fred Roberts, 311 North Akard, Suite 1300, Dallas, Tex. 75201.	El Paso Natural Gas Co., East Pan- handle Field, Wheeler County, Tex.	14.0	14.65
C150-996 B 4-24-69	Ten Cook, Jr.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Depleted	
C150-997 A 4-24-69	Hedrick Oil & Gas Co. of Texas, 1216 Highland Bldg., Dallas, Tex. 75201.	Basin Gas Gathering System, Inc., Fluck Field, Ross County, Colo.	\$14.60	14.65
C150-998 A 4-24-69	Tennaco, Inc., Post Office Box 3332, Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., Moccasin-Lavaca Field, Beaver County, Okla.	\$10.53	14.65
C150-1000 (G-1023) F 4-25-69	John H. Hill (Operator) (succe- sor to Glenview Petroleum Corp.), c/o Glenview L. L. Lafferty, Arlington, Tex. 76010.	Colorado Interstate Gas Co., a divi- sion of Colorado Interstate Corp., Moccasin Field, Beaver County, Okla.	\$11.0	14.65
C150-1001 A 4-25-69	Monmouth Co. (Operator) et al., 1300 Main St., Houston, Tex. 77002.	Arkansas Oklahoma Gas Corp., Arkoma Area, Le Flore County, Okla.	\$11.0	14.65
C150-1002 B 4-25-69	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., East LeFlore Field, Allen County, Okla.	Depleted	
C150-1003 (C150-216) F 4-25-69	Getty Oil Co. (successor to Humble Oil & Refining Co.).	Natural Gas Pipeline Co. of America, Niles Mine Field, Aransas County, Tex.	14.0	14.65
C150-1004 A 4-25-69	Getty Oil Co.	Transwestern Pipeline Co., Hender- son Deep Unit, Winkler County, Tex.	\$18.0	14.65
C150-1005 A 4-25-69	Sun Oil Co.	Natural Gas Pipeline Co. of America, Hills Island Area, East Addition, Blocks 128 and 129, Offshore Eastern Texas, Outer Continental Shelf.	21.25	14.65
C150-1006 A 4-25-69	Loose Star Producing Co., 321 South Harvard St., Dallas, Tex. 75201.	do.	21.25	14.65
C150-1007 A 4-25-69	Murray Oil Corp. et al. c/o H. Y. Evers, associate general attorney, 300 Jefferson Ave., El Dorado, Ark. 71730.	do.	21.25	14.65
C150-1008 A 4-25-69	Apache Corp., 833 South Detroit, Tulsa, Okla. 74120.	do.	21.25	14.65
C150-1009 A 4-25-69	Aquitaine Oil Corp., 1919 Houston, National Gas Bldg., Houston, Tex. 77002.	do.	21.25	14.65
C150-1010 A 4-25-69	Amarsda Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Southern Natural Gas Co., Blocks 273, 365, and 366, Main Pass Area, Offshore Louisiana.	21.25	15.025

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI60-1011..... A 4-28-69	Gulf Oil Corp. (Operator) et al. ¹	Panhandle Eastern Pipe Line Co., South Peak Field, Roger Mills and Ellis Counties, Okla.	² 21.60	14.65
CI60-1012..... A 4-28-69	David Fasken et al., ³ c/o Richard S. Brooks, attorney, 608 First National Bank Bldg., Midland, Tex. 79701.	Natural Gas Pipeline Co. of America, North Indian Basin Morrow Field, Eddy County, N. Mex.	² 16.0	14.65
CI60-1014..... A 4-28-69	Robert C. Armstrong, 655 Fourth National Bank Bldg., Wichita, Kans. 67202.	Northern Natural Gas Co., acreage in Edwards County, Kans.	² 16.0	14.65

¹ Subject to deduction for compression charges.² Subject to upward and downward B.t.u. adjustment.³ Nonpayment.⁴ Includes 2.55 cents upward B.t.u. adjustment.⁵ Predecessor, Champlin Petroleum Co., is presently collecting 17 cents per Mcf, effective subject to refund in Docket No. RI67-402.⁶ Subject to reduction for compression and/or treating costs if required.⁷ Applicant agrees to accept certificate at 16.5 cents per Mcf, conditioned as Opinion No. 468, as modified by Opinion No. 468-A.⁸ Applicant states its willingness to accept certificate with an initial price of 15 cents per Mcf, subject to B.t.u. adjustment, for acreage in Roger Mills County and 17 cents per Mcf, subject to B.t.u. adjustment, for acreage in Ellis County.⁹ Includes 3.60 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.¹⁰ Applicant has agreed to accept certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.

