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Agencies in this issue—

Agricultural Stabilization and Conservation Service
Agriculture Department
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Farmers Home Administration
Federal Aviation Administration
Federal Power Commission
Federal Reserve System
Food and Drug Administration
Immigration and Naturalization Service
Interior Department
Interstate Commerce Commission
Land Management Bureau
Panama Canal
Post Office Department
Securities and Exchange Commission
Tariff Commission

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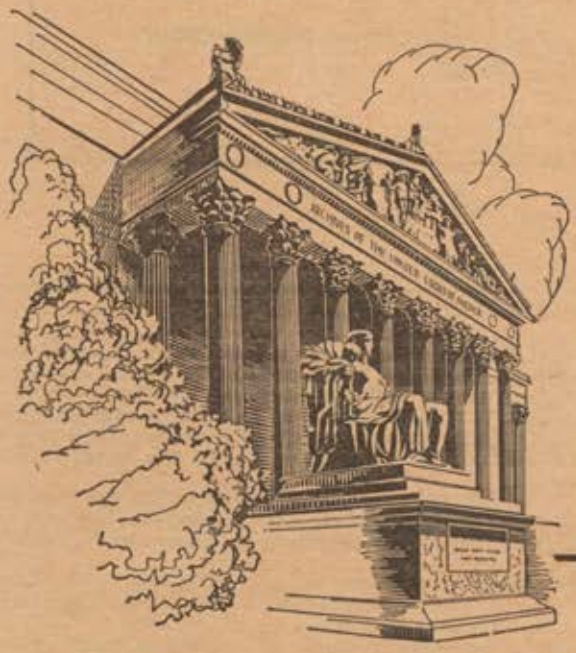

How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. U]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Loans Subject to Margin Requirements

§ 221.116 Bank loans to replenish working capital used to purchase mutual fund shares.

(a) In a situation recently considered by the Board of Governors, a business concern ("X") proposed to purchase mutual fund shares, from time to time, with proceeds from its accounts receivable, then pledge the shares with a bank in order to secure working capital. The bank was prepared to lend amounts equal to 70 percent of the current value of the shares as they were purchased by X. If the loans were subject to this part (Regulation U), only 30 percent of the current market value of the shares could be lent.

(b) The immediate purpose of the loans would be to replenish X's working capital. However, as time went on, X would be acquiring mutual fund shares at a cost that would exceed the net earnings it would normally have accumulated, and would become indebted to the lending bank in an amount approximately 70 percent of the prices of said shares.

(c) The Board held that the loans were for the purpose of purchasing the shares, and therefore subject to the limitations prescribed by this part. As pointed out in § 221.114 with respect to a similar program for putting a high proportion of cash income into stock, then borrowing against the stock to meet needs for which the cash would otherwise have been required, a contrary conclusion could largely defeat the basic purpose of the margin regulations.

(d) Also considered was an alternative proposal under which X would deposit proceeds from accounts receivable in a time account for 1 year, before using those funds to purchase mutual fund shares. The Board held that this procedure would not change the situation in any significant way. Once the arrangement was established, the proceeds would be flowing into the time account at the same time that similar amounts were released to purchase the shares, and over any extended period of time the result would be the same. Accordingly, the Board concluded that bank loans made under the alternative proposal would similarly be subject to this part.

(15 U.S.C. 78g. Interprets or applies 15 U.S.C. 78g(d))

Dated at Washington, D.C., this 5th day of June 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-6489; Filed, June 9, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7953; Amdt. 39-434]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the inspection by tap test in accordance with British Aircraft Alert Service Bulletin 55/57-A-PM 2597 of the honeycomb structure on the skin panels on all moveable control surfaces and tabs of British Aircraft Corp. Model BAC 1-11 200 and 400 Series airplanes, and repair or replacement, as applicable, was published in 32 F.R. 2897.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only comment received requested that visual sighting along the surface be permitted as an alternative means of inspection. In support of its request, commentator suggested that delaminated honeycomb skin produces a "bubbled" appearance, that visual inspection could be achieved by sighting along the surface for any surface discontinuity, and that verification of structural integrity for any questionable areas could be accomplished by tap test. The FAA does not consider visual sighting along the surface of the skin to be as reliable as tap testing conducted in accordance with British Aircraft Corp. Alert Service Bulletin 55/57-A-PM 2597, and therefore this option is not included in the AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 200 and 400 Series airplanes.

Compliance required as indicated, unless already accomplished.

To detect honeycomb delamination on all moveable control surfaces and tabs, accomplish the following:

(a) Within the next 600 hours' time in service after the effective date of this AD for airplanes with 1,000 or more hours' time in service, or for airplanes with less than 1,000 hours' time in service as of the effective date of this AD before the accumulation of 1,500 hours' time in service, tap test all control surfaces and tabs for evidence of delamination of the skin from the honeycomb structure in accordance with British Aircraft Corp. Alert Service Bulletin No. 55/57-A-PM 2597, dated September 19, 1966, or later ARB-approved issue.

(b) If the control surfaces with delamination are within the permissible limits specified in BAC Structural Repair Manual, they may remain in service, but must be inspected in accordance with paragraph (a) at intervals not to exceed 300 hours' time in service from the date of the last inspection.

(c) Control surfaces with delaminations exceeding the permissible limits as specified in BAC Structural Repair Manual, must be repaired or replaced, before further flight, in accordance with this Structural Repair Manual, or later ARB-approved issue, or FAA-approved equivalent.

This amendment becomes effective July 10, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 5, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-6500; Filed, June 9, 1967; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34—8096]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Required Number of Copies of Applications for Review of Disciplinary Action by Registered Securities Association

The Securities and Exchange Commission has amended Rule 15Ag-1(b) under the Securities Exchange Act of 1934 (17 CFR 240.15Ag-1(b)) to increase from three to seven the required number of copies to be filed of applications for review of disciplinary action by a registered securities association. This increase

in the number of copies to be filed will permit necessary distribution without additional copies being made and will bring the filing requirements of paragraph (b) of § 240.15Ag–1 into conformity with paragraphs (c) and (d) of that section which relate to the number of copies of briefs to be filed in such review proceedings.

The text of the Commission's action is as follows:

Paragraph (b) of § 240.15Ag–1 is changed by the deletion of the words "An original and two" and by the addition of the word "Seven."

Paragraph (b) of § 240.15Ag–1, as amended, reads as follows:

§ 240.15Ag–1 Application pursuant to section 15A(g) of the act for review of disciplinary action or denial of membership by a registered securities association.

* * * * *

(b) Seven copies of an application pursuant to section 15A(g) of the Act for review of action taken by a registered securities association shall be filed with the Commission within 30 days after such action has been taken. The Secretary will serve a copy of the application on the association, which shall, within 10 days after receipt of the copy of the application, certify and file with the Commission the original, or one copy, of the record upon which the order complained of was entered, together with three copies of an index to such records. The Secretary will serve upon the parties copies of such index and any papers subsequently filed.

* * * * *

(Sec. 15A, 52 Stat. 1070, as amended, 15 U.S.C. 78o–3; sec. 23, 48 Stat. 901, as amended, 15 U.S.C. 78w)

The Commission finds that the foregoing amendment involves matters of agency organization, procedure, and practice and that notice and subsequent procedure pursuant to 5 U.S.C. sections 553 (b) and (c) is unnecessary and not required. The Commission also finds that the provisions of 5 U.S.C. section 553(d) regarding postponement of the effective date are inapplicable inasmuch as the foregoing amendment is not a substantive nature. Accordingly, the foregoing amendment is effective forthwith.

The foregoing action is taken pursuant to section 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78w).

By the Commission, June 5, 1967.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67–6495; Filed, June 9, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Low Moisture Mozzarella (Scamorza) Cheese and Part-Skim Mozzarella (Scamorza) Cheese; Standards of Identity; Optional Ingredients

In the matter of amending the definitions and standards of identity for low moisture mozzarella cheese, low moisture scamorza cheese (21 CFR 19.605) and for low moisture part-skim mozzarella cheese, low moisture part-skim scamorza cheese (21 CFR 19.606) to provide for the use of sorbic acid, potassium sorbate, sodium sorbate, or combinations of these as optional ingredients to retard mold growth:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of February 8, 1967 (32 F.R. 2647), based on a petition filed by National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill. 60606.

On the basis of information supplied by the petitioner, the comment received in response to the proposal, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Part 19 be amended by changing the heading of § 19.605 and by adding two new paragraphs to that section, and by revising § 19.606. The affected portions read as follows:

§ 19.605 Low moisture mozzarella cheese, low moisture scamorza cheese; identity; label statement of optional ingredients.

* * * * *

(d) Low moisture mozzarella cheese, low moisture scamorza cheese in the form of slices or cuts in consumer-sized packages may contain an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

(e) (1) If low moisture mozzarella cheese, low moisture scamorza cheese in sliced or cut form contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this section, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed by this section, showing the optional ingredient (or ingredients) used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.606 Low moisture part-skim mozzarella cheese, low moisture part-skim scamorza cheese; identity; label statement of optional ingredients.

Low moisture part-skim mozzarella cheese, low moisture part-skim scamorza cheese conforms to the definition and standard of identity and complies with the requirements for label declaration of optional ingredients prescribed for low moisture mozzarella cheese, low moisture scamorza cheese by § 19.605; except that its milk fat content, calculated on the solids basis, is less than 45 percent but not less than 30 percent.

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. 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, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: June 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–6513; Filed, June 9, 1967; 8:48 a.m.]

PART 37—FISH

Canned Tuna; Correction

Effective upon publication hereof in the FEDERAL REGISTER, § 37.1 *Canned tuna; definition and standard of identity; label statement of optional ingredients* is editorially amended by changing the portion of footnote No. 5 that reads "(in press at Government Printing Office; a copy of the manuscript is on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201)" to read "Vol. 66, No. 1 (1967), pp. 65–130."

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371 (a))

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6514; Filed, June 9, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FOOD STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2154) filed by National Starch and Chemical Corp., 1700 Front Street, Plainfield, N.J. 07063, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of a food starch esterified by treatment with monosodium orthophosphate, whereby the residual phosphate in the food starch-modified does not exceed 0.4 percent. 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 the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1031(d) is amended by alphabetically inserting a new item in the list, as follows:

§ 121.1031 **Food starch-modified.**

* * * * * *

(d) * * *

Limitations
* * *
Monosodium orthophosphate.	Residual phosphate in food starch-modified not to exceed 0.4 percent calculated as phosphorus.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6516; Filed, June 9, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM STEARYL FUMARATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2129) filed by the Chemical Division of Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sodium stearyl fumarate (1) as a stabilizing agent in non-yeast-leavened bakery products and (2) as a conditioning agent in processed cereals for cooking. 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 the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1183(b) is amended by adding thereto two new subparagraphs, as follows:

§ 121.1183 **Sodium stearyl fumarate.**

* * * * *

(b) * * *

(3) As a stabilizing agent in non-yeast-leavened bakery products in an amount not to exceed 1 percent by weight of the flour used.

(4) As a conditioning agent in processed cereals for cooking in an amount not to exceed 1 percent by weight of the dry cereal, except for foods for which standards of identity preclude such use.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6157; Filed, June 9, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

1,1-BIS(*p*-CHLOROPHENYL)-2,2,2-TRICHLOROETHANOL

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6H2025) filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, has concluded that the food additive regulations should be amended to establish a food additive tolerance of 45 parts per million for residues of 1,1-bis(*p*-chlorophenyl)-2,2,2-trichloroethanol in dried tea when present therein from use of the insecticide in the production of the tea crop. The petitioner originally requested a tolerance of 30 parts per million but subsequently increased it to 45.

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 the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1207 **1,1-Bis(*p*-chlorophenyl)-2,2,2-trichloroethanol.**

A tolerance of 45 parts per million is established for residues of the insecticide 1,1-bis(*p*-chlorophenyl)-2,2,2-trichloroethanol in dried tea when present therein as a result of its application to the growing tea crop.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if

the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6515; Filed, June 9, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

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

ETHYLENE-METHACRYLIC ACID-VINYL ACETATE COPOLYMERS AND THEIR PARTIAL SALTS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6B1818) filed by E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del. 19898, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of ethylene-methacrylic acid-vinyl acetate copolymers and/or their ammonium, calcium, magnesium, sodium, and/or zinc partial salts as articles or components of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Comestic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Ethylene-methacrylic acid-vinyl acetate copolymer partial salts: Ammonium, calcium, magnesium, sodium, and/or zinc.	------
* * *	* * *

2. Section 121.2582 is amended by revising the section heading, the section introduction, and paragraphs (a) and (d) to read as follows:

§ 121.2582 Ethylene-methacrylic acid copolymers, ethylene-methacrylic acid-vinyl acetate copolymers, and their partial salts.

Ethylene-methacrylic acid copolymers, ethylene-methacrylic acid-vinyl acetate copolymers, and/or their ammonium, calcium, magnesium, sodium, and/or zinc partial salts may be safely used as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, the ethylene-methacrylic -acid copolymers consist of basic copolymers produced by the copolymerization of ethylene and methacrylic acid such that the copolymers contain no more than 20 weight percent of polymer units derived from methacrylic acid, and the ethylene-methacrylic acid-vinyl acetate copolymers consist of basic copolymers produced by the copolymerization of ethylene, methacrylic acid, and vinyl acetate such that the copolymers contain no more than 15 weight percent of polymer units derived from methacrylic acid.

* * * * *

(d) The provisions of paragraph (b) of this section are not applicable to the ethylene-methacrylic acid copolymers, ethylene-methacrylic acid-vinyl acetate copolymers, and/or their ammonium, calcium, magnesium, sodium, and/or zinc partial salts used in food-packing adhesives complying with § 121.2520.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6518; Filed, June 9, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

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

PACKAGING MATERIALS FOR USE IN RADIATION PRESERVATION OF PREPACKAGED FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5M1645) filed by the Department of the Army, U.S. Army Natick Laboratories, Natick, Mass. 01760, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of additional substances as packaging materials that may be subjected to radiation in the radiation preservation of prepackaged 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 the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2543(c) is amended by adding thereto a new subparagraph, as follows:

§ 121.2543 Packaging materials for use in radiation preservation of prepackaged foods.

* * * * *

(c) * * *

(2) Films prepared from basic polymers and with or without adjuvants, as follows:

(i) Polyethylene film prepared from the basic polymer as described in § 121.2501(a). The finished film may contain one or more of the following added substances:

Substances	*Limitations*
Amides of erucic, linoleic, oleic, palmitic, and stearic acid.	Not to exceed 1 percent by weight of the polymer.
BHA as described in § 121.1035.	Do.
BHT as described in § 121.1034.	Do.
Calcium and sodium propionates.	Do.
Petroleum wax as described in § 121.2586.	Do.
Polypropylene, noncrystalline, as described in § 121.2501(c).	Not to exceed 2 percent by weight of the polymer.
Stearates of aluminum, calcium, magnesium, potassium, and sodium as described in § 121.1071(a).	Not to exceed 1 percent by weight of the polymer.
Triethylene glycol as described in § 121.2511(b).	Do.
Mineral oil as described in § 121.2589(a) or (b).	Do.

(ii) Polyethylene terephthalate film prepared from the basic polymer as described in § 121.2524(d)(4)(i). The finished film may contain one or more of the added substances listed in subdivision (i) of this subparagraph.

(iii) Nylon 6 films prepared from the nylon 6 basic polymer as described in § 121.2502(a)(6) and meeting the specifications of item 6.1 of the table in § 121.2502(b). The finished film may contain one or more of the added substances listed in subdivision (i) of this subparagraph.

(iv) Vinyl chloride-vinyl acetate copolymer film prepared from the basic copolymer containing 88.5 to 90.0 weight percent of vinyl chloride with 10.0 to 11.5 weight percent of vinyl acetate and having a maximum volatility of not over 3.0 percent (1 hour at 105° C.) and viscosity not less than 0.30 determined by ASTM D-1243-60, Method A. The finished film may contain one or more of the added substances listed in subdivision (i) of this subparagraph.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6519; Filed, June 9, 1967; 8:49 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart B—Filling Positions

SELECTION FROM CERTIFICATES AND TEMPORARY AND TERM APPOINTMENTS

1. Effective upon publication in the FEDERAL REGISTER, § 253.41(b)(2) is amended to read as follows:

§ 253.41 Selection from certificates.