[F.R. Doc. 69-5755; Filed, May 15, 1969; 8:45 a.m.]

[Dockets Nos. RI69-732 etc.]

TEXACO INC. ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates¹

MAY 9, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

¹ Does not consolidate for hearing or dispose of the several matters herein.

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	Proposed increased rate	Rate in effect subject to refund in dockets No.
RI69-732..	Texaco Inc., Post Office Box 2420, Tulsa, Okla. 74102.	320	¹ 1	Kansas-Nebraska Natural Gas Co., Inc. (Northeast Boyd Field, Beaver County, Okla.) (Panhandle Area).	\$1,968	4-16-69	² 5-27-69	10-27-69	³ 17.0	⁴ 18.0	⁵ 18.0	
RI69-733..	Reading & Bates Production Co. et al. (Operator), 1100 Philtower Bldg., Tulsa, Okla. 74103.	1	2	Natural Gas Pipeline Co. of America (Nobscot Field, Custer and Dewey Counties, Okla.) (Oklahoma "Other" Area).	520	4-16-69	² 5-17-69	10-17-69	³ 15.015	⁴ 16.015	⁵ 16.015	RI68-616
RI69-734..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001. Attention: Mr. John J. Carter.	346	¹¹ 11	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (RR. District No. 10).	10,000	4-16-69	² 5-17-69	10-17-69	³ 17.0	⁴ 19.5	⁵ 19.5	
.....do.....	.....do.....	4	17	United Gas Pipe Line Co. (Cabeza Creek Field, Goliad County, Tex.) (RR. District No. 2).	119	4-15-69	² 6-19-69	11-19-69	13.1664	⁴ 14.1792	⁵ 14.1792	
.....do.....	.....do.....	273	4	United Gas Pipe Line Co. (Normanna Field, Bee County, Tex.) (RR. District No. 2).	2,592	4-15-69	² 6-1-69	11-1-69	³ 17.5	⁴ 19.6650	⁵ 19.6650	(9)
.....do.....	.....do.....	423	4	United Gas Pipe Line Co. (Karon Beauchamp Field, Goliad County, Tex.) (RR. District No. 2).	205	4-15-69	² 6-19-69	11-19-69	13.1664	⁴ 14.1792	⁵ 14.1792	
RI69-735..	J. M. Huber Corp. (Operator) et al., 2401 East Second Ave., Denver, Colo. 80206.	35	2	Natural Gas Pipeline Co. of America (Twin (Marmaton) Field, Hansford County, Tex.) (RR. District No. 10).	112	4-16-69	² 5-17-69	10-17-69	17.0	⁴ 18.0	⁵ 18.0	
RI69-736..	Mulf-Drilling Co. (Operator) et al., Wichita Plaza Bldg., Wichita, Kans. 67202.	5	4	Panhandle Eastern Pipe Line Co. (South Hopewell Field, Pratt and Edwards Counties, Kans.).	1,300	4-21-69	² 7-1-69	12-1-69	16.0	⁴ 17.0	⁵ 17.0	
RI69-737..	Sun Oil Co.—DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	22	¹³ 14	United Gas Pipe Line Co. (Burnell and North Pettus Fields, Karnes, Bee, and Goliad Counties, Tex.) (RR. District No. 2).	412	4-14-69	² 5-15-69	10-15-69	15.485	⁴ 16.0	⁵ 16.0	RI68-444
RI69-738..	Rincon Oil & Gas Corp., 1126 Mercantile Securities Bldg., Dallas, Tex. 75201.	2	4	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	54	4-14-69	² 5-15-69	10-15-69	12.0405	⁴ 13.0536	⁵ 13.0536	
RI69-739..	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	493	3	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	5,989 4,703	4-15-69	² 5-16-69	10-16-69	³ 16.40 ⁴ 14.48	⁵ 17.50 ⁶ 16.49	⁷ 17.50 ⁸ 16.49	

¹ Applicable to gas produced from below the base of the Wolfcampian Series of the Permian System.² The stated effective date is the effective date requested by Respondent.³ Periodic rate increase.⁴ Pressure base is 14.65 p.s.i.a.⁵ Subject to a downward B.t.u. adjustment.⁶ Includes 0.015 cent tax reimbursement.⁷ Effective subject to refund in Docket No. RI68-2. Fractured rate. Contractually due a rate of 18.630 cents per Mcf.⁸ Contract Agreement dated Mar. 25, 1969, which provides, among other things, for a renegotiated rate of 16 cents for the 5-year period commencing Oct. 1, 1968, with 1

cent increases every 5 years thereafter, deletes redetermination provisions, provides for downward B.t.u. adjustment and seller's right to file for any higher applicable area rate established by the Commission.

⁹ The stated effective date is the first day after expiration of the statutory notice.¹⁰ Renegotiated rate increase.¹¹ Pressure base is 15.025 p.s.i.a.¹² "Fractured" rate increase. Contract rate is 20.5 cents per Mcf.¹³ New gas-well gas and residue therefrom.¹⁴ Casinghead gas and residue gas not derived from new gas-well gas.¹⁵ Applicable to acreage added by Supplement No. 9.

Rincon Oil & Gas Corp. (Rincon), requests a retroactive effective date of January 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Rincon's rate filing and such request is denied.

Humble Oil & Refining Co. (Humble), requests that should the Commission suspend its proposed rate increases that the suspension periods with respect thereto be shortened to 1 day, or as short a suspension period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension period with respect to its rate filings and such request is denied.

Concurrently with the filing of its rate increase, Sun Oil Co.—DX Division (Sun), submitted a letter agreement dated March 25, 1969, designated as Supplement No. 13 to Sun's FPC Gas Rate Schedule No. 22, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Sun's proposed letter agreement to become effective on May 15, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Pan American Petroleum Corp., in the Permian Basin Area which exceeds the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

The Commission finds:

(1) Good cause has been shown for accepting for filing the letter agreement filed by Sun, as set forth above, and for permitting such supplement to become effective on May 15, 1969, the expiration date of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 13 to Sun's FPC Gas Rate Schedule No. 22 is accepted for filing and permitted to become effective on May 15, 1969, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regu-

lations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) 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 July 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5757; Filed, May 15, 1969;
8:45 a.m.]

[Docket No. E-7479]

DELMARVA POWER & LIGHT CO.

Notice of Application

MAY 13, 1969.

Take notice that on May 12, 1969, Delmarva Power & Light Co. (Applicant), filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to sell and dispose of certain electric transmission facilities to the town of Smyrna, Del.

Applicant is incorporated under the laws of the State of Maryland with its principal business office at Salisbury, Md., and is engaged in the electric utility business in the eastern part of the State of Maryland.

The facilities to be so sold consist of certain wood pole and steel structures, foundations, switches, insulators, wires, transformers, and accessories which constitute a part of Delmarva's existing "Smyrna-Clayton Substation". The part of this substation to be sold is presently used by Delmarva to transform from Delmarva's 23 KV (nominal) feeders to the 4 KV (nominal) supply to Smyrna, and to regulate and protect this 4 KV supply.

The original cost of the facilities to be sold by Applicant to Smyrna, installed at various dates, per Delmarva's books, is \$119,494.75. The accrued depreciation for correspondingly varied lengths of time is \$22,071.60. The net original cost is \$97,423.15, which is the sale price offered by Applicant and accepted by Smyrna.

Delmarva presently supplies to Smyrna at 4 KV (nominal) its entire electric requirements under the terms of Delmarva's FPC Electric Tariff, Volume No. 2. Smyrna has requested that Delmarva supply to Smyrna its entire electric requirements at 23 KV (nominal) under the terms of the same Tariff. The change in delivery voltage requested by Smyrna will result in substantial reductions in purchased power cost to Smyrna by application of the standard provisions of Delmarva's FPC Electric Tariff relating to high tension service. In order to physically accomplish the acceptance of the requested new delivery voltage, it is necessary that Smyrna provide a suitable substation to transform, regulate and protect the high tension service to be delivered by Delmarva to Smyrna. Smyrna can accomplish this result by purchasing Delmarva's Smyrna-Clayton Substation which is dedicated to serving Smyrna.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-5840; Filed, May 15, 1969;
8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.
Temporary Reg. H-9]

SECRETARY OF STATE

Delegation of Authority To Exchange Property Leases With the U.S.S.R.