* * * * *

(b) An appointing officer is not required to consider any eligible:

* * * * *

(2) To whose certification for the particular position he makes an objection that is sustained by the Board for any of the reasons stated in § 253.34 or for other reasons considered by the Board to be disqualifying for the particular position. The amount of a U.S. citizen candidate's previous service or residence in foreign areas or the Canal Zone is a valid qualification and selection factor in filling positions in a department having an established program for rotating employees between oversea areas and the United States.

* * * * *

2. Effective upon publication in the FEDERAL REGISTER, § 253.43(a) is amended to read as follows:

§ 253.43 Temporary and term appointments.

(a) Subject to conditions prescribed by the Board, a department may make temporary appointments pending establishment of a register, temporary limited appointments for periods not in excess of 1 year, and term appointments for periods of more than one, but not in excess of 4 years. A person so appointed shall not acquire merit status by reason of such appointment. In making a temporary appointment pending establishment of a register, a department which has an established program for rotating employees between oversea areas and the United States may place a maximum time limitation, not in excess of 5 years, on the period during which such temporary appointment may extend.

* * * * *

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 67-6493; Filed, June 9, 1967; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 21—OCCUPANCY OF CABIN SITES ON PUBLIC CONSERVATION AND RECREATION AREAS

JUNE 6, 1967.

Notices of proposed rule making were issued on July 15, 1965 (30 F.R. 8912) and November 15, 1966 (31 F.R. 14563), to create a new Part 21 of Title 43 of the Code of Federal Regulations concerning occupancy of cabin sites on public conservation and recreation areas administered by the Department of the Interior.

Interested persons were given an opportunity to participate in the rule making process through submission of comments. As a result of such comments the Department will withhold regulations concerning the issuance of new permits for cabin site occupancy, pending further study and further proposed rule making. Accordingly, pursuant to the authority vested in the Secretary in 5 U.S.C. 133z, the following 43 CFR Part 21 is issued effective upon publication in the FEDERAL REGISTER:

Sec.
21.1 Purpose.
21.2 Scope of regulations.
21.3 Definitions.
21.4 Occupancy under permit of privately owned cabins on recreation areas and conservation areas.
21.5 Occupancy under permit of Government-owned cabins on public recreation and conservation areas.
21.6 Cabin site occupancy where a recreation or conservation area has been leased to, or turned over to, another Federal or non-Federal public agency for administration.
21.7 Occupancy by trespassers.
21.8 Appeals.

AUTHORITY: The provisions of this Part 21 issued under 5 U.S.C. 22, R.S. 161, as amended. Sec. 10, Reclamation Act of June 17, 1902: 43 U.S.C. 373, 32 Stat. 390. Certain acts relating to lands under the jurisdiction of the Bureau of Land Management: 43 U.S.C. 682 (a)-(e), 52 Stat. 609, as amended; 43 U.S.C. 1201, R.S. 2478 (see also 43 CFR 2236.2); and 43 U.S.C. 869, 44 Stat. 471, as amended and supplemented. Certain acts relating to the Fish and Wildlife Service: 16 U.S.C. 460(k), 76 Stat. 653; 16 U.S.C. 664, 48 Stat. 402, as amended; 16 U.S.C. 686, 33 Stat. 614; 16 U.S.C. 690, 45 Stat. 448; 16 U.S.C. 725, 43 Stat. 651; and 43 U.S.C. 315, 48 Stat. 1270. And an act relating to the National Park Service: 16 U.S.C. 3, 39 Stat. 535, as amended.

§ 21.1 Purpose.

This part establishes (a) when, and by what standards, use of conservation and recreation areas under private cabin permits must be modified or discontinued so as to allow the public use of such areas and (b) the procedures for renewing, extending, phasing out, or terminating private cabin permits. No current permits or any valid existing rights, are, per se, canceled by the provisions of this part. However, permits may be canceled for cause, or pursuant to termination provisions within the permit itself.

§ 21.2 Scope of regulations.

The provisions of this part apply to all recreation or conservation areas administered by the Department of the Interior, including recreation or conservation areas leased or transferred for administration to other Federal and non-Federal public agencies, wherever the Department of the Interior retains jurisdiction over the issuance of cabin site permits by such other agencies. The provisions of this part do not modify or cancel any existing arrangement whereby the Department of the Interior or bureau or office thereof has leased, or turned over for administration, a public recreation or conservation area to another Federal or non-Federal public agency. The provisions of this part will also provide policy guidelines for the Departmental handling of assignments, amendments, or modifications of existing permits or agreements, but do not apply to areas transferred by deed where the United

States retains a reversionary interest, nor to areas of the National Park System other than those where private cabin sites are located.

(a) The policies set out in this part shall not affect occupancy by private persons who have private rights, or rights of occupancy adjudicated or confirmed by court action, statute, or pursuant to a contract by which they conveyed to the Government the land on which a cabin or other substantial improvement is located.

(b) The policies set out in this part shall not apply to any concession contract or to any other permit or occupancy primarily granted to serve public rather than private or individual purposes—such as, permits granted to groups who assist in maintaining historic trails, or permits for youth and church group camp facilities, etc.

(c) The regulations in this part shall not supersede or substantially contravene the implementation of the Lower Colorado River Land Use Plan.

§ 21.3 Definitions.

(a) "Public recreation area" or "recreation area" means any land, title to which is in the United States and under the administration or jurisdiction of the Department of the Interior that is suitable for recreational purposes, including all such areas of the National Park System not excepted by § 21.2, Bureau of Reclamation Reservoir areas, and any other areas dedicated to or administered by the Department for public recreational use.

(b) "Conservation area" means any land, title to which is in the United States and under the administration or jurisdiction of the Department of the Interior that is designated for fish, wildlife, or other conservation purposes, including all such areas of the National Wildlife Refuge Systems, National Fish Hatchery Systems, and any other such areas administered by the U.S. Fish and Wildlife Service; also, land administered by the Bureau of Land Management and suitable for conservation or protection of fish or wildlife.

(c) "Permit" means any lease, license, or other contract whereby a public recreation or conservation area is made available, in whole or part, to an individual or group for recreational purposes for a stipulated period of time, but does not include leases or transfers to other Federal or non-Federal public agencies.

(d) "Cabin site" means any area within a public recreation or conservation area whose occupancy and use is granted to an individual or group for a period of time by permit.

(e) "Substantial improvement" means any building, structure, or other relatively permanent facility or improvement affixed to a cabin site, utilized for human occupancy or related purposes, and costing or worth $1,000 or more. It does not include trailers or similar removable facilities.

(f) "Investment" in a substantial improvement refers to the basic expenditure of moneys or property in kind in connection with a particular improvement. Thus, for example, where property is conveyed by testamentary or inter vivos gift, the donee will be seen only as occupying the position of the donor with respect to the time and amount of the investment since it was the donor who made the investment.

(g) "Amortization" is the process whereby the investor in a substantial improvement derives sufficient use and/or economic benefit from the improvement over a period of time as to reasonably compensate for his investment.

(h) "Trespasser" means any person who is occupying land in a public recreation or conservation area without a valid permit.

(i) "Authorized Officer" means any person or persons designated by the head of any bureau or office of the Department with administrative jurisdiction over a particular conservation or recreation area, to make determinations and take other actions, consistent with the regulations in this part with respect to such area.

§ 21.4 Occupancy under permit of privately owned cabins on recreation areas and conservation areas.

(a) In any area where the Authorized Officer determines that the recreational requirements of the general public are limited, and is an area where private cabin site use has heretofore been permitted, he may extend or renew permits. Each such existing permit and any extension or renewal thereof will be:

(1) Reviewed at least once in every 5-year period to determine that the continued use of the individual cabin site is not inconsistent with the needs of the general public for use of the area. In periodically reviewing whether the existence of private cabin sites conflicts with the best public use of an area, consideration shall be given to (i) existing and projected public need for the area, (ii) compatibility between public uses and private cabin sites, (iii) development potential and plans for the area, and (iv) other relevant factors.

(2) Whenever the Authorized Officer determines that the public need for use of a recreation or conservation area has grown to a point where continued private cabin site use is no longer in the public interest, the procedures set forth in paragraph (b) of this section will be invoked to phase out existing permits by reducing and eliminating renewals, or extensions, consistent with protection of legitimate investment in improvements. These determinations and the reasons therefor shall be published in the FEDERAL REGISTER, together with such other forms of public notice as may be appropriate and necessary as determined by the Authorized Officer.

(3) Except as otherwise provided in an existing permit, no substantial improvement may hereafter be placed on any cabin site under permit without the prior approval of the Authorized Officer, and on such terms as the Authorized Officer may provide, consistent with public need. All renewed or extended permits shall contain this provision. Any such provision shall expressly state that the permission to place a substantial improvement on the site is a limited license subject to public need for the area and does not give the owner of the improvement any interest in the land or any special rights or equities, other than the right to remove the improvement at any time, subject to the land being left in reasonably unimpaired condition. This provision shall expressly stipulate that the owner shall have as a time period within which to amortize his investment in a substantial improvement placed on the site after the date of the regulations in this part, only the period of his existing permit, together with such extensions of his permit as may be granted consistent with the regulations in this part.

(b) Whenever the Authorized Officer determines, pursuant to paragraph (a)(2) of this section that the needs of the general public for a particular public recreation or conservation area are sufficient to be inconsistent with further use of that area for private cabin sites, no further extension, or renewals of permits for any individual site shall, except as otherwise required by law, be granted for any period extending more than 5 years after the effective date of that determination: *Provided, however,* That, except as otherwise required by law, if an investment was made in a substantial improvement upon a site before the effective date of this part, the extension or renewal of the permit for such site shall be made for a period sufficient to permit 20 years amortization of the investment from the date of the investment in the improvement upon the site, unless the Authorized Officer finds that the needs of the general public for that site require that the extension or renewal be for a lesser period. Thus, for example, if a permit for the site is purchased before the effective date of the regulations in this part with the substantial improvement then in place, for a consideration of $1,000 or more, such amortization period runs from the purchase date, and is not affected, in any event, by the date of the determination under paragraph (a) of this section. The amortization period for any investment in a substantial improvement on or after the effective date of the regulations in this part is covered by paragraph (a)(3) of this section, this paragraph (b), and subparagraph (5) of this paragraph.

(1) Any permit, in an area required for general public recreation or conservation use, that expires prior to 5 years after the determination described in this paragraph (b), may, if otherwise authorized by law, be extended to the end of such 5 years if the Authorized Officer determines that such extension is necessary to the fair and efficient administration of this part.

(2) Any renewal or extension of a permit pursuant to this part shall be subject to the condition that the occupant maintain the site and the improvements thereon in a good and serviceable condition, ordinary wear and tear excluded.

(3) Any renewal or extension of a permit shall expressly state its termination date and that there will be no extension or renewal thereafter, except as provided by this part. Permits shall expressly state that they grant no vested property right but afford only a limited license to occupy the land, pending a greater public use.

(4) Upon termination of occupancy under a permit, its renewal or extension, the permittee shall remove his improvements from the site within 90 days from the date of termination, and the land shall be left in reasonably unimpaired condition and as near to its orginal undisturbed condition as possible. Any property not so removed shall become the property of the United States or may be moved off the site, at the cost of the permittee. Any renewal, or extension, of a permit shall state these requirements.

(5) Voluntary and involuntary transfers of cabin site permits, including by sale, devise, inheritance, or otherwise, may be permitted, subject to approval by the Authorized Officer, subject to the terms, conditions, and restrictions in the permit. No such transfer shall operate to extend the terms of a permit. A transfer after the effective date of the regulations in this part shall give the transferee no rights in addition to those which the transferor had. Where any transfer of a cabin site permit is approved, the approval shall state in writing the requirements of this subparagraph, and include the statement that the amortization period for any substantial improvement located on the site shall be limited to the period to which the transferor would have been entitled under the regulations in this part.

(6) Nonuse of a site for a period of more than 2 consecutive calendar years shall terminate the permit without right of renewal (subject to the specific terms of the permit); *Provided, however,* That where the nonuse is the result of the death, illness, or military service of the permittee the Authorized Officer may waive such nonuse. In such case, sale or transfer of the improvement may be made for the unexpired portion of the permit and subject to the provisions for amortization set forth in this section. The Authorized Officer may make exceptions to this termination provision in any case where he determines that the needs of the general public so require (see introductory text of this paragraph (b)). All permits renewed, or extended after the effective date of this part shall state the requirements of this paragraph.

§ 21.5 Occupancy under permit of Government-owned cabins on public recreation and conservation areas.

(a) Those permittees who occupy Government-owned cabins, including those whose permits currently have expired, but previously have been renewed on a year-to-year basis, may have their permits renewed up to July 1, 1969. After that date, the permits shall not be renewed and shall be terminated finally except upon a determination by the Authorized Officer that a renewal or extension is fully consistent with the public use of the area.

(b) The provisions for amortization of substantial improvements do not apply to this type of occupancy.

§ 21.6 Cabin site occupancy where a recreation or conservation area has been leased to, or turned over to, another Federal or non-Federal public agency for administration.

(a) After the effective date of this part, any agreement whereby a recreation or conservation area is leased or turned over to another Federal or non-Federal public agency for administration, shall include the requirement that any permits to individuals, groups or others issued or extended by another Federal or non-Federal public agency to whom an area has been leased or transferred for administration, shall comply with, and set forth on the face of the permit, the requirements stated in this part. Similar requirements shall be applied in situations where an existing agreement reserves such authority to this Department.

(b) All such arrangements between another public agency and a permittee (see § 21.2) shall be reviewed by the Authorized Officer to assure full compliance with those provisions of the permit which are designed to assure performance in the best interests of the general public.

(c) Renewals, extensions, or new leases or transfers to other Federal, State, or local agencies for administration of public recreation areas, shall be granted only pursuant to the policies set forth in this part, and only upon an affirmative finding by the Authorized Officer that they are fully consistent with present and future public uses. All applicable safeguards set forth in this part, including the protection of future public uses, shall be expressly incorporated into such leases or transfers.

§ 21.7 Occupancy by trespassers.

Occupants of cabin sites who do not hold a valid permit for the occupancy or use of the site, shall be required to surrender occupancy, failing which legal action shall be taken. Nothing herein shall grant any rights to a trespasser.

§ 21.8 Appeals.

Any determination made pursuant to any of the provisions of this part may be appealed within 90 days of the receipt of notice thereof to the head of the Bureau or office having jurisdiction (see § 21.3 (h)) who, if he shall not have issued decision within 60 days of receipt of the appeal, shall be deemed to have rejected the appeal. A rejection or denial of an appeal may be further appealed within 60 days thereafter to the Secretary of the Interior.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67-6492; Filed, June 9, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 206]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.506 Valencia Orange Regulation 206.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified;

and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 8, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 11, 1967, through June 17, 1967, are hereby fixed as follows:

(i) District 1: 266,000 cartons;

(ii) District 2: 434,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 9, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-6615; Filed, June 9, 1967; 11:21 a.m.]

[Lemon Reg. 271]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.571 Lemon Regulation 271.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 6, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 11, 1967, through June 17, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 8, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-6558; Filed, June 9, 1967; 8:50 a.m.]

[Nectarine Reg. 5]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provision hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof; adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 25, 1967.

§ 916.332 Nectarine Regulation 5.

(a) *Order.* (1) During the period June 11, 1967, through October 31, 1967, no handler shall handle any package or container of Rose, Early Sun Grand, Sun Grand, Star Grand I, Star Grand II, Red King, Sun Flame, or Grandandy nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard

lug box, measure not less than two and one-eighth (2⅛) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (§§ 51.3145–51.3160 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 7, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-6501; Filed, June 9, 1967; 8:47 a.m.]

[Nectarine Reg. 6]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof; adequate information thereon was not available to the Nectarine Administrative Commitee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 25, 1967.

§ 916.333 Nectarine Regulation 6.