1. *Purpose.* This regulation delegates authority to the Secretary of State to consummate an exchange of a leasehold interest covering the site of the former Mount Alto Veterans Administration Hospital, Washington, D.C., for a leasehold interest in two separate sites in Moscow, Russia. In addition, effective upon completion of the exchange of property interests, this regulation transfers to the Department of State the leasehold interest acquired in the Moscow properties and the control of and accountability for the Mount Alto property as hereinafter provided.

2. *Effective date.* The delegation of authority is effective immediately.

3. *Background.* The Department of State has arranged for the United States to acquire from the U.S.S.R. an 85-year firm term lease of two separate sites in Moscow for use in connection with U.S. diplomatic facilities. In exchange for the leasehold interest in the Moscow sites, the U.S.S.R. is to be given an 85-year firm term lease of the site of the former Mount Alto Veterans Administration Hospital located at 2650 Wisconsin Avenue NW., Washington, D.C., for use in connection with Soviet diplomatic facilities.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly section 205(d), authority is delegated to the Secretary of State to exchange an 85-year firm term lease of the site of the former Mount Alto Veterans Administration Hospital, containing approximately 12.5 acres of land, for an 85-year firm term lease of two separate sites in Moscow, Russia; one located on Konyushkovskaya Street directly behind the present U.S. Chancery, containing approximately 10.2 acres of land and the other located on Spasopeskovskaya Place, containing approximately 1.8 acres of land. All of the sites involved in the exchange of leaseholds are more particularly identified in the plot plans attached to the draft leasehold exchange agreement between the Governments of the U.S.S.R. and the United States, a copy of which is filed in the GSA File No. V-DC-441.

b. The Secretary of State may redelegate this authority to any officer, official, or employee of the Department of State.

c. A copy of any documents executed under this delegation shall be forwarded immediately to the Commissioner, Property Management and Disposal Service, General Services Administration, Washington, D.C. 20405.

5. *Transfers.* a. There are hereby transferred to the Department of State, without reimbursement, the following properties:

(1) The leasehold interest acquired by the United States in the two Moscow properties located on Konyushkovskaya Street and Spasopeskovskaya Place respectively. This transfer is made pursuant to section 402 of the Property Act, 40 U.S.C. 512, and is effective immediately upon execution of the exchange agreement by both parties.

(2) The control of and accountability for the former Mount Alto Veterans Administration Hospital site. This site is encumbered by the 85-year firm term lease to the U.S.S.R. This transfer is made pursuant to section 202 of the Property Act, 40 U.S.C. 483, and is effective on the date the U.S.S.R. is given possession of the Mount Alto property under the 85-year leasehold. The Department of State shall advise the Commissioner, Property Management and Disposal Service, GSA, of the effective date of this transfer as soon as that date is established.

b. The Department of State shall administer and manage the 85-year leasehold interest granted the U.S.S.R. in the former Mount Alto Veterans Administration Hospital.

ROBERT L. KUNZIG,
Administrator of General Services.

MAY 9, 1969.

[P.R. Doc. 69-5816; Filed, May 15, 1969;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 12/12-0045]

BETATRON CORP.

Notice of Order Revoking License

Notice is hereby given that Betatron Corp., Alameda, Calif., was incorporated on October 3, 1961, under the laws of the State of California and on February 2, 1962, was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958, as amended.

The U.S. District Court for the Northern District of California entered an order dated August 26, 1968, in the United States of America v. Betatron Corporation, Civil Action No. 46848, by which the Court determined and adjudged that Betatron Corp. violated the provisions of the Act and of the regulations promulgated thereunder.

Section 308(d) of the Act provides that the license of a Small Business Investment Company may be forfeited if said company is determined and adjudged by a court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act.

Now, therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, it is hereby ordered that License No. 12/12-0045 issued to Betatron Corp. be, and the same hereby is, revoked and all the rights, privileges, and franchises derived therefrom forfeited, and that notice of this revocation be served upon the Receiver and be published in the FEDERAL REGISTER.

Dated: May 8, 1969.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator
for Investment.

[P.R. Doc. 69-5829; Filed, May 15, 1969;
8:46 a.m.]

[License No. 12/12-0031]

MONTEREY SMALL BUSINESS INVESTMENT CO.

Notice of Order Revoking License

Notice is hereby given that Monterey Small Business Investment Co. Salinas, Calif., was incorporated on April 24,

1961, under the laws of the State of California and on July 29, 1964, was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958, as amended.

The U.S. District Court for the Northern District of California entered an order dated September 27, 1968, in the United States of America v. Monterey Small Business Investment Company, Civil Action No. 48569, by which the court determined and adjudged that Monterey Small Business Investment Co. violated the provisions of the Act and of the regulations promulgated thereunder.

Section 308(d) of the Act provides that the license of a Small Business Investment Company may be forfeited if said company is determined and adjudged by a court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act.

Now, therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, it is hereby ordered that License No. 12/12-0031 issued to Monterey Small Business Investment Co. be, and the same hereby is, revoked and all the rights, privileges, and franchises derived therefrom forfeited, and that notice of this revocation be served upon the Receiver and be published in the FEDERAL REGISTER.

Dated: May 8, 1969.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator
for Investment.

[P.R. Doc. 69-5830; Filed, May 15, 1969;
8:46 a.m.]

RIO GRANDE CAPITAL CORP. ET AL.

Notice of License Revocations

Notice is hereby given that the corporations below listed each licensed by the Small Business Administration (SBA) to operate solely as small business investment companies (SBICs) under the Small Business Investment Act of 1958, as amended, were defendants in civil actions brought by the Small Business Administration. The complaint in each action alleged, among other matters, violations of the Act and the SBA regulations promulgated thereunder. In each action the court determined and adjudged that the respective corporations had violated, or failed to comply with, the Act and the regulations; in addition, the court appointed SBA as Receiver.

Name: Rio Grande Capital Corp.

Location: Roswell, N. Mex.

Licensing date: Aug. 13, 1965.

License No.: 11-0027.

Court, Docket Number and date of court order: U.S. District Court for New Mexico, Civil Action No. 7471, Sept. 10, 1968.

Name: Roswell Small Business Investment Co.

Location: Roswell, N. Mex.

Licensing date: Sept. 28, 1962.

License No.: 11-0019.

Court, Docket Number and date of court order: U.S. District Court for New Mexico, Civil Action No. 7613, Aug. 19, 1968.

Section 308(d) of the Act provides that the license of a small business investment company may be forfeited if such company is determined and adjudged by a court of the United States to have violated the provisions of the Act or regulations prescribed thereunder.

Pursuant to the above authority, and based upon the determination and adjudication of the Court in each noted case, SBA hereby revokes the licenses of the corporations identified above. All powers, privileges, rights, and franchises heretofore available to the corporations by virtue of the licenses are hereby forfeited.

This notice shall be served upon the Receiver in each case and published in the *FEDERAL REGISTER*.

Dated: May 8, 1969.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator
for Investment.

[P.R. Doc. 69-5831; Filed, May 15, 1969;
8:46 a.m.]

[Declaration of Disaster Loan Area 709]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Dallas and Johnson Counties, Tex.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on May 6, 1969.

OFFICE

Small Business Administration Regional Office, 411 North Akard Street, Dallas, Tex. 75201.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 9, 1969.

HILARY SANDOVAL, JR.,
Administrator.

[P.R. Doc. 69-5832; Filed, May 15, 1969;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 55]

KANSAS CITY SOUTHERN RAILWAY CO. ET AL.

Car Distribution

Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., Missouri-Kansas-Texas Railroad Co.

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Kansas City Southern Railway Co. and the Louisiana & Arkansas Railway Co. shall deliver to the Missouri-Kansas-Texas Railroad Co. a combined weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That car applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date. This direction shall become effective at 12:01 a.m., May 14, 1969.

(4) Expiration date. This direction shall expire at 11:59 p.m., June 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 12, 1969.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[P.R. Doc. 69-5841; Filed, May 15, 1969;
8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 13, 1969.

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. 41632—Soda ash to Memphis, Tenn. Filed by O. W. South, Jr., agent (No. A6096), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, as described in the application, from Saltville, Va., to Memphis, Tenn.

Grounds for relief—Rate relationship. Tariff—Supplement 140 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-5842; Filed, May 15, 1969;
8:47 a.m.]

[Notice 832]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 13, 1969.