(a) *Order.* (1) During the period June 18, 1967, through October 31, 1967, no handler shall handle any package or container of Grand Prize, Granderli, Royal Grand, Grandeur, Le Grand, Late Le Grand, Golden Grand, Gold King, Red Grand, Clinton, Strawberry, Sun Free, Marigold, September Grand, or Regal Grand nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (§§ 51.3145–51.3160 of this title); "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 7, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-6502; Filed, June 9, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Eligibility Requirements for Price Support; Supp. 1]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 6907, 9260, 9877, 14915, 31 F.R. 10514, 12514, 32 F.R. 3688, 7123, and 7699, which contain eligibility requirements for cooperative marketing associations to obtain price support, are hereby supplemented as set forth below.

(a) Section 1425.6 of the above-described regulations provides that an Association shall be financially able to make advances to its members and market their commodity and that an Association shall establish that its operations are conducted on a financially sound basis. Section 1425.3, as amended (32 F.R. 7123), provides that these provisions of § 1425.6 shall be met annually both by associations seeking initial approval and by associations which have been approved on a continuing basis. The factors which will be considered in determining compliance with § 1425.6 include, but are not limited to, the following:

(1) The financial ability of an association to meet its current obligations, including the expenses of marketing the commodity of its members;

(2) The ability of an association to make advances to its members, either from its own funds or through arrangements with financial or other institutions;

(3) The ownership of an amount of the net worth of the Association by its producer-members and bona fide member associations which is equal to the product of the amount per unit for a commodity (as shown below) for which approval is requested or has been granted multiplied by the total number of units of such commodity handled by the association during the preceding marketing year or, if the association is in its first full marketing year of operation, the estimated quantity of such commodity that it will handle during such year.

Commodity	Unit	Amount per unit
Cotton	Bale	$1.50
Rice	Hundredweight	0.25
Dry edible beans	Hundredweight	0.30
Soybeans	Hundredweight	0.15

If the amount of the net worth owned by producer-members and bona fide member associations is less than, but at least 34 percent of, the amount computed as set forth above, and the association is considered to

be otherwise financially sound, the Executive Vice President, CCC, may determine that the operation of the association is on a financially sound basis if the board of directors of the association agrees to make a capital retain in the amount set forth below with respect to each unit of the commodity delivered to the association by producers until such time as the net worth owned by producer-members and bona fide member associations is at least equal to the amount per unit provided for above, and in the case of cotton, the association also agrees to deduct the full amount of the estimated expenses of handling each bale of cotton received by the association.

Commodity	Unit	Amount
Cotton	Bale	$0.50
Rice	Hundredweight	.10
Dry edible beans	Hundredweight	.10
Soybeans	Hundredweight	.05

The failure to carry out such an agreement shall be grounds for terminating an association's approval.

(4) Any pledge of assets as security, or, the deposit or setting aside of funds or other assets to secure or guarantee any indebtedness of the association, or setting aside or deposit of funds in a restricted account to guarantee the performance of an obligation of the association, which is not reflected in the liability of the association in the financial statement. If any assets or funds have been so pledged, set aside or deposited, and the amount of such indebtedness or guarantee is not shown in the financial statement as a liability, the amount of the net worth to be used in making the determination of financial responsibility will be reduced by the value or amount of such assets or funds.

(b) For purposes of determination of compliance with the provisions of §§ 1425.4(a) and 1425.6 an association shall submit the following information:

(1) A statement showing the capital interest in the association (stock, membership, revolving fund certificates, book credits or other equity interest) owned by producer-members of the association or bona fide member cooperative associations owned and controlled by their producer-members.

(2) A list of names of producer-members and bona fide member cooperative associations which own in excess of 10 percent of the capital of the association, and the amount of the capital interest which each such person and association owns. If no such producer-member or bona fide member association owns in excess of 10 percent of the capital of the association, a statement to this effect must be submitted.

(3) A list of producer-members or member associations, who, to the knowledge of the association, acquired a capital interest in the association as a result of a loan which the producer-member or member association is not obligated to repay, and a copy of the note or other evidence of indebtedness securing such loan. If none of the capital interest of the association is acquired as a result of such a loan, a statement to this effect must be submitted.

(4) A current financial statement prepared by a certified public accountant from the books of original entry and certified by the certified public accountant as fairly representing the financial condition of the association.

(5) The quantity of the commodity for which approval is sought which was handled by the association during the preceding marketing year or, if the association is new, the estimated quantity it will handle during the first marketing year of operation.

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret to apply sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051 as amended; secs. 301, 401, 63 Stat. 1053, secs. 203, 301, 401, 63 Stat. 1054, sec. 302, 72 Stat. 988, 15 U.S.C. 714 b and c, 7 U.S.C. 1421, 1444, 1446d, 1447)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 7, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-6530; Filed, June 9, 1967; 8:50 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 440.3]

PART 1812—LOAN CHECKS, NOTES, AND INSURANCE ENDORSEMENTS FOR INSURED LOANS MADE BY LOCAL LENDERS, EXCEPT CERTAIN INSURED LOANS TO PUBLIC BODIES

A new Part 1812 is added to Chapter XVIII, Title 7, Code of Federal Regulations (31 F.R. 14109), prescribing the authority and procedure for ordering checks, executing insurance endorsements and endorsing promissory notes for loans insured by local lenders other than promissory notes or bonds for loans to public bodies bearing interest exempt from Federal taxation. The new part reads as follows:

Sec.
1812.1 General.
1812.2 Requesting checks for insured loans.
1812.3 Endorsement of promissory note, execution of insurance endorsement and delivery to lender.
1812.4 Form FHA 440-31, "Rider to Insurance Endorsement".

AUTHORITY: The provisions of this Part 1812 issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1812.1 General.

This part covers ordering loan checks for insured loans after approval, and execution of insurance endorsements and endorsement of promissory notes in cases of loans for which local lenders have agreed to advance the funds. Where the interest yield to the lender will be more than 5 percent, the loan will be made initially from the insurance fund and sold on the same date to the local lender. Where the interest yield to the lender will be 5 percent or less, the loan funds will be advanced directly by the local lender. This part does not cover any loan to a public body whose notes or bonds bear interest exempt from Federal taxation, or any loan for which a local lender has not agreed to advance the funds.

§ 1812.2 Requesting checks for insured loans.

(a) County Supervisors are hereby delegated authority to endorse Form FHA 440-16, "Promissory Note (Insured Loan)," and to execute Form FHA 440-5, "Insurance Endorsement (Insured Loans)," and Form FHA 440-30, "Insurance Endorsement (Insured Loans)," in intances where local lenders have agreed to advance loan funds on an individual loan basis. County Supervisors may redelegate to Assistant County Supervisors authority to endorse the promissory note and execute the insurance endorsement. In those instances where the redelegation is made, the term "County Supervisor," for the purposes of this part, will include the Assistant County Supervisor.

(b) When the loan has been approved, all conditions specified in the loan approval have been or can be met, including any necessary curative action to provide satisfactory title to any real estate security, and a date has been set for loan closing, the County Supervisor will order the loan check.

(1) If no local lender is available, or if a local lender will only make the loan at an interest yield of more than 5 percent, the County Supervisor will request the check from the Finance Office.

(2) If a local lender will advance the loan funds at an interest yield of 5 percent or less, the County Supervisor will request the check on Form FHA 440-7, "Request for Check," and submit such form to the State Director. However, if the lender does not require attestation of the County Supervisor's signature, Form FHA 440-7 may be delivered directly to the lender. In a case where the seller is to become the lender, the amount of the check requested will be only for the amount of cash, if any, he will advance. Whenever the bank handling a supervised bank account requires the lender's personal check to clear before disbursing funds, the lender will be requested to furnish a certified or cashier's check. When suitable arrangements can be made with the lender, a bank draft may be used to obtain insured loan funds. The lender or his representative may present the check at the time the loan is closed, or if desired, the check may be mailed to the County Supervisor.

(i) When the County Supervisor sends Form 440-7 to the State Office for attestation, the State Director will attest the signature of the County Supervisor and then forward Form FHA 440-7 to the lender.

§ 1812.3 Endorsement of promissory note, execution of insurance endorsement and delivery to lender.

There are three insurance endorsement forms each entitled "Insurance Endorsement."

(a) Form FHA 440-5: This form is used for all sales of insured loans where the interest rate payable by the borrower is 5 percent and the interest yield to the lender is 5 percent or less. After the loan is closed and the lender's check exchanged for the borrower's note, the County Supervisor will endorse the note to the local lender and will prepare and execute Form FHA 440-5 as of the date of loan closing. The original of the note and insurance endorsement will be delivered to the lender, and copies of both forms will be sent to the Finance Office immediately.

(b) Form FHA 444-4: This form is used only for section 502 above-moderate rural housing loans and for rural renting housing loans. Form FHA 444-4 will be prepared and executed only in the Finance Office for sales of such insured loans handled by that office.

(c) Form FHA 440-30: This form is used for all sales of insured loans where the interest rate payable by the borrower is 5 percent and the interest yield to the lender is more than 5 percent.

(1) After such a loan for which a local lender has agreed to advance the loan funds has been closed and the U.S. Treasury check exchanged for the borrower's note, the County Supervisor will endorse the borrower's note to the local lender and will execute Form FHA 440-30 as of the date of loan closing.

(2) The note and insurance endorsement will be delivered to the local lender in exchange for his check payable to the Farmers Home Administration in the amount of the note. The sale to the lender must be consummated on the date of loan closing and the lender's check must be dated on or before the date of loan closing. The lender's check, a copy of the borrower's note, and a copy of the insurance endorsement will be mailed to the Finance Office immediately.

(d) In instances where local lenders are not advancing the loan funds, the borrower's note will not be endorsed and no insurance endorsement form will be prepared or executed by the County Supervisor. The original and copy of the borrower's note will be sent to the Finance Office immediately after loan closing.

§ 1812.4 Form FHA 440-31, "Rider to Insurance Endorsement."

Form FHA 440-31 will be executed by the Finance Office to be attached to the insurance endorsement for each loan where the lender elects a fixed period of from 15 to 25 years. In the case of each such loan for which the County Supervisor executes the insurance endorsement, he will request the Finance Office to send an executed Form FHA 440-31 to the lender.

Dated: June 5, 1967.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 67-6503; Filed, June 9, 1967; 8:47 a.m.]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instructions 442.2, 442.4, Administration Letter 870(442)]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart A—Association Loan and Grant Assistance for Soil and Water Facilities, Including Waste Disposal, Recreation, Grazing, and Other Facilities

The heading of Part 1823, Title 7, Code of Federal Regulations (31 F.R. 14165), is changed to read as set forth above. Subpart B is redesignated as "Subpart A—Association Loan and Grant Assistance for Soil and Water Facilities, Including Waste Disposal, Recreation, Grazing, and other Facilities" and revised to read as follows:

Sec.
1823.1 General.
1823.2 Definitions.
1823.3 Eligibility.
1823.4 Loan purposes.
1823.5 Development grants for water and waste disposal systems.
1823.6 Limitations.
1823.7 Loan terms.
1823.8 Security.
1823.9 Coordination with State and local agencies.
1823.10 Professional, technical, and contractual services.
1823.11 Special requirements.
1823.12 Reserves.
1823.13 Operation and management.
1823.14 Loan and grant approval authority.
1823.15 Performing development.
1823.16 Subsequent loans and grants.
1823.17 Servicing.
1823.18 Loan applications.
1823.19 Project Report and docket processing.
1823.20 County Committee recommendations.
1823.21 Applications not receiving favorable consideration and loan or grant cancellation.
1823.22 Preparation and assembly of docket.
1823.23 Preparation for closing loans and grants.
1823.24 Loan and grant closing.
1823.25 Actions subsequent to loan closing.

AUTHORITY: The provisions of this Subpart A issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 4, 64 Stat. 100, 40 U.S.C. 442; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650. Filing of preliminary inquiries on Standard Form 101 by Orders of Director, Bureau of the Budget, dated Oct. 12, 1965, Dec. 16, 1965.

§ 1823.1 General.

This subpart outlines the policies and authorities for providing direct and insured financial assistance to rural communities and other associations of farmers and rural residents for water, waste disposal, drainage, recreation, grazing, forestry, and other needed soil and water facilities. Grants are available only in connection with domestic water and waste disposal systems.

§ 1823.2 Definitions.

(a) *Association.* The term "association" includes mutual and other irrigation, water supply, drainage and waste disposal companies or associations, ditch companies, grazing, recreation, and forestry associations and similar organizations generally designated as private corporations operating on a nonprofit basis, municipalities and political subdivisions, public authorities, districts for irrigation, drainage, flood and water control, grazing, waste disposal, fire, soil conservation districts, and similar organizations generally designated as public or quasi-public agencies having power and authority to make available services and facilities of the types authorized in this subpart.

(1) A private corporation even though organized under the general profit corporation laws may come within this definition if it actually will be operated on a nonprofit basis under such charter, bylaw, mortgage, or supplementary agreement provisions as may be required as a condition of loan approval.

(2) An association may receive assistance for more than one of the major purposes listed in this subpart when it is organized with the necessary powers conferred by State law to engage in multiple purpose activities. However, grant assistance is authorized only in connection with domestic water or waste disposal facilities.

(3) Associations which do not come within the above definition include cooperative or other service-type organizations engaged primarily in selling supplies, processing, or marketing agricultural and forest products.

(b) *Farmer.* The word "farmer" as hereinafter used shall be construed to mean one who is engaged in the production of agricultural commodities (including persons engaged in the production of fish under controlled conditions), ranchers, farm tenants, and farm laborers.

(c) *Rural area.* The term "rural area" shall include open country, an incorporated or unincorporated town, village, or other place which does not include:

(1) Any city or town or place which has a population in excess of 5,500 permanent inhabitants, according to the latest reliable, dependable population estimates.

(2) A densely settled area (where the principal land use and occupancy is residential or commercial) surrounding, adjacent to, or growing out of a town, village, or place of more than 5,500 people.

(3) An established community or subdivision development near to or likely to become closely associated with a town, village, or place of more than 5,500 people.

NOTE: When determining whether a residential area is to be considered near to, or a part of, a place of more than 5,500 people, minor open spaces due to physical barriers, commercial or industrial developments, parks, areas reserved for convenience or appearance, or narrow strips of cultivated land will be disregarded.

(d) *Direct loan.* A "direct loan" means a loan made from funds in the Farmers Home Administration (FHA) direct loan account.

(e) *Insured loan.* The term "insured loan" means either:

(1) A loan made from funds furnished by a lender and insured by the Government at the time of closing, or

(2) A loan made from the Agricultural Credit Insurance Fund (also referred to as AC insurance fund) to be sold to a purchaser and insured by the Government at the time of sale.

(f) *Tax-exempt public body.* The term "tax-exempt public body" means a municipality, political subdivision, public authority, district, or similar organization issuing obligations the interest income from which is exempt from Federal and State income taxes.

(g) *Development cost.* The term "development cost" means the cost of construction of the proposed facility, including land rights, easements, rights-of-way, necessary water rights, engineering fees, legal fees, administrative costs in connection with construction and acquisition, and estimated interest during the development period on any funds borrowed to perform such development.

(h) *Development grant.* The term "development grant" means a grant to assist in financing the development cost of domestic water and waste disposal systems. These grants are made from direct appropriated funds administered by the FHA.

§ 1823.3 Eligibility.

(a) *Eligibility for assistance.* To be eligible for financial assistance an association must:

(1) Propose a facility which will be primarily used by or which will generate other substantial, tangible benefits primarily for farmers and the residents of rural areas. In the case of a corporation not operated for profit, the use or benefit test is applied to members of the corporation. In the case of a public body, the use or benefit test is applied to the permanent residents within its boundaries or within the boundaries of the area to be served by the proposed facility. Examples of substantial tangible benefits other than direct use of facilities:

(i) A rural community may need assistance to extend a water system to serve industrial or commercial users whose operation will result in a substantial amount of employment for existing local rural residents.

(ii) Another rural community may need a loan to develop an outdoor recreational project which would attract visitors and thereby generate substantial income for local farmers and rural residents.

(2) Propose a facility that will be located in a rural area and will serve farmers and rural residents living in the area. The facility will be controlled by such farmers and rural residents, except that if the applicant is a public body and the State Director finds that control by the farmers and rural residents is not feasible, the control may be exercised by the public body when the State Director determines that it can adequately represent the interests of the rural people to be served. In the case of a recreational project, at least two-thirds of the membership must be farmers and rural residents residing in the immediate surrounding area.