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 340), 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 protest 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 the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 135 TA), filed May 9, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817

McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard products*, from Adams, Wis., to points in Minnesota and Illinois, for 180 days. Supporting shipper: Lewis Container, Inc., Adams, Wis. 53910. E. W. Lewis, President. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 112617 (Sub-No. 258 TA), filed May 2, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: James S. Holloway (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from (1) the plantsite of the Illinois Nitrogen Corp., at or near Marseilles, Ill., to points in Indiana; and (2) from the plantsite of Monsanto's Agricultural Center at or near Flora, Ind., to points in Illinois, Kentucky, Michigan, and Ohio, for 180 days. Supporting shippers: Tennessee Corp., 55 Marietta Street NW., Atlanta, Ga. 30303; Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 114362 (Sub-No. 10 TA), filed May 8, 1969. Applicant: H. A. PIERCE AND R. E. SCHUSTER, a partnership, doing business as PIERCE-SCHUSTER TRUCK LINES, Freeborn, Minn. 56032. Applicant's representative: A. R. Fowler, 2388 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-stressed concrete beams*, in shipper-owned trailers, from Wells, Minn., to Cordova, Ill., for 180 days. Supporting shipper: Wells Concrete Products Co., Wells, Minn. 56097. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 123415 (Sub-No. 17 TA), filed May 7, 1969. Applicant: JAMES STUFFO, INC., Box 1061, Merchantville, N.J. 08109. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Illuminated signs, fascia, and component parts thereof*, from the plantsite of Spangler Sign Corp., Philadelphia, Pa., to points in Connecticut, Delaware, District of Columbia, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Texas, Vermont, and West Virginia, for 180 days. Sup-

porting shipper: Spangler Sign Corp., 3227-3261 B Street, Philadelphia, Pa. 19134. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 133035 (Sub-No. 9 TA), filed May 7, 1969. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, from the plantsite of Cooperative Farm Chemicals Association located at or near Lawrence, Kans., to points in Colorado, Iowa, Nebraska, Oklahoma, South Dakota, and Missouri, for 150 days. Supporting shipper: Farmland Industries Inc., 3315 North Oak Street, Kansas City, Mo., Robert E. Chipley, Supervisor of Fertilizer Traffic. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133642 (Sub-No. 3 TA), filed May 8, 1969. Applicant: GARY A. CARLSON, doing business as CARLSON TRUCK LINE, Rural Route 4, Montevideo, Minn. 56265. Applicant's representative: Donald L. Maland, 102 Parkway Drive, Montevideo, Minn. 56265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed (except liquid molasses)*, from Montevideo, Minn., to the counties of Brown, Codington, Day, Dewey, Edmunds, Hamlin, Marshall, Perkins, and Spink in South Dakota, for 180 days. Supporting shipper: Agricultural Industries Co., Box 166, Montevideo, Minn. 56265. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133702 (Sub-No. 1 TA), filed May 9, 1969. Applicant: NORTHEASTERN LEASING CO., Post Office Box 605, Emerson, N.J. 07630. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or trailers having a prior or subsequent movement by water, in interstate or foreign commerce, between points in the New York, N.Y. commercial zone as defined by the Interstate Commerce Commission, for 180 days. Supporting shipper: American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133706 TA, filed May 8, 1969. Applicant: ROBERT L. HARROLD, 420 East Park Street, Taylorville, Ill. 62568. Applicant's representative: Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. 62701. Authority sought to op-

erate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements, grain drying and storage equipment, and component parts thereof*, from Taylorville, Ill., to points in Georgia, Iowa, Missouri, Minnesota, South Carolina, and Tennessee, for 180 days. Supporting shipper: Baughman-Oster, Inc., Box 368, Route 48, West, Taylorville, Ill. 62568. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 324 West Adams Street, Springfield, Ill. 62704.

No. MC 133709 TA, filed May 8, 1969. Applicant: HIAWATHA PRODUCE COMPANY, 3850 Fourth Street, Winona, Minn. 55987. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, knocked down, flat, in bundles, from Chicago, Ill., and Milwaukee, Wis., to Altura, Minn., restricted to service for the Hubbard Milling Co., Altura, Minn., for 180 days. Supporting shipper: Hubbard Milling Co., Altura, Minn. 55910. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133711 TA, filed May 8, 1969. Applicant: WORLD WIDE MOVING & STORAGE, 1131 Industrial Avenue, Oxnard, Calif. 93030. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in the Los Angeles Harbor commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Santa Barbara and Ventura Counties; between Oxnard and Port Hueneme, on the one hand, and, on the other, points in Los Angeles County; between points in Santa Barbara and Ventura Counties, for 180 days. Supporting shipper: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133. 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.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-5843; Filed, May 15, 1969;
8:47 a.m.]

[Notice 344]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 13, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71284. By order of April 30, 1969, the Motor Carrier Board approved the transfer to H & H Trucking, Inc., Hanover, Pa., of a portion of the rights in certificates Nos. MC-56167, and No. MC-56167 (Sub-No. 8) and all of the rights in No. MC-56167 (Sub-No. 7) issued September 1, 1960, March 25, 1968, and April 1, 1969, respectively, to David K. Hershey, Hanover, Pa., authorizing the transportation of: Brick, between specified points in Pennsylvania, Ohio, Connecticut, Maine, Massachusetts, Maryland, West Virginia, Delaware, Virginia, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, and the District of Columbia. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-71291. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Hawkes Transfer & Storage Co., Inc., a Kansas corporation, Prairie Village, Kans., of the certificate in No. MC-53693, issued March 30, 1956, to Hawkes Transfer & Storage Co., Inc., an Idaho corporation, Pocatello, Idaho, authorizing the transportation of household goods between points in Idaho, on the one hand, and, on the other, points in Montana and Washington. Robert L.

Elliott, 20 Prairie Village Mall, Prairie Village, Kans. 66208, attorney for applicants.

No. MC-FC-71307. By order of April 30, 1969, the Motor Carrier Board approved the transfer to O'Keeffe Movers, Inc., Springfield Gardens, N.Y., of certificate No. MC-93463 issued November 27, 1956, to Eugene Bly, doing business as Bly Moving & Storage, Woodside, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., and points on Long Island, N.Y., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, and those in that part of Pennsylvania on and east of U.S. Highway 15. Between New York, N.Y., on the one hand, and, on the other, points in Maryland, Virginia, North Carolina, and the District of Columbia. Arthur J. Piken, 160 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC-FC-71310. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Whaling City Trucking, Inc., New London, Conn., of certificates Nos. MC-95024 and MC-95024 (Sub-No. 1) issued April 25, 1941, and July 4, 1945, respectively to George A. Trainor and John E. Trainor, Rita A. Trainor, Executrix for both partners, doing business as Trainor Brothers, 376 Smith Street, Cranston, R.I. 02910, authorizing the transportation of: New furniture, and household goods, between points in Rhode Island, Massachusetts, Connecticut, Maine, New Hampshire, Vermont, New York, New Jersey, and Pennsylvania. John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106, attorney for transferee.

No. MC-FC-71315. By order of April 30, 1969, the Motor Carrier Board approved

the transfer to John R. Slingsby, doing business as Illini-Gopher Truck Lines, 611 Hopkins Avenue, Granville, Ill. 61326, of permit in No. MC-127424 issued January 21, 1966, to Raymond E. Burlison, doing business as R. E. Burlison Trucking Co., 110 Union Street, Joliet, Ill. 60433; authorizing the transportation of: Malt beverages, from St. Paul, Minn.; to Joliet, Ill. Anthony T. Thomas, Chicago, Ill. 60608, representing applicants.

No. MC-FC-71318. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Halls Moving and Storage, Inc., 215 North Cleveland Street, Cushing, Okla. 74023, of the operating rights in certificate No. MC-40940 issued November 14, 1963, to C. E. Hall and Jurene Hall, a partnership, doing business as Halls Moving and Storage, Box 567, Cushing, Okla. 74023, authorizing the transportation of household goods as defined by the Commission, between points in Payne County, Okla., and points within 35 miles of the boundaries of said county, on the one hand, and, on the other, points in Kansas.

No. MC-FC-71335. By order of May 9, 1969, the Motor Carrier Board approved the transfer to Mae P. Mattox, doing business as Mattox Trucking, Shelby, Iowa 51570; of certificate in No. MC-25155, issued September 15, 1955, to Warren Mattox, Shelby, Iowa 51570; authorizing the transportation of: feed, farm implements and parts thereof, and building materials, from Omaha, Nebr., to Shelby, Iowa.