(i) Full participating membership in the association by other than those living in the area to be benefited, except for grazing associations, will be permitted only when it appears that there is no likelihood of association ownership passing from local rural area residents and when the prior approval of the State Director is obtained.

(ii) Membership on the governing board of the association will be limited to those living in the area to be benefited unless there are justifiable reasons for other than local rural residents serving on the board of directors and the prior approval of the State Director is obtained.

(3) Be without sufficient funds to carry out the purposes for which the loan or grant is requested. Also be unable to obtain such funds by levying taxes, assessments, or charges, or by obtaining credit from private, cooperative, and public agencies on reasonable rates and terms. In this connection, consideration will be given to prevailing rates and terms in the community in or near which the applicant is located for loans for similar purposes and periods of time and taking into account the other needs and demands on the resources of the applicant.

(4) Have the legal authority necessary for constructing, operating, and maintaining the proposed facility or service and for obtaining, giving security for, and repaying the proposed loan.

(5) Be financially sound and so organized and managed that it will be able to provide efficient service.

(b) *Borrower organization.* Nonprofit corporations will not be formed to serve an area which could be served by an existing municipality having adequate authority to provide the needed service unless prior approval of the National Office is obtained.

(c) *Association membership.* The membership of an association providing community facilities such as domestic water, waste disposal, and recreation should be broadly based and representative of the community benefitting from the facility.

§ 1823.4 Loan purposes.

(a) *Community water or waste disposal facilities.* (1) Association loans may be made to install or improve:

(i) Community water facilities including works for the development, storage, treatment, purification, and distribution of water. Facilities may include the installation of fire hydrants and the additional capacity and water storage for fire protection when the association has the repayment ability to meet the additional cost and is willing to do so, and

(ii) Community waste disposal facilities for the collection, treatment, or disposal of human and animal and other waste. Facilities may include items such as collection lines, treatment plants, outfall lines, disposal fields, stabilization ponds, storm sewers, garbage trucks and equipment, sanitary dumps, incinerators, and fills.

(2) In addition to that service provided through central water systems or waste disposal systems, associations may also provide service through individual facilities to users who normally would be considered to be within the service area but who live beyond the physical or economic limits of the central system when the association determines it is more feasible to provide such service through individual facilities. In making its determination, the association will consider such items as adequacy, and permanency of the individual user facility; cost of the individual facility as compared with the cost per user on the central system; health and pollution problems appurtenant to individual facilities; and the various types of users.

(i) Agreements between the association and individuals for the installation and payment for individual facilities and their operation will be subject to FHA approval.

(ii) Notes representing indebtedness owed an association by a user for an individual facility will be scheduled for repayment over a period not to exceed the useful life of the facility. The interest rate will be the same as the rate owed by the association on its FHA loan. Such notes will be assigned to the FHA as security for its loan.

(iii) Associations providing service through individual facilities will require such security as is necessary to insure collection of any sum the individual is obligated to repay the association. Ordinarily, such obligations will be secured by either a real estate mortgage, a chattel mortgage on the chattel items of the facility, plus such other chattels as are necessary and a severance agreement with appropriate consent to such agreement by all lienholders or other security. Plans for obtaining security and security instruments must meet prior approval of FHA.

(b) *Recreational facilities.* Install or improve rural community outdoor-oriented recreational facilities such as:

(1) Ponds, lakes, and streams for fishing and boating and basic minimum related facilities.

(2) Sports areas, including little league fields, athletic fields, golf courses, target ranges, swimming pools, and ski slopes.

(3) Recreational areas, including rodeo and horse show facilities, for the use of participants and performers who are primarily local residents using livestock from the immediate area.

(4) Picnic areas and parks.

(5) Camping facilities, such as tent platforms, dining halls, and cabins, including utility connections for trailers and sanitation facilities and roadways.

(6) Forest trails, caves, and other natural scenic attractions.

(7) Hunting and fishing areas and preserves.

(8) Access roads necessary to connect recreational areas with public roadways.

(9) Domestic water, irrigation, drainage, or waste disposal facilities and parking areas in connection with recreational development.

(c) *Soil and water development, conservation, control, and use facilities.* Install or improve:

(1) Irrigation facilities including storage reservoirs, diversion dams, wells, pumping plants, canals, canal lining, pipelines, sprinklers, and other such items.

(2) Open or closed drainage facilities in farm areas otherwise too wet for sustained agricultural production. Facilities will not be installed primarily to bring into production land which has not been previously in agricultural production. Land in agricultural production will be construed to mean all land which is or has been used for any farm crop including pasture. It does not include woodland, brush, swampland, or marshland unless such land was formerly in agricultural production and has since reverted to a condition of nonuse or lesser use.

(3) Soil conservation and water control facilities such as dikes, terraces, detention reservoirs, stream channels, ditches, and other special land treatment and stabilization measures or structures needed to protect farms and rural residences from water damage, provided such facilities cannot be installed or improved under, or will not conflict with, other public programs like those administered by the Soil Conservation Service and the Corps of Engineers.

(d) *Shift-in-land-use facilities.* Develop shift-in-land-use projects, including association grazing, forestry, and other facilities through:

(1) The conversion of land to pasture, forest, or to outdoor-oriented recreational uses, including wildlife areas and preserves.

(2) Reorganization or reconstitution of farm management units, grazing areas or districts, or irrigation areas.

(3) Substantial reorganization of an existing land use through a system of controlled grazing or sustained yield forestry management practices.

(4) Conversion of land to uses which promote better conservation of soil and water resources.

(5) The conversion of land to uses such as parks, greenbelts, and other open spaces which better serve a rural community.

(e) *Purchase existing facilities.* Purchase existing facilities for domestic water, waste disposal, recreation, shift-in-land use, soil and water development, conservation, control, and use when it is determined that purchase is necessary to provide efficient service through an association owned and operated facility, or the owner is either unwilling or unable to make improvements, enlargement, or extensions needed to provide significant additional or improved service for present users or for a new group of users at reasonable rates.

(f) *Special-purpose equipment.* Purchase or rent special purpose equipment to install or maintain any community facility in the above categories or to establish on farms soil and water conservation measures such as terraces, ponds, land leveling for irrigation or drainage, subsoiling, seeding, tree planting, and removal of brush, scattered trees, and stumps, provided:

(1) Such equipment is not otherwise available when and as needed.

(2) There is sufficient need and local demand to justify ownership or rental.

(3) Rates to be charged include, among other things, an allowance for depreciation, obsolescence, and replacement based upon the recommendations of the equipment manufacturer or the experience of contractors engaged in providing services for similar types of work.

(g) *Forestry equipment and services (other than shift-in-land use).* Purchase or rent basic special-purpose equipment, facilities, certain land or land rights, and supplies needed for furnishing services for the establishment, improvement, protection, and harvesting of timber (not processing) suitable for lumber, pulp, poles or posts: *Provided*, That the forest program and forest practices benefiting from such service are in accordance with accepted forestry management and are directly related to and will promote approved conservation practices for the development, use, and control of water resources on farms and in forests. Special purpose equipment will include such items as tractors, dozers, plows, planters, trucks, loaders, fire-fighting equipment, and sprayers. Facilities will include such items as ponds and reservoirs, pipelines, buildings for storage of equipment and supplies, nurseries, access roads, fire lanes, and lookout towers. Supplies will include such things as seed, seedlings, fertilizers, fencing, and pesticides. Land or land-rights acquisition will be limited to that necessary for sites for facilities listed above which are directly related to the forestry program. Loans for these purposes may be made only when the equipment, supplies, and facilities to be provided:

(1) Are not readily available when and as needed.

(2) Will be justified by the local need and demand.

(3) Will be made available to users at rates which will cover loan amortization, obsolescence, replacement, operation, and in the case of supplies, at least their cost.

(4) Will more efficiently serve the group through cooperative effort.

(h) *Acquisition of land and rights.* Acquiring land, interests in land, and rights such as water rights, leases, permits, rights-of-way, and other evidence of control when acquisition of such land and rights is necessary to development of the facility. When it is necessary to acquire a water supply or water right, the land on which the water supply or right is presently being used may be purchased when:

(1) The water supply or water right cannot be purchased without the land and permission can be obtained from State officials for the transfer of the water right from the land.

(2) The value of the land is only an incidental part of the total purchase price.

(i) *Refinancing.* Refinancing debts incurred by or on behalf of an association prior to an application for a loan when all of the following conditions exist:

(1) The debts were incurred for the facility or service to be installed or improved with the loan.

(2) Arrangements cannot be made with the creditors to extend or modify the terms of the debt so that a sound basis will exist for making a loan.

(3) The prior approval of the National Office will be obtained when it is proposed that the amount to be advanced for refinancing will exceed 50 percent of the total loan.

(j) *Buildings, fences, secondary facilities, and relocation.* (1) Constructing:

(i) Buildings of modest design, size, and cost, and fences essential to the successful operation or protection of other authorized facilities and to provide storage for tools and supplies needed to operate the facility.

(ii) Secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for the control of, primary facilities.

(2) Relocating roads, bridges, utilities, fences, and other improvements when necessary to acquire rights-of-way or to construct the facility.

(k) *Services and fees.* Pay costs incidental to facilities or services accomplishing any of the above purposes including, but not limited to:

(1) Paying fees or other legal expenses of establishing a water right through appropriation, agreement, permit, or court decree.

(2) Acquiring a water supply by the purchase of water stock or membership in an incorporated water users association.

(3) Paying for hired labor, technical or professional services and fees to be incurred in obtaining the loan, and in planning and completing the facilities or services to be financed with loan funds.

(l) *Interest.* Paying interest that will accrue on the loan from the estimated date of loan closing to a date not beyond the second anniversary of the loan when revenues or tax receipts will not be sufficient or collectible in time to pay for such accrued interest. The State Director may authorize the use of loan funds to pay interest for a longer period with prior approval of the Administrator.

§ 1823.5 Development grants for water and waste disposal systems.

(a) *General.* Development grants may be made to eligible associations to assist in financing specific projects for development, storage, treatment, purification, and distribution of domestic water and the collection, treatment, or disposal of waste in rural areas.

(1) Grants may be made to assist eligible applicants to pay for a part of the development cost if the grants are necessary to reduce the user charges so that such charges will be reasonable.

(2) Grants may be made in connection with FHA loans for development or may be made to supplement funds other than FHA loan funds that may be furnished

by the applicants to pay the development cost.

(b) *Justification for grants.* Grants may be made only when the cost of the proposed development would result in the user charges being excessive and by the use of grant funds to reduce the amount of the applicant's indebtedness, the user charges would be lowered to a reasonable level. The following determinations must be made in connection with the proposed user charges before any grant can be authorized:

(1) Facilities are economically planned and designed.

(2) The amount of the average annual cost per user for the proposed project determined by estimating the annual amount of operating and maintenance costs together with the annual debt service and reserve requirements.

(3) The amount of the average annual cost per user for established systems of similar size and cost and ratio of residential users within the State. (The State Office will need to assemble data with respect to user charges in rural areas in the State.)

(4) If the amount of the average annual cost per user in the proposed project is significantly more than such cost for similar facilities within the State, a grant may be made in an amount not to exceed 50 percent of the development cost, sufficient to reduce the annual cost per user to the approximate amount of the average cost for similar projects within the State. However, the State Director may take into consideration the economic condition of the community and the income of its residents in making his recommendation on the amount of grant to be made.

(c) *Design of water or waste disposal system.* No grant will be made to finance any part of the development cost of any project unless the State Director determines that the project:

(1) Will serve a rural area which is not likely to decline in population below that for which the facility is designed.

(2) Will be designed and constructed so that the adequate capacity will be or can be made available to serve the present population of the area to th extent that such service is feasible and also to serve the reasonable foreseeable growth needs of the area.

(d) *Comprehensive area plans for the development of water and sewer systems.* Any sewer or water system for which grant funds are to be used must be necessary for orderly community development consistent with the comprehensive area sewer and water development plan for the rural area in which the project is located. Such comprehensive plans must meet the conditions outlined in the "Guides for Use in the Preparation of Comprehensive Area Plans for Water and Sewer Systems" in Subpart C of this part. However, until October 1, 1968, development grants may be approved prior to the completion of a comprehensive plan if preparation of such a plan for the area has already been undertaken. Such plans will be considered to have been undertaken if at least the following actions have been taken:

(1) An organization as defined in Subpart C of this part as eligible for a grant for planning as initiated the preparation of a comprehensive plan for the area in which the project will be located including:

(i) Reaching an understanding of the scope and content of the plan and how and when the plan will be completed.

(ii) Taking formal action to commit itself to proceed with the plan.

(2) State Director determines that the organization can reasonably be expected to complete the plans it has undertaken.

(e) *Consistency with other development plans.* Before any grant can be approved, the State Director must determine that the proposed sewer or water system project is not inconsistent with any planned development under State, county, or municipal plans approved as official plans for the area in which the rural community is located. The State Director should also, to the extent practicable, determine that the project will not be inconsistent with any plans under preparation. Applicant associations as requested by FHA will request comments of the appropriate officials and specify the time in which comments are to be made. Thirty days should ordinarily permit ample time for its completion. If no comments are received within the period specified, the loan docket may be developed without further action. Any comments received will be considered in development of the project. If comments result in questions which cannot be resolved locally, applications and such comments will be forwarded to the State Director for his review and action.

(f) *Amount of grant.* (1) No development grant will be made in excess of 50 percent of the development cost exclusive of interest which may accrue on any obligation of the applicant during the development period. However, no development grant for waste treatment facilities in areas not designated as "qualified areas" under the Public Works and Economic Development Act of 1965 (non-Economic Development Administration (EDA) area) will exceed 30 percent of the development cost of the waste treatment facility.

(2) If any other Federal grants are made in connection with the proposed project, the amount of any FHA grant plus the amount of other Federal grants may not exceed 50 percent of the development cost of the project unless such project has the approval of the National Office. However, in a non-EDA area the total Federal grants for the waste treatment facility will not exceed 30 percent of the development cost of such facility.

(3) Facilities previously installed will not be considered in determining the development costs, except that the amount of any FHA advance made in accordance with Subpart B of this part will be included in such costs.

(4) In those cases where States have grant funds, use of such funds ordinarily will be considered before using FHA grant funds.

§ 1823.6 Limitations.

(a) *Indebtedness.* No loan may be made or insured or grant made which would cause the unpaid principal FHA indebtedness of any association together with the amount of any grants received, to exceed $4 million at any one time. All grants made to the association and principal remaining unpaid on all loans made or insured for the association under this subpart and under previous programs pertaining to Soil and Water Association and Water Facility Associations will be considered in determining the loan and grant limitation.

(b) *Use of loan and grant funds.* Funds may not be used to:

(1) Pay any annually recurring costs that are generally considered to be operation and maintenance expenses.

(2) Construct or repair electric generating plants, electric transmission lines, or gas distribution lines to provide services for sale.

(3) Purchase fire trucks, hoses, and other fire-fighting equipment or construct housing for such equipment, except as provided in § 1823.4(g).

(4) Pay rental for the use of equipment or machinery owned by the association.

(5) Provide facilities for spectator-type recreation such as race tracks, rodeos, or activities where professional athletes would pursue their trade inside or outside arenas or auditoriums and fees are charged for observation.

(6) Pay that part of the cost of facilities, improvements, and practices which will be earned by association members by participating in the Agricultural Conservation Program (ACP) and which can be covered by purchase orders or assignments to material suppliers, contractors, and so forth. Funds may be advanced to cover all or part of the cost of work for which the ACP payments will be made only when it is not possible to use purchase orders or such assignments. In such instances, members of the borrower association will be required to assign to the association all or those portions of the ACP payments they will earn for practices for which loan funds are advanced. As a condition of loan approval, the borrower association will be required to pledge the proceeds of such assignments for payment on the loan when they are received. The amount to be received from such assignments and the date they will be received will be determined before loan closing. The loan repayment schedule will then be made to provide for the lump sum payment of the entire amount received from ACP payments on or before the next due date after their receipt and the scheduling of subsequent annual payments for orderly retirement of the remaining principal amount of the loan plus interest.

(c) *Insured loans.* Insured loans will not be made:

(1) From the AC insurance fund if the loan is less than $3,000.

(2) Using multiple advances unless there is a lender in the State willing to make the loan on the basis of multiple advances.

(3) Where interest payments are deferred in accordance with § 1823.7(b) unless there is a lender within the State willing to advance funds on such basis.

(d) *Direct loans.* Direct loan funds will not be used to pay interest on loans during the development period except in those cases where State statutes preclude the deferment of interest payments.

(e) *Obligations incurred before loan closing.* When an applicant files an application for assistance, the County Supervisor will advise the applicant that construction work must not be started and obligations for such work or materials must not be incurred before the loan or grant shall have been closed. If the applicant nevertheless wishes to proceed before closing because of emergency conditions, it may request permission from the State Director to pay such obligations if a loan or grant is made.

(1) Upon receipt of such a request the State Director will determine whether:

(i) A necessity exists for incurring obligations before loan closing.

(ii) The obligations will be incurred for authorized loan purposes.

(iii) Contract documents have been approved by FHA.

(iv) The association has the legal authority to incur the obligations at the time proposed.

(v) Payment of the debts will remove any basis for mechanic's or materialmen's liens that may attach to the security property.

(2) If the State Director finds all the conditions under this section are met, he may give the applicant written permission for the payment of such obligations from loan funds if a loan or grant is closed. His letter will specifically state that the permission granted is on the condition that the Government is not committed to make a loan or grant and assumes no responsibility for any obligation incurred by the applicant because of the permission granted, and that the applicant must subsequently meet all FHA requirements for the loan or grant.

§ 1823.7 Loan terms.

(a) *Repayment period.* Each loan will be scheduled for repayment over a period not to exceed 40 years from the date of the note or bond(s). In addition, no repayment period will exceed any statutory limitation on an association's borrowing authority nor the useful life of the facility to be financed. The repayment period on loans for the purchase of tractors, trucks, and other equipment may not exceed 7 years except that the State Director may authorize such a loan to be scheduled for repayment up to 10 years where special justification exists. Installments will be scheduled annually on January 1 following the date of loan closing or the end of any approved deferment period unless an annual due date other than January 1 will be required to meet statutory requirements, or payments with receipt of revenue or taxes. There must be evidence that income will be sufficient and available to meet scheduled repayments.

(b) *Repayment schedules.* (1) Amortized installments will be required unless such installments would be inconsistent with provisions of State law or would not provide the flexibility needed in the applicant's proposed financial plans which are acceptable to FHA. Annual installments may be amortized in equal annual installments of principal plus interest or may be in annual installments of principal (not necessarily equal) plus interest. In cases where the payment of interest has been deferred, all collections will be applied to interest until such interest has been paid.

(2) In those cases where the indebtedness will be represented by bonds, annual payments of principal and interest will be scheduled so as to permit them to be paid in amounts approximately equal to an amount of an annual amortized installment.

(3) Income to be received by the association from payments earned under U.S. Department of Agriculture programs for shifts-in-land use and the conservation and use of land and water accomplished in part or in whole with loan funds will be taken into account in scheduling loan repayments.

(c) *Deferred payments.* Principal or interest payments, or both may be deferred in whole or in part for a period not to exceed the second January 1 after the estimated date when the facilities will be completed and in operation. If for any reason it appears necessary to permit a longer period of deferment, the State Director may authorize such deferment with the prior approval of the National Office.

(1) Deferments of principal or interest will not be used to:

(i) Postpone the levying of taxes or assessments.

(ii) Delay the collection of the full rates which the association has agreed to charge users for its services as soon as major benefits or the improvements are available to those users.

(iii) Create reserves for normal operation and maintenance.

(iv) Make any capital improvements except those considered by the State Director to be essential to the repayment of the loan or to the obtaining of adequate security therefor.

(v) Accelerate the payment of other debts.

(vi) Permit making a loan when repayment will depend upon anticipated income from service to users who are not located in the service area at the time the loan is closed or who have not at that time agreed to accept and pay for such service.

(2) Proposed deferments will be consistent with provisions of State or local laws affecting the creation and repayment of debts by borrowers.

(3) For an insured loan, the lender will agree to the proposed deferment.

(d) *Interest, annual charge, and repurchase agreement.* Current policies relative to interest rates, annual charges, and repurchase agreements will be found in Part 1810 of this chapter.

(e) *Refinancing loans.* Each borrower will be required to agree to refinance the unpaid balance of its loan when it is able to obtain a loan from responsible cooperative or private credit sources at reasonable rates and terms for loans for similar purposes and periods of time. The borrower will, upon request of the FHA, apply for and accept such loan to refinance its FHA loan.

§ 1823.8 Security.

All loans to associations will be secured in a manner which will adequately protect the interest of the Government during the period of the loan.

(a) *Loans to other than public bodies.* If associations are permitted by State laws to mortgage their real and personal property:

(1) A lien will be taken on the interest of the applicant owned at the time the loan is approved and acquired with loan funds in all easements, rights-of-way, water rights, and similar property rights used, or to be used, in connection with the facility. In those instances where such property rights have not been legally perfected by a proper instrument and the recordation of the same, it will be the responsibility of the applicant to obtain and record such releases, consents, subordinations to such property rights from holders of outstanding liens, or other instruments of the same purpose, as it determines, with the advice of its attorney, are necessary for the construction, operation, and maintenance of the facility on the right-of-way. However, when easements only are obtainable on sites for structures such as reservoirs and pumping stations, releases, consents or subordinations may be required by the FHA. The mortgage will provide for the applicant to pay from its own funds for any excess installation costs resulting from a failure to obtain adequate land, rights-of-way, or subordinations.

(2) To the extent possible, special purpose equipment for recreation and shift-in-land-use projects should be purchased with applicant contributions. In those cases where equipment is purchased with other than loan funds, it is not necessary to require a mortgage on the equipment unless such mortgage is necessary for adequate security.

(3) For property other than described in subparagraphs (1) and (2) of this paragraph owned by applicant at the time the loan is approved, a first lien, or a lien of the highest priority obtainable, will be taken on the real property and no lien will be taken on the personal property except when it is deemed necessary to take a lien on such personal property to provide adequate security for the Government.

(4) For property other than described in subparagraphs (1) and (2) of this paragraph acquired with loan funds, a first lien will be taken on the real property and the major items of personal property. Where the loan is approved for the acquisition of real property subject to an outstanding lien indebtedness which will be assumed by the association, the next highest priority lien obtainable will be taken.

(5) Assignments of association income will be taken if legally permissible. Assignments of income based on an appropriate unit of work will be required for all associations such as soil conservation districts operating special-purpose equipment. Such assignments will be prepared so as to require debts to be retired on the basis of equipment use.

(6) Assignments of permits, leases, and other evidence of land control will be taken in those cases where continued control of the land is essential. In those cases where private leasehold interests will represent the principal security for the loan, the lease must provide for:

(i) An unexpired term at least 50 percent longer than the repayment period of the loan.

(ii) The borrower's interest will not be subject to summary forfeiture cancellation.

(iii) The right of FHA to foreclose its mortgage; to bid at foreclosure sales; to accept voluntary conveyance of the security in lieu of foreclosure; and, should the leasehold be acquired through foreclosures, voluntary conveyance, or abandonment by the borrower, to occupy the property, sublet it, or sell for cash or credit.

(iv) The right of the borrower to sell or otherwise transfer the leasehold.

(v) Sufficient advance notice to FHA of the lessor's intentions to cancel, terminate, or foreclose upon the lease, to permit FHA to take appropriate action.

(7) Promissory notes, stock or membership subscription agreements, individual member's liability agreements, or other evidences of debt, as well as security instruments mortgaging the private property of members of the association may be pledged or assigned to the Government as additional security in any case in which the interest of the Government will not otherwise be adequately protected.

(b) *Loans to public bodies.* (1) State statutes generally provide detailed requirements for evidencing and securing loans to municipalities, districts, and other public bodies. Loans to such associations will be evidenced by notes, bonds, warrants, or other contractural obligations as may be authorized by relevant State statutes and by corporate documents, resolutions, and ordinances. All corporate or statutory requirements pertaining to the authorization, sale, and acceptance of evidences of debt to be offered to FHA must be satisfactory to the Office of the General Counsel before closing. State statutes also generally specify the security that may be given by the local organization. This security may be one or more of the following:

(i) Pledges of revenues to be derived from operation of the association's facilities including cash reserves for debt service as may be agreed upon.

(ii) Pledges of taxes or assessments which will be liens upon lands served by the association.

(iii) Liens on real and personal property where such liens are permitted by State law.

(iv) Assignments of notes representing indebtedness to associations from individual users.

(2) Junior lien bonds will be taken as security only with the prior approval of the National Office.

§ 1823.9 Coordination with State and local agencies.

Projects financed in whole or in part with association loan or grant funds will be coordinated with appropriate State and local agencies in accordance with the following:

(a) *Compliance with special laws and regulations.* Applicants for loans or grants will be required to comply with State and local laws pertaining to:

(1) Organization of the association and its authority to install, operate, and maintain the facilities proposed to be constructed with loan funds.

(2) Borrowing money, giving security therefor, and raising revenues for the repayment thereof.

(3) Appropriation, diversion, storage, and use of water, and disposal of excess water. All of the rights of any landowner, appropriator, or user of water from any source shall be fully honored in all respects as they may be affected by facilities to be installed. If, under the provisions of State law, notice of the proposed diversion or storage of water may be filed in the office of an appropriate State official, such notice must be filed by the applicant unless otherwise directed by the National Office. An applicant must furnish evidence to provide reasonable assurance that its water rights will be or have been properly established, will not interfere with prior vested rights, will likely not be contested or enjoined by other water users or riparian owners, and will be within the provisions of any applicable interstate compact.

(4) Land use zoning.

(5) Permission to construct facilities and the approval of construction plans and specifications by appropriate State officials.

(6) Health and sanitation standards.

(7) Public service commission rules and regulations, where applicable.

(b) *Compliance with pollution control standards.* (1) No loan or grant for construction or improvement of a water system will be approved unless a certificate is provided by the appropriate State Water Pollution Control Agency showing that the system will not result in the pollution of waters of the State in excess of standards established by that agency.

(2) No loan or grant for construction or improvement of sewers and waste disposal systems will be approved unless a certificate is provided by the appropriate State Water Pollution Control Agency showing that the effluent from the system will conform with appropriate State and Federal water pollution control standards when and where established.

(c) *Evidence of compliance with plans, other laws and regulations.* Applicants for loans or grants will submit evidence that the proposals are consistent with overall economic development plans or other local or area development plans, zoning laws or ordinances, and have the sanction of local or State agencies such as State Health Departments, State Game or Fish Departments, Resources and Development Commissions or Authorities.

(d) *Borrower organization.* Ordinarily, loans and grants for water or waste disposal facilities will be made to existing municipal villages, towns, counties, or other unit of government, provided such unit:

(1) Has adequate authority to provide the needed service throughout the proposed service area; and

(2) In any instance where two or more applications for financial assistance for projects that would serve substantially the same group of residents within a single rural area and one such application is submitted by a municipal village, town, county, or other unit of local government, assistance shall be provided through the unit of local government unless prior approval of the National Office is obtained.

(e) *Duplication of facilities.* In any case where there is a question as to whether the facility will duplicate or compete with existing or planned public or private facilities, complete information on the degree of duplication or competition will be forwarded to the National Office for consideration before the Project Report is prepared.

§ 1823.10 Professional, technical, and contractual services.

The FHA may provide advice and consultation in connection with preliminary determinations regarding engineering feasibility, economic soundness, cost estimates, organization, financing, and management. Applicants will be responsible for providing the technical services necessary to plan projects including design of facilities, preparation of cost and income estimates, and development of proposals for organization and financing. The County Supervisor will inform the association of the technical services it must provide. Required services will be obtained from qualified professionals, technicians, tradesmen, and recognized plan reviewers. To the extent practicable, recommendations of the Forest Service, Extension Service, Soil Conservation Service, Bureau of Land Management, Bureau of Reclamation, ASCS, Fish and Wildlife Service, and other agencies should be considered in planning the development.

(a) *Selection of architect or engineer.* The association will be responsible for selecting its architect or engineer. FHA personnel are prohibited from recommending any particular architect or engineer or firm. The County Supervisor may provide applicants, on their request, a list of architects or engineers who have worked successfully on other similar facilities in the immediate area. Written contracts will be required for architectural and engineering services. Such contracts, including the amount of the fee to be paid, will be reviewed and approved by FHA before execution by the applicant. The types of services the con-

tract will require to be performed will include as a minimum the furnishing of preliminary and final drawings, specifications, and estimates of cost of construction; assistance in preparing and soliciting construction bids, analyzing bids, and preparing and awarding of construction contracts and supervision during construction; and advice for 1 year after construction has been completed. Provisions may be made for payment of the fee in installments as work progresses in each of these stages. The amount of the fee payable from FHA funds will be based on the nature and extent of services needed to be furnished to the applicant in connection with the project planning and development. Form FHA 442–19, "Agreement for Engineering Services," will be used in connection with all water and sewer projects, unless an exception is made in individual cases by the State Office. State Directors may approve agreements entered into by the applicant and its engineer prior to filing an application when the provision of such agreements are consistent in all respects with those contained in Form FHA 442–19. Each State Director will prepare an Attachment I to Form FHA 442–19 showing approved suggested fees for his State.

(b) *Associations unable to provide planning assistance.* If an applicant does not have the resources to pay for project planning work, cannot arrange to do it on credit, has no qualified personnel to do such work, and the technical assistance required is not available from other Federal or other public agencies, FHA may:

(1) Provide the necessary planning assistance by utilizing the services of available FHA personnel, or

(2) Make advances of funds in accordance with Subpart B of this part.

(c) *Selection of legal counsel.* The association will be responsible for selecting its legal counsel, and FHA personnel are prohibited from recommending any particular attorney or firm of attorneys. Applicants will have written agreements when legal services are employed. All such agreements, including the amount of the fee to be paid, will be reviewed and approved by FHA prior to execution by the applicant when FHA funds will be used for legal services. Contracts will provide for the types of service to be performed and the amount of the fee to be paid. The use of bond counsel to determine the validity of a bond issue is generally an unnecessary expense since the Office of the General Counsel makes this determination for FHA. However, on insured loans, an opinion by a recognized bond counsel is often needed on the exemption of the interest income on notes or bonds from Federal and State income taxes. Legal fees should be based on the work the attorney is required to do. However, allowances can be made for some types of transactions where the potential liability of counsel increases with the amount of loan or project cost involved. In general, the reasonableness of a legal fee should be determined by considering the probable time involved for the various services agreed upon at the customary rates prevailing in the community rather than by taking a certain percentage of the project cost. The FHA will furnish the applicant association a form of agreement for use as a guide in preparing a contract with its attorney.

(d) *Construction contracts.* Construction contracts will be developed and processed in accordance with Subpart B, Part 1804 of this chapter.

(e) *Water purchase contracts.* Associations proposing to purchase water from private or public sources will be required to have written contracts for such supply, and all such contracts shall be reviewed and approved by FHA prior to their execution by the association. A draft of the proposed contract will be submitted with and made a part of the preliminary engineering report. The FHA will furnish a form of water purchase contract suitable for use as a guide by associations dependent on the purchase of water. A water purchase contract will:

(1) Include a definite commitment by the supplier to furnish at a specified point a specified minimum quantity of water and provide that in case of shortages, all of the supplier's users will share the shortages proportionately. However, if it is impossible to obtain a firm commitment for a minimum supply of water at all times, a contract should not be executed unless the State Director can make a positive determination that the supplier has adequate supply and treatment facilities to furnish its other users and the applicant association for the foreseeable future and that a suitable alternative supply could be arranged within the repayment ability of the association if it should ever become necessary.

(2) Set out the ownership and maintenance responsibilities of the respective parties for the master meter at the point of delivery. It is generally simpler if the supplier installs, owns, and maintains the meter.

(3) Specify the rates at which water will be sold to the association. Since it is difficult to predict future costs of water production, it is generally most satisfactory to provide some kind of escalator clause which will permit rates for the association to be raised or lowered proportionately as certain specified rates for the supplier's regular customers are raised or lowered. Provision may be made for altering rates in accordance with the decisions of the appropriate State agency which may have regulatory authority.

(4) Run for at least the term of the loan. If the supplier cannot legally contract for such period, the contract should be made for the longest term permissible and contain a provision for renewal.