[SEAL]

H. NEIL GARSON,
Secretary.

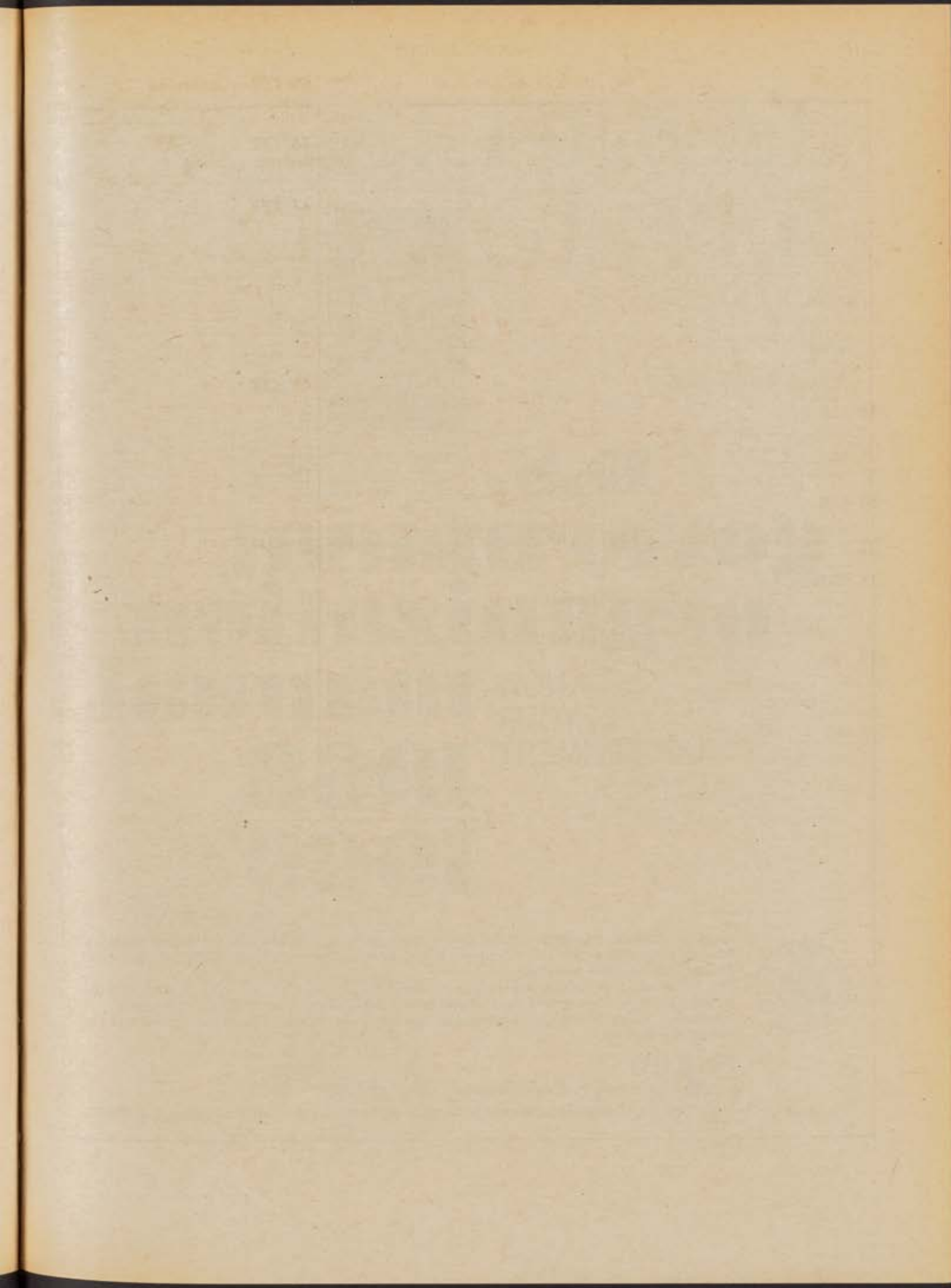
[F.R. Doc. 69-5844; Filed, May 15, 1969;
8:47 a.m.]

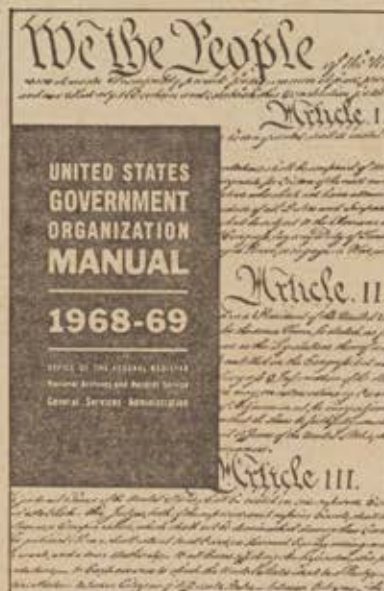
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