(5) Set out in detail the amount of connection charges or demand charges, if any, to be made by supplier as a condition to making service available to the association. However, the payment of such charges from loan funds should not be approved unless the State Director determines that it is more feasible and economical for the association to pay such a connection charge than it is for the association to provide the necessary water supply by other means.

(6) Provide for a pledge of the contract to the Government as part of the security for the loan.

(7) Not contain provisions for:

(i) Construction of facilities which will be owned or operated by the supplier. This does not preclude the use of money paid as a connection charge for construction to be done by the supplier.

(ii) Options for or agreements to the future sale or transfer of association assets to the supplier, whether or not such sale or transfer would be for a monetary consideration.

§ 1823.11 Special requirements.

(a) *Insurance and bonding.* Property insurance, workman's compensation insurance, liability insurance, and fidelity bonds will be required of all borrowers as follows, except that public body type organizations will provide insurance and bonds as required insofar as they are able to do so under applicable State statutes and regulations:

(1) *Property insurance.* This will include fire and extended coverage on all buildings given as security for the loan, and association-owned machinery housed therein in accordance with Part 1806 of this chapter. Also, if the association owns trucks, tractors, or other vehicles that frequently are driven over public highways, public liability and property damage insurance will be required.

(2) *Workman's compensation.* The association will be required to carry suitable Workman's Compensation Insurance for all its employees in accordance with appropriate State laws.

(3) *Liability insurance.* Requirements for liability insurance will be carefully and thoroughly considered in connection with each association loan, especially in those cases where the association will be involved with recreational facilities. Requirements for public liability and property damage insurance will be established accordingly and obtained not later than the time of loan closing.

(4) *Fidelity bonds.* The association will provide fidelity bond coverage for the positions of officials entrusted with the receipt and disbursement of its funds and the custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the association will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. If permitted by State law, the United States will be named as coobligee in the bond. Form FHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

(b) *Facility control.* Each association must obtain such control over its project area as will be necessary to accomplish its objectives. The control may be obtained by means of deeds, satisfactory contracts, permits, and leases with private landowners or public agencies having appropriate jurisdiction.

(c) *Purchase price—land and rights.* The following controls will be followed where associations are acquiring land, easements, leases, permits, water rights, rights-of-way, and other such interests:

(1) Loans will not be made to associations planning shift-in-land use or recreational facilities which are paying in excess of the present market value for lands, interests therein, and rights being acquired. Present market values will be based on an appraisal report prepared by a qualified FHA appraiser. Such appraisal reports shall consider the property on an "as is" rather than a "developed" basis.

(2) State Directors, in reviewing dockets for associations planning other than recreational or shift-in-land-use projects, will assure that any land and rights needed are being acquired at a reasonable price. State Directors may require an appraisal report prepared as provided for in subparagraph (1) of this paragraph if a significant amount of funds is being used to acquire land and rights or if there is reason to question the proposed purchase price.

(d) *Shift-in-land-use projects*—(1) *Pasture operations.* Grazing associations will base their pasture operations on the best grazing management plan for all land controlled by the association. Assignments of individual pastures will be made only when there are small isolated tracts which cannot readily be included with the main bodies of land controlled by the association.

(2) *Cropland.* All cropland controlled by grazing associations will be restored to grass, except that with prior approval of the State Director, an association may put up a small amount of hay for emergency feeding of association-owned sires or game and wild animals. No hay will be put up for livestock owned by individual members.

(3) *Allotted crop acreages.* In those cases where associations planning shift-in-land-use projects are acquiring land with an allotment of crops in surplus supply, the association will file a written request with the County ASCS Committee for such allotments to be held for the association.

(4) *Grazing associations operating on forest service-administered lands.* A memorandum of understanding has been entered into between the Forest Service and FHA covering methods and policies of administering the responsibilities of both Agencies where loans are being made to grazing associations which are or will be operating on forest service-administered lands.

(e) *Forestry projects.* The applicant is responsible for obtaining assistance from public or private sources in developing the forestry management and operation plan. The plan will include projected yields, estimated operating expenses and income, and a cruise or inventory of existing timber. The report should include both the kind and amount of timber on the land, size and growth rate of predominate type trees, amount of timber now merchantable, and dates which remaining timber should be harvested. It should also include the kinds of forestry product uses such as pulpwood, mine timber, railroad ties, or other uses for which the timber is suitable. The forestry plan of operation and management should be available for consideration during the time of preparation of the Report on Association Application and will be attached to the report.

§ 1823.12 Reserves.

Each borrower will be required to establish and maintain reserves for delinquent accounts sufficient to assure that loan installments will be paid on time for emergency maintenance and for extensions to facilities. In those cases where statutes provide for extinguishing assessment liens of public bodies where properties subject to such liens are sold for delinquent State and county taxes, special reserves will be established and maintained for the protection of the borrower's lien of assessment. Provision for the accumulation of necessary reserves over a reasonable period of time will be included in loan resolutions or bond ordinances and in assessments, tax levies, or rates charged for services. Reserves may be invested in time deposits, savings accounts, or obligations of the United States which may be converted readily into cash. Investments and income therefrom will always be a part of the particular reserve fund from which they were made.

(a) *Reserves for delinquencies.* The amount of reserves for delinquencies will be determined by the State Director after careful consideration of the repayment ability of the association's members or patrons. The reserve for this purpose should ultimately be accumulated in an amount at least equal to any anticipated delinquency in any 1 year.

(b) *Reserves for emergencies and extensions.* Reserves for emergencies and extensions will be determined by the State Director after consultation between the borrower's officials and the County Supervisor.

(c) *Reserves to protect lien of assessments.* Reserves for the protection of borrowers' lien of assessments will be determined by the State Director at a level equivalent to the estimated annual amount for State and county taxes for which property subject to such liens might be sold.

§ 1823.13 Operation and management.

Each applicant must have a feasible plan for the operation, maintenance, and management of its facility and for the management of its business operations. Ordinarily, management plans will be treated in instruments such as bylaws, rules and regulations, ordinances, contracts, agreements, and other similar items. FHA will assist in recommending a form of agreement suitable for an association manager's contract. FHA also will assist by recommending items which should be included in the instrument(s) setting forth rules and regulations for operation of the community domestic water or waste disposal system.

§ 1823.14 Loan and grant approval authority.

State Directors are authorized to approve association loans and development grants as follows:

(a) *Loans.* No loan may be approved without prior authorization of the National Office:

(1) Which will result in an outstanding association loan indebtedness in excess of $250,000 for associations providing facilities other than recreation or shift-in-land-use projects.

(2) Which will result in an outstanding association loan indebtedness in excess of $150,000 for associations providing recreational or shift-in-land-use facilities.

(b) *Development grants.* No grant will be approved without prior authorization of the National Office.

(c) *Redelegation of authority.* State Directors may redelegate loan approval authority in writing to State Office employees other than District Supervisors.

§ 1823.15 Performing development.

Projects will be constructed in accordance with the policies and procedures contained in Subpart B, Part 1804 of this chapter.

§ 1823.16 Subsequent loans and grants.

Subsequent loans and grants will be made in accordance with the requirements of this subpart.

§ 1823.17 Servicing.

Loans and grants made in accordance with this subpart will be serviced in accordance with Subpart C, Part 1861 of this chapter.

§ 1823.18 Loan applications.

(a) *Preliminary inquiries.* Loan and grant assistance to public bodies and nonprofit associations for water and sewer projects is provided under several laws administered by different agencies. To assure referral to the proper agency, each public body or nonprofit association applying to the FHA for assistance for water or sewer projects will complete and file Standard Form 101, "Preliminary Inquiry Concerning Federal Assistance for Water Projects, Sewer Projects, and Waste Treatment Plants," with the County Office. Copies of Stahdard Form 101 may be obtained at FHA County offices. The inquiry will be referred to the appropriate agency for handling and the organization filing the inquiry will be notified of the disposition. This subpart applies to those preliminary inquiries which are subsequently processed by FHA and to those applications for which no preliminary inquiry on Standard Form 101 is required.

(b) *Application.* Each group requesting a loan or grant will make application on Form FHA 410-3, "Preliminary Application (Association Assistance—EO Cooperative Loan—Watershed Loan)." The applicant need not be legally organized to file an application.

§ 1823.19 Project Report and docket processing.

(a) *County Office action.* Upon receipt of an application the County Supervisor will proceed, with the assistance of the District Supervisor and such assistance as may be furnished by the State Director, to complete a Project Report on the

association by identifying the officers, providing information on the feasibility of the project, assets, type of facility, method of operation, individuals to be served, and other data to assist in determining the probable success of the undertaking. The Project Report and other necessary information will be sent to the State Director. FHA employees who participate in the preparation of the report will explain FHA association assistance policies to applicants, but they should not attempt to negotiate or indicate any special terms and conditions until the approval official has reviewed the report and issued a memorandum indicating conditions that will need to be met before loan or grant approval.

(b) *State Office action.* (1) The Project Report, County Committee Recommendation, and other data will be reviewed to determine that the applicant is eligible, funds are requested for authorized purposes, the proposal is sound, and all other pertinent requirements are or apparently can be met.

(2) If the proposal appears to be sound and proper, the State Director will issue a memorandum of tentative commitment which will establish all conditions of approval including requirements relative to:

(i) Maximum amount of loan or grant.

(ii) Repayment schedule.

(iii) Contributions required of applicant or its members.

(iv) Security requirements.

(v) Title to property.

(vi) Organization.

(vii) Business operations.

(viii) Insurance and bonding.

(ix) Method of performing development.

(x) Number of members (users).

(xi) Other conditions which must be met.

(3) In those cases where loan funds or insurance authority or grant funds are not being obligated at the time of issuance of the tentative commitment memorandum, all tentative commitment memorandums will include the following statement:

> This commitment is contingent on the availability of (loan) (grant) funds or (insurance authority). Neither funds nor insurance authority will be obligated until the required conditions are met and the loan or grant is ready to close.

(4) After it is determined that the association has legal authority to contract for a loan or grant and to provide the required security, the State Director may obligate loan and grant funds and loan insurance authority when he determines and the applicant agrees that the conditions of approval or tentative commitment can be met within a reasonable time. The State Director then will take the following actions:

(i) Sign the approval certification on the original and one copy of Form FHA 440–3, "Record of Actions," and insert his title in the space below.

(ii) Authorize disbursement of the loan in not to exceed four advances, provided none of the advances will be scheduled for disbursement later than 2 years from the date of loan closing. Insured loans may be disbursed in more than one advance only when a lender within the State is agreeable to the multiple advances.

(iii) For a direct loan, grant, or a loan from the insurance fund, sign Form FHA 440–1, "Payment Authorization," for each advance and insert his title in the space provided.

(c) *Memorandums of tentative commitment—County Office processing.* Upon receipt of the State Director's memorandum of tentative commitment or the closing instructions, the County Supervisor will:

(1) Discuss with the association's governing body and its architect or engineer and attorney and other appropriate association representatives the conditions of tentative commitment and any actions necessary to complete the docket or proceed with loan closing, whichever is appropriate.

(2) Hand to association officers three copies of the tentative commitment memorandum with attachments, one each for the association, its architect or engineer, and attorney. FHA personnel will not distribute copies of the tentative commitment memorandums or other such material and information directly to the architect or engineer, attorney, or other specialists retained by the association.

§ 1823.20 County Committee recommendations.

Just as soon as adequate information has been assembled on the association's application to enable the County Committee to make its recommendations, it will be presented to the committee by the County Supervisor. Committee recommendations will be made on Form FHA 440–2, "County Committee Certification or Recommendation." It must be signed by at least two committeemen, neither of whom is a member of the applicant association.

§ 1823.21 Applications not receiving favorable consideration and loan or grant cancellation.

(a) *Applications not favorably considered.* If at any time prior to loan or grant approval the County Supervisor is informed that favorable action will not be taken on an application, he will notify the association immediately informing it of the reasons why the request was not favorably considered.

(b) *Cancellation of loans or grants.* Loans or grants which have been approved and obligations established may be canceled before closing as follows:

(1) The County Supervisor will prepare Form FHA 440–10, "Request for Cancellation of Loan," and send it to the State Director. If the State Director approves the request for cancellation, he will return a copy of Form FHA 440–10 to the County Office. When a grant is being canceled, the form will be modified as appropriate.

(i) For an insured loan by a private lender, any checks advanced will be returned promptly to the lender with an explanatory letter.

(ii) For a direct loan or a loan made from the insurance fund, if the check has been received or is received subsequently in the County Office, the County Supervisor will return it to the U.S. Treasury Regional Disbursing office.

(2) Any application for title insurance will be canceled in accordance with Part 1806 of this chapter. Likewise, the borrower's attorney or engineer, if any, should be notified of the cancellation. The County Supervisor may provide the borrower's attorney and engineer with a copy of his notification to the applicant.

§ 1823.22 Preparation and assembly of docket.

County Supervisors will assist applicants in the assembly of material, information, and documents for the docket by providing guides, checklists, sample documents, forms, and other material which may be available. When the necessary documents have been furnished by the association, the County Supervisor will assemble the docket and forward it to the State Office.

(a) *Contracts for professional and technical services.* Proposed contracts such as those with attorneys, architects, and engineers may be submitted for approval of the State Office without awaiting completion of the docket.

(b) *Items to be included in Docket and Project Report.* Applicants will furnish the FHA with the following executed FHA forms or statements relating to the association as may be appropriate for the type of assistance applied for. The County Supervisor will assist and advise the applicant in the preparation and submission of the forms, reports, and other information.

FHA 410–3—Preliminary Application (Association Assistance—EO Cooperative Loan—Watershed Loan) with location map.
FHA 440–3—Record of Actions.
FHA 440–1—Payment Authorization.
FHA 440–2—County Committee Certification or Recommendations.
FHA 442–7—Operating Budget (Association).
FHA 442–13—Statement of Cash Income and Expenditures.
FHA 442–12—Financial Statement.
FHA 442–14—Association Project Fund Analysis.
FHA 443–1—Option To Purchase Real Property.
FHA 422–1—Appraisal Report and Attachments.
FHA 442–17—Membership List (Grazing Association).
FHA 442–18—Grazing Resources Summary.
FHA 442–8—Resolution of the Members or Stockholders.
FHA 440–13—Report of Lien Search.
FHA 442–9—"Association Loan Resolution" or resolution adopted therefrom, bond ordinance, or excerpt therefrom, or other similar document.
Shift-in-Land-Use Plan (Include summary, narrative supplement, development plans, and "before" and "after" maps, range management plans, and other material as appropriate.)
Preliminary Engineering Report.
Plans, Cost Estimates, and Contract Bid Documents.
Stock or Membership Certificate (facsimile or voided copy).
Membership List, Summary, or Certification.

List of Association Officers.
Legal Services Contract.
Architect/Engineering Contract.
Water Service Contract.
Evidence of a Proposal for Organization—Articles of Incorporation and Bylaws; special legislation creating an entity; general legislation under which entity is created; or other basic data of similar nature.
Evidence of or proposal for operational procedures—rules and regulations; membership agreements; managerial agreements; agreement for technical services; extracts or citations to specific statutes; or similar data.
Evidence of Title to Pledged Assets.
Evidence of Concurrence in Project by Appropriate Official Bodies.
Certificate of Concurrence by State Pollution Control Agency.
Certification as to Inability of Applicant to Obtain Credit Elsewhere.
Certification that Project is Consistent with Comprehensive Area Water and Sewer Plan.
Evidence of Comparative Cost between Service through the Central System or Individual Facilities.
Grant Agreement.

Applicants who do not submit executed Forms FHA 440–1 and 442–9 will provide a signed certification as follows:

We, the undersigned, being _____ (Title) _____ and _____ (Title) of the _____ (Name of association), certify that the _____ (Company, corporation, or other applicable terms) is unable to obtain sufficient credit elsewhere to finance the facility, taking into consideration prevailing private and cooperative rates and terms currently available.

§ 1823.23 Preparation for closing loans and grants.

(a) *Construction contracts.* In those cases where it is necessary to invite and open bids in order to determine if the project can be completed within the cost estimate, bids will be invited and opened in accordance with Subpart B, Part 1804 of this chapter.

(b) *Selection of lenders—sale of bonds or notes—tax-exempt public bodies—insured loans.* (1) When preliminary inquiry indicates that income represented by the interest on insured bonds or notes securing loans will be exempt from Federal income tax and the bonds or notes are to be offered for sale either pursuant to advertisement and public sale if required by State law, or by private or negotiated sale if permitted by State law, the State Director will take the following action:

(i) In all cases the borrower should obtain an opinion from a recognized bond counsel concerning the exemption of the interest accruing on such bonds or notes from Federal income tax, or in lieu of such an opinion a determination to the same effect by the appropriate Director of the Internal Revenue Service.

(ii) If State law permits private or negotiated sale, the use of a form of written notice of sale is preferable if time and circumstances permit its preparation. The notice of sale will be prepared by the applicant organization's attorney and approved by the Office of the General Counsel. A guide for use in the preparation of the notice of sale will be made available by FHA.

(iii) The advertisement, notice, or brief description should state that an opinion or determination on tax-exempt status will be furnished the purchaser at the time of delivery.

(iv) Two copies of the applicant's bond ordinance or loan resolution, two copies of the text of the proposed bond or note, if not recited in the ordinance or loan resolution and two copies of the opinion on Federal income tax exemption, if available, will be forwarded with the advertisement or notice of sale.

(2) All bids for bonds and notes must be received, opened and accepted or rejected by the applicant association and not by the FHA. Acceptance of any bid must have the concurrence of the State Director.

(3) A copy of the insurance endorsement to be affixed to or printed on the bond will be attached to each copy of the advertisement or notice of sale forwarded. A guide for the preparation of the insurance endorsement will be furnished by FHA.

(4) Whenever certified checks or other forms of bid deposits are required in connection with an advertised sale of bonds, the County Supervisor must make certain that the deposits of the unsuccessful bidders are returned immediately upon formal determination of the successful bidder. Under no circumstances should such checks or other forms of bid deposits be destroyed. All notifications to bidders will be signed by the borrower. The State Director will sign the approval on the notification to the successful bidder.

(5) Bidders may place their bids on the basis of par or par plus premiums. The proceeds of any such premiums cannot be used for operating expenses, however, but must be deposited in the supervised bank account.

(6) Loans will not be made or insured by FHA if the bonds or similar obligations evidencing those loans are offered for sale or sold at discounts of any kind or if they provide any premiums or penalties for redemption before their schedule retirement dates, unless prior approval of the National Office is obtained.

(c) *Ordering checks.* The County Supervisor will order loan checks so funds will be available prior to the date set for closing.

(1) Checks will not be ordered until:

(i) The signed copy of Form FHA 440–3 has been received from the Finance Office.

(ii) The association has complied with approval conditions and closing instructions, except for those actions which are to be completed on the date of loan closing or subsequent thereto.

(iii) The association is ready to start construction or proceed with development.

(iv) No increase or decrease in the amount of the loan or grant is contemplated. If it becomes evident on or before closing that the amount of the funds should be decreased or increased, the County Supervisor will request that all distributed docket forms be returned to him for revision. The docket, as revised, will be resubmitted to the State Director.

(2) For an insured loan by a private lender, the County Supervisor will request the check in accordance with Part 1812 of this chapter.

(3) For a direct loan or grant, the County Supervisor will check the block for issuance of the check on Form FHA 440–3, sign the form, insert the date of signature, and forward it to the Finance Office. For loans or grants with more than one advance, an extra copy of Form FHA 440–3 will be prepared and submitted to the Finance Office for each advance in sufficient time so that the check will be issued on or about the date listed on the reverse side of the copy of the note as the proposed date of the advance.

(d) *When to request and deposit grant check.* Grant funds will not be disbursed from the Treasury until they are actually needed by the applicant.

(1) The County Supervisor will send the Finance Office a request for a grant check so that the check will be received in the County Office not more than 10 days before the estimated date the applicant will expend the grant funds. If the County Supervisor, upon receiving a grant check after the grant is closed, determines that more than 20 days will elapse before the first grant funds are needed by the applicant, he will return the check to the Treasury Regional Disbursing Office and specify a remailing date.

(2) All grant funds which the applicant will expend within a 30-day period will be included in one advance. When the amount of the grant does not exceed $20,000, the entire grant will be disbursed in one advance. When neither of the foregoing situations prevails, multiple advances will be made in accordance with the procedure in subparagraph (1) of this paragraph.

§ 1823.24 Loan and grant closing.

A loan to an association will be closed in accordance with the closing instructions issued by the Office of the General Counsel as soon as possible after receiving the loan check. A grant may be closed in accordance with grant closing instructions after the required instruments, including the grant agreement, and mortgage have been executed and the mortgage, if any, is filed for record.

(a) *Authority to execute, file, and record legal instruments.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for association loans. This includes mortgages and similar lien instruments, as well as affidavits, acknowledgements, and other certifications (when the mortgagee must execute such certification under State law).

(b) *Preparation of promissory notes and bonds.* Notes and bonds will be completed at the time of loan closing.

(1) Form FHA 440–22, "Promissory Note (Insured Loan to Non-Tax Exempt

Association or Organization)," will be used for insured loans to associations or organizations whose obligations bear interest which is not exempt from Federal income taxation.

(2) For insured loans to public bodies whose obligations bear interest exempt from Federal income taxation, the form of obligation will be determined in accordance with Part 1811 of this chapter. When the obligation will be a single note with amortized annual installments of combined principal and interest, Form FHA 440-33, "Promissory Note (Insured Loan to Tax Exempt Public Body)," will be used, except when legally inappropriate.

(3) Form FHA 440-23, "Promissory Note (Direct Loan to Association or Organization)," or appropriate bond(s), will be used for direct loans.

(c) *Insurance endorsements.* For insured loans, each County Supervisor and each State Director is authorized to endorse notes and bonds and execute insurance endorsements in accordance with Part 1812 of this chapter. Notes and bonds evidencing loans from the insurance fund will be assigned to the lender and insurance endorsements will be executed by the Director, Finance Office, or the Insured Loan Officer in accordance with Subpart A, Part 1874 of this chapter.

(1) *Notes.* The promissory note, except for loans from the insurance fund, will be assigned to the lender at the time of loan closing. For loans from the insurance fund the note will not be endorsed and the insurance endorsement will not be executed until the loan is assigned from the insurance fund.

(2) *Bonds.* If the bond is made payable to the United States, it will be assigned to the lender by endorsement in a similar manner as a promissory note is endorsed and the insurance endorsement will be signed and the bond with the insurance endorsement attached will be delivered to the lender. In the event the bond is made payable to the lender, the insurance endorsement will be signed and the bond with insurance endorsement attached will be delivered to the lender. Except for loans from the insurance fund, the bond and insurance endorsement will be delivered to the lender at the time of loan closing. For loans from the insurance fund, the bond will not be endorsed and the insurance endorsement will not be executed until the loan is assigned from the insurance fund.

(d) *Obtaining development grant agreement.* The development grant agreement will be compeleted and executed in accordance with requirements of approval and closing instructions.

(e) *Real property insurance.* The association will provide insurance coverage at the time of loan closing in the amounts and types specified by the State Director in his conditional commitment memorandum and in accordance with Part 1806 of this chapter.

(f) *Assignments.* Assignments will be prepared in accordance with conditions of loan approval and closing instructions. Assignments based on income from services of equipment will be prepared so as to require income to be remitted on the basis of equipment use.

(g) *Liability insurance.* The association will provide liability insurance at the time of loan closing in the amount and type specified by the State Director in his memorandum of conditional commitment.

(h) *Fidelity bonds.* The association will provide fidelity bonds at the time of loan closing in the amounts of and covering the provisions specified by the State Director in his conditional commitment memorandum. If permitted by State law, the United States will be named as coobligee in the bond. Form FHA 440-24, "Position Fidelity Schedule Bond," may be used if permitted by State law. Use of Form FHA 440-24 will usually result in lower rates for this coverage. Fidelity bonds in the amount required by the State Director in his conditional commitment memorandum will be obtained not later than loan closing.

(i) *Fees and costs.* Statutory fees and other charges for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions will be paid by the association from its own funds or from the proceeds of the loan. Whenever cash is accepted by FHA personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA 440-12, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed.

(j) *Distribution of recorded documents.* The originals of the recorded deeds, easements, permits, certificates of water rights, leases, or other contracts and similar documents which are not required by the loan approval official to be held by the FHA will be returned to the officers of the association.

(k) *Use of and accountability for funds.* (1) Loan and grant funds and any funds furnished by the borrower to supplement the loan will be deposited and handled in accordance with Part 1803 of this chapter in a bank in which deposits are covered by Federal Deposit Insurance. The funds so deposited in a supervised bank account are public monies under Title 12, section 265, United States Code, because they are subject to control by an employee of the United States, and therefore if the amount deposited exceeds $15,000, the bank will be required to pledge collateral security for such excess pursuant to Treasury Department Circular No. 176 before the funds are deposited.

(2) If the financial operations of the local organization are so limited by State laws, or by other special circumstances, that use of a supervised bank account is impossible, loan funds may be deposited in a special bank account without provision for countersignature of checks or warrants by the County Supervisor. In such cases, arrangements should be agreed upon for the prior approval by the County Supervisor of the bills or vouchers upon which warrants will be drawn so that the necessary control of payments from loan funds can be maintained and records in the County Office can be kept current. Periodic audits of such accounts should be made by the County Supervisor at such times and in such manner as the State Director shall prescribe in the conditions of loan approval. If the applicable State laws contain specific and mandatory provisions regulating the depositaries to be used, the security given by the depositary for funds of the association, or the bond required of the association's treasurer, such requirements should be complied with. If, however, there are no such mandatory provisions in the State laws, the State Director should include in his conditions for loan approval requirements for the protection of the loan funds by the depositary placing in escrow or pledging sufficient obligations of the United States or furnishing a good and sufficient bond by a reputable surety company authorized to do business in the State. If other types of protection of the loan or grant funds are proposed, they should be submitted to the Administrator for approval.

(3) Careful accounting for grant funds will be necessary to make sure that the total amount advanced does not exceed the approved percentage of the total actual development cost. Expenditures from the Supervised Bank Account will be considered to have disbursed all borrower and loan funds before the disbursal of any grant funds; any grant funds which remain in the supervised bank account when the project is completed will be returned to FHA.

(4) If, for any reason, a loan check for an insured loan by a private lender cannot be delivered to the borrower, it will be returned to the lender with a request for cancellation. When a loan check is lost or destroyed, the County Supervisor will notify the lender immediately. If the borrower desires that a new check be issued, the lender will be requested to issue a new check.

(5) When a loan check is issued payable jointly to the borrower and FHA, the County Supervisor is authorized to endorse the check on behalf of FHA at the time of loan closing as follows:

Endorsed without recourse:
FARMERS HOME ADMINISTRATION
By_____
Title_____

The State Director is also authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in Part 1862 of this chapter regarding collection items, or the endorsement of such items.

(6) In those cases where loan funds must be delivered in full at the time of loan closing and some of the funds are not immediately needed for the payment of development costs, excess funds may be:

(i) Deposited in an interest-bearing savings account or time deposits in a bank (but not in a savings and loan association) which has qualified as a designated depository under subparagraph (1) of this paragraph. The account shall be in the name of the borrower and the FHA County Supervisor, by title,

under a three-party deposit agreement prepared or approved by the Office of the General Counsel and executed by the borrower, the bank and the County Supervisor. The original of such three-party agreement will be delivered to the borrower, a signed copy will be placed on file with the bank, a signed copy will be placed in the borrower's case file, and a conformed copy will be attached to any certificate(s) of deposit which may be issued to represent such deposits.

(ii) Used by the borrower to purchase insured notes or bonds held by the FHA in its insurance fund, if any such notes are available under any repurchase policy then in effect. Upon such purchase, the borrower will sign a written agreement that it will not sell or assign the obligations purchased without the approval of the FHA, and that the proceeds of any such resale will be reinvested in similar obligations or will be deposited under the same conditions as original loan funds are deposited. For borrowers contemplating the purchase of insured notes or bonds, State Directors will contact the Director, Finance Office, well in advance of loan closing to determine that such notes will be available for purchase on terms which will permit the borrower to obtain cash when needed for authorized loan purposes.

(7) All income from investments under subparagraph (6) of this paragraph must be deposited along with loan funds and be used for authorized loan purposes or applied on the borrower's obligation to the FHA.

§ 1823.25 Actions subsequent to loan closing.

(a) *Mortgages.* The real estate or chattel mortgages will be delivered to the recording office for recordation or filing, as appropriate. A copy of the mortgage will be delivered to the borrower and will be conformed only if required by State law or if it is the custom of other lenders in the area. The original mortgage for both insured and direct loans will be retained in the borrower's County Office case folder.

(b) *Insured notes.* For an insured loan, the check will be requested and insurance endorsement will be processed in accordance with Part 1812 of this chapter.

(c) *Notes.* For a direct loan, the original of the note, or for a loan from the insurance fund, the original and a conformed copy of the note will be sent to the Finance Office immediately after loan closing.

(d) *Development grant agreement.* The original will be forwarded to the Finance Office, a copy retained for the county docket, and a copy handed to the association.

(e) *Serial bonds.* If a loan is evidenced by serial bonds, a list of the bonds, a specimen bond, and a copy of the insurance endorsement will be sent to the Finance Office at the time of loan closing.

(f) *Dispositoin of title evidence.* All title evidence other than the opinion of title, mortgage title insurance policy, and water stock certificates will be returned to the borrower when the loan has been closed.

(g) *Disbursement of funds.* Funds may be disbursed as soon as the loan or grant has been closed and any notes or bonds delivered to FHA or sent to the lender, as appropriate.

(h) *State Office review of loan and grant closing.* The State Director will review the County Supervisor's statement concerning loan and grant closing and the security instruments and other documents used in closing to determine whether it was closed properly. All material submitted will be referred to the Office of the General Counsel for post review, with a request for a written statement as to whether all legal requirements have been met. When the statement from the Office of the General Counsel is received, the State Director will advise the County Supervisor of any deficiencies that must be corrected.

(i) *Water stock certificates.* Water stock certificates will be filed in the loan docket in the County Office.

Dated: May 29, 1967.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 67-6532; Filed, June 9, 1967; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Visas; Use of Form I–151

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on May 9, 1967 (32 F.R. 7025) pursuant to section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) and in which there was set out a proposed amendment to Part 211 of Chapter I of Title 8 of the Code of Federal Regulations pertaining to the waiver of immigrant visas under section 211(b) of the Act for returning residents who present Form I–151, Alien Registration Receipt Card.

Representations which were received concerning the proposed rule of May 9, 1967, have been considered and that proposed rule has been amended by deleting the words "certifies," "certified," and "certification" and inserting in lieu thereof the words "determines and announces," "determined," and "determination." The rule as set out below is adopted.

Subparagraph (1) *Form I–151, Alien Registration Receipt Card* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended by adding the following sentence at the end thereof: "When the Secretary of Labor determines and announces that a labor dispute involving a work stoppage or layoff of employees is in progress at a named place of employment, Form I–151 shall be invalid when presented in lieu of an immigrant visa or reentry permit by an alien who has departed for and seeks reentry from any foreign place and who, prior to his departure or during his temporary absence abroad has in any manner entered into an arrangement to return to the United States for the primary purpose, or seeks reentry with the intention, of accepting employment at the place where the Secretary of Labor has determined that a labor dispute exists, or of continuing employment which commenced at such place subsequent to the date of the Secretary of Labor's determination."

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

The basis and purpose of the above-prescribed rule is to preclude the use of Form I–151 by a lawful permanent resident alien in lieu of his obtaining a returning resident immigrant visa or, prior to departure, of his obtaining a reentry permit, when such use would adversely affect a domestic labor dispute.

This order shall become effective 30 days following its publication in the FEDERAL REGISTER.

Dated: June 7, 1967.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 67-6507; Filed, June 9, 1967; 8:48 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 141]

ADHESIVE STAMPS

Availability

Notice is hereby given of proposed rule making consisting of an amendment to § 141.1 of Title 39, Code of Federal Regulations. The proposed amendment to paragraph (a) will show that 9 cent and 11-cent sheet stamps, and 2-cent and 3-cent stamps in coils will be discontinued when stocks become exhausted in post offices.

Although the proposed amendment relates to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553) in order that Patrons of the Postal Service may have an opportunity to present written data, views, and arguments concerning the proposed amendment. Accordingly, such written comments may be submitted to the Chief, Inventory and Distribution Branch, Bureau of Facilities, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed that paragraph (a) in § 141.1 read as follows:

§ 141.1 **Stamps (adhesive).**

(a) *Adhesive stamps available.*

Purpose	Form	Denomination and prices
Ordinary postage	Single or sheet	½,[1] 1, 1½,[1] 2, 3, 4, 5, 6, 8, 9,[2] 10, 11,[2] 12, 13, 15, 20, 25, 30, 40, and 50 cents; $1 and $5.
	Book	20 5-cent: $1.00.
	Coil of 100	5 cents: $5.00. 25 cents: $25.00. (Dispenser to hold coils of 100 stamps may be purchased for 5 cents additional.)
	Coils of 500 and 3,000	1, 1½,[1] 2,[2] 3,[1] 4 and 5 cents.
	Coils of 3,000	25 cents.
Commemorative stamps	Single or sheet	Various denominations as announced.
Airmail postage (for use on airmail only. See § 141.12(b)).	Single or sheet	6, 8, 15, 20 and 25 cents.
	Book	25 8-cent: $2.00.
	Coils of 100, 500, and 3,000.	8 cents.
Precanceled postage	Single, coils of 500 and 3,000, or sheet.	Available to permit holders only. (See Part 142).
Postage-due (for post office use only).	Single or sheet	1, 2, 3, 4, 5, 6, 7, 8, 10, 30, and 50 cents; $1 and $5.
Special delivery (See Part 166)	Single or sheet	30 cents. Good only for special delivery fee.

[1] Available in precanceled form only except that unprecanceled sheet stamps may be sold for collection purposes.
[2] Will be discontinued when stock is exhausted.

* * * * *

NOTE: The corresponding Postal Manual section is 141.11.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JUNE 6, 1967.

[F.R. Doc. 67-6494; Filed, June 9, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 120, 121]

DDT

Proposed Establishment of Pesticide and Food Additive Tolerances

The Oregon State Agricultural Experiment Station, Oregon State University, Corvallis, Oreg. 97331, has requested the Commissioner of Food and Drugs to establish tolerances for residues of the insecticide DDT in or on fresh hops and dried hops, resulting from application of DDT to growing hops. Data were submitted in the request to support the tolerances, and the request has been designated as a pesticide petition (PP 3F0397) and as a food additive petition (FAP 3H1056).

The Secretary of Agriculture has certified that this insecticide is useful for the purpose for which the tolerances are being proposed.

Based on consideration given the submitted data, and other relevant material, the Commissioner concludes that the tolerances proposed herein are safe and would protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 346(a)(e), 348(d)) and delegated by him to the Commissioner (21 CFR 2.120), it is proposed that Parts 120 and 121 be amended:

1. By adding to § 120.147 following "50 parts per million * * *" a new tolerance, as follows:

§ 120.147 **DDT; tolerances for residues.**

* * * * *

20 parts per million in or on fresh hops. Any byproducts or refuse from such hops are not to be used for feeding livestock.

* * * * *

2. By adding to § 121.1093 following "100 parts per million * * *" a new tolerance, as follows:

§ 121.1093 **DDT.**

* * * * *

80 parts per million in or on dried hops.

* * * * *

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing DDT may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein regarding § 120.147 (21 CFR 120.147) be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice 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 comments on this proposal, preferably in in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6524; Filed, June 9, 1967; 8:49 a.m.]

[21 CFR Part 121]

DIOCTYL SODIUM SULFOSUCCINATE FOOD ADDITIVES

Proposed Use in Production of Sugar From Sugarbeets

Pursuant to section 409(c)(1) of the Federal Food, Drug, and Cosmetic Act, an order was published in the FEDERAL REGISTER of August 3, 1965 (30 F.R. 9639), amending § 121.1137 of the food additive regulations to provide for the use of dioctyl sodium sulfosuccinate as a processing aid in the manufacture of unrefined sugar derived from sugarcane and sugarbeets. Subsequently, an objection was filed to the order and in consideration thereof the available data on

use of the additive were further investigated. As a result, the Commissioner of Food and Drugs concludes that available data are insufficient to support the provision of the amended regulation permitting use of the additive in the production of sugar from sugarbeets.

Therefore, pursuant to the provisions of the act (sec. 409 (c), (e), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c), (e)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that § 121.1137(b) be revised to read as follows:

§ 121.1137 Dioctyl sodium sulfosuccinate.

* * * * *

(b) As a processing aid in the production of unrefined cane sugar, in an amount not in excess of 0.5 part per million of the additive per percentage point of sucrose in the juice, sirup, or massecuite being processed.

* * * * *

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6523; Filed, June 9, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Definition of Nonfood Product

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 4 to the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502). This amendment is issued in lieu of Proposed Amendment 1, published in the FEDERAL REGISTER of January 11, 1967 (32 F.R. 279) as it pertained to the change in the definition of nonfood products (§ 777.3(c)(4)).

Consideration will be given to all written comments of suggestions in connection with the proposed amendment filed in duplicate, with the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 15-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j). It would provide a change in the definition of nonfood product appearing in the Processor Wheat Marketing Certificate Regulations to define more precisely the products intended to be covered by the provision relating to unsuitable production.

The amendment would read as follows:

Section 777.3(c)(4) is amended to read as follows:

§ 777.3 Definitions.

* * * * *

(c) "Nonfood product" means:

* * * * *

(4) Any product being manufactured as a food product which becomes unsuitable for marketing as the food product originally intended to be produced: *Provided:*

(i) The loss is the result of (*a*) machinery malfunction or breakdown, (*b*) power failure, (*c*) strike, or (*d*) any other unforeseen circumstance which, upon request of the processor, is specifically approved in writing by the Director.

(ii) Such product and all other products obtained from the wheat are destroyed or prior to marketing or removal from the plant (whichever occurs first) are unsuitable for marketing as a food product and are used in or marketed as animal feed or other nonfood products specified in this paragraph.

This subparagraph does not cover screenings or other residue from cleaning the wheat, dust, fines, or floor sweepings or spillage collected in the processing plant, but this shall not be construed to prohibit the processor, in taking a deduction for a product to which the preceding provisions of this subparagraph apply, from deducting the quantity of wheat processed into such nonfood product.

* * * * *

Effective date. It is proposed that this amendment be effective on July 1, 1967.

Signed at Washington, D.C., on June 7, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-6529; Filed, June 9, 1967; 8:50 a.m.]

Consumer and Marketing Service

[7 CFR Part 1099]

MILK IN PADUCAH, KY., MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Paducah, Ky., marketing area is being considered for the months of June, July, and August 1967.

The provisions proposed to be suspended are subparagraphs (2) and (3) of paragraph (c) in § 1099.13, relating to the diversion of milk by the operator of a pool plant or by a cooperative association to a nonpool plant not subject to the pricing and pooling provisions of another Federal milk order.

This suspension action has been requested by the Paducah Graded Milk Producers Association to enable them to efficiently handle the market's seasonal reserve supply of producer milk.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

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

Signed at Washington, D.C., on June 7, 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67-6531; Filed, June 9, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 243]

[Docket No. 16477; EDR-92D]

SERVICES PERFORMED FOR DEPARTMENT OF DEFENSE

Reporting Results; Meeting

JUNE 7, 1967.

In EDR-92B, dated March 29, 1967, and published at 32 F.R. 5562, the Board issued a revised proposed rule which would require the separate reporting of results of charter services performed for the Military Airlift Command in new Part 243 and CAB Form 243. Interested persons were invited to participate in the rule making proceeding by submitting comments on or before May 15, 1967, as extended in EDR-92C.

Comments received on this rule making proposal contain requests for an informal meeting between interested persons and the Board's staff to discuss pertinent aspects of the proposed Part 243. The undersigned finds that good cause has been shown and that it will be in the public interest to grant the request for an informal meeting.

Accordingly, pursuant to authority delegated by the Board to the undersigned in § 385.21(b) of the Board's regulations (14 CFR 385.21(b)), notice is hereby given that on Monday, June 19,

1967 at 10 a.m., d.s.t., at the Board's offices, Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., an informal meeting will be held between the staff of the Board and interested persons to discuss Proposed Part 243 and CAB Form 243.

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

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 67-6509; Filed, June 9, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 110]

[No. 32153]

RAILROAD COMPANIES

Uniform System of Accounts

MAY 25, 1967.

Notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration proposed amendments of the Uniform System of Accounts for Railroad Companies, to be effective as of January 1, 1967, with regard to the accounting treatment of extraordinary and prior period items in the determination of net income.

The proposed regulations would (a) generally require that items affecting net income be recorded in appropriate profit and loss accounts, rather than by direct entry to retained income account, and (b) explain, define, and provide accounts and categories for ordinary income, extraordinary items, prior period items and applicable income taxes.

The revised rules herein proposed will have several notable advantages over current regulations which conditionally permit direct entry to retained income. Moreover, in asserting more objective criteria with respect to determination of materiality than presently exist, the proposed changes are intended to minimize the extensive need to interpret existing regulations.

The detailed statement of proposed rule set forth below completely states the proposed revisions to the applicable parts of the Uniform System of Accounts for Railroad Companies, considered necessary to accomplish the stated objectives.

All carriers affected by the proposed rules and other interested parties who desire to do so should submit written views and comments for consideration, as soon as possible, and not later than July 15, 1967. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered. An original and three copies of any such response should be submitted.

Notice shall be given railroad companies hereby affected and to the general public by depositing this notice in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended, 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

DETAILED STATEMENT OF PROPOSED RULE

I. INSTRUCTIONS AMENDED

Item No. 1. Instruction "1–2 Classification of accounts" is amended by revising the second sentence of paragraph (a) and adding a third sentence to this paragraph, and by revision of paragraph (d) as follows:

(a) * * * Separate accounts are prescribed for investment in property not used in transportation operations and for other investments and income therefrom; for extraordinary and prior period items, including applicable income taxes; and for assets, liabilities and capital includible in the balance sheet statement. Retained income accounts form the connecting link between the income account and the equity section of the balance sheet. They are provided to record the transfer of net income or loss for the year; certain capital transactions; and, when authorized by the Commission, other items.

* * * * *

(d) All items of profit and loss recognized during the year are includible in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation to operating revenues and ordinary income for the year and are clearly not identified with or do not result from usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those resulting from unusual sales of property and investment securities other than temporary cash investments, from company bonds reacquired, from change in application of accounting principles, and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludible from ordinary income are to be entered directly in the income accounts provided for extraordinary and prior period items upon approval of the Commission.

Adjustments, constituting items of a character typical of customary business activities or representing corrections or refinements resulting from the natural use of estimates inherent in the accounting process, shall not be considered extraordinary or prior period items regardless of size.

In determining materiality, items of a similar nature should be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item shall exceed 1 percent of total operating revenues and 10 percent of ordinary income for the year.

Item No. 2. The last sentence of instruction "1–7 Delayed items" is amended as follows:

* * * See instruction 1–2(d) for instructions covering delayed items of a nonrecurring nature.

Item No. 3. Instruction "2–8 Additions to and retirements of units of property" is amended by revising paragraph (c) as follows:

(c) When property (other than a minor item constituting repairs) classified as other than depreciable property is retired, the cost thereof shall be cleared from the property account and the service value shall be charged to account 267 "Retirements—Road", except that the service value, when material in amount, in connection with the retirement of a branch line, segment of track, or other important facility constituting a permanent reduction in plant may be recorded in account 570 "Extraordinary items", when authorized by the Commission. See instruction 1–2(d).

Item No. 4. Instruction "2–19 Distribution of cost of property to primary accounts" is amended by revising the last sentence in paragraph (d) as follows:

* * * The amount so included in account 80 shall be cleared subsequently in accordance with provisions in the text of that account.

Item No. 5. Instruction "5–4 Leased property-depreciation" is amended by revising the last sentence in paragraph (a) as follows:

* * * The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall be made appropriately through accounts 519 "Miscellaneous income", or 551 "Miscellaneous income charges", at the time settlement for depreciation on the property is made with the lessor.

Item No. 6. Instruction "6–1 Current assets" is amended by revising the fourth sentence as follows:

* * * Items of current character but of doubtful value previously credited to operating revenue, operating expense or other income accounts shall be written down or written off by charging those accounts, as appropriate. * * *

Item No. 7. Instruction "6–2 Recorded value of securities owned" is amended by revising the penultimate sentence as follows:

* * * Losses in value of securities written off shall be charged to account 551 "Miscellaneous income charges" or to account 570 "Extraordinary items", as appropriate. * * *

Item No. 8. Instruction "6–3 Discount, expense and premium on debt" is amended by revising the first sentence of paragraph (c) as follows:

(c) When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in accounts containing

discount, expense and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as may be appropriate, and concurrently charged or credited to account 519 "Miscellaneous income", account 551, "Miscellaneous income charges"; or to account 570 "Extraordinary items", as may be appropriate, in accordance with the text of these accounts. * * *

II. TEXTS OF PROPERTY ACCOUNTS AMENDED AND REVISED

Item No. 1—Account 1, Engineering. "Note B" to the text of this account is amended as follows:

NOTE B: Expenditures for tentative or preliminary surveys shall be carried in a suspense account until it is determined whether or not to continue the work. If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to appropriate income accounts.

Item No. 2—Account 80, Other Elements of Investment. The text of this account is revised to read as follows:

80 Other elements of investment.

(a) This account shall include amounts resulting from adjustment of the primary property accounts to conform with cost of property in the valuation records pursuant to instruction 2–19 of these rules; also similar adjustments attributable to reorganizations pursuant to instruction 2–15. The amount in this account shall be cleared on a consistent basis as property is retired from service or otherwise in accordance with the rules in paragraphs (b), (c), and (d) of this account. Any material amount in this account assignable to property previously retired from service shall be cleared immediately.

(b) When property is retired from service, an equitable portion of the balance in this account assignable to such property shall be cleared when the retirement entry is made. The amount so cleared, when a debit, shall be charged to account 551 "Miscellaneous income charges", or, when a credit, shall be recorded in account 519 "Miscellaneous income"; or such amount shall be included in account 570 "Extraordinary items", provided such amount, when combined with the related retirement loss, is sufficiently large to constitute an extraordinary item, pursuant to instruction 1–2 (d). The exception to this general rule with respect to a credit balance assignable to property retired is that when property classified as depreciable is retired from service and the balance in the depreciation reserve for such property is materially deficient, because of sudden retirement or other unusual cause, the portion of a credit balance cleared for the retirement, equal to the deficiency in the reserve, shall be applied to reduce the amount of loss otherwise chargeable to the depreciation reserve.

(c) A carrier may apply to the Commission for authority to clear the entire balance from this account immediately or amortize the balance over a short period of time by appropriate inclusion in account 616 "Other Debits to Retained Income", or account 606 "Other Credits to Retained Income". Any amount so authorized or directed by the Commission to be cleared and written off to retained income shall be in lieu of amounts includible in accounts indicate in paragraph (b).

(d) Other plans for clearance, disposition, or classification of a balance in this account in conformity with sound accounting principles may be submitted to the Commission with suitable details for consideration. This includes application for disposition of a balance in this account in conformity with sound capitalization in a reorganization. An accounting procedure so applied for shall become effective only after Commission approval. Each carrier shall maintain a record of items initially included in and cleared later from this account and the basis used in computing such items.

NOTE: The amounts attributable to past mergers, consolidations and purchases of property included in this account 80 shall be merged with the adjustment made pursuant to paragraph (a) of this text.

III. TEXTS OF OPERATING EXPENSE ACCOUNTS AMENDED

Item No. 1—Account 267, Retirements; Road. The text of this account is amended by revising paragraph (c) as follows:

(c) When the difference referred to in paragraph (b) of this account or the aggregate of all such differences for retirements is of an amount sufficiently large to constitute an extraordinary item, pursuant to instruction 1–2(d), the amount shall be credited to account 570 "Extraordinary items".

Item No. 2—Account 330, Retirements; Equipment. The text of this account is amended by revising paragraph (b) as follows:

(b) When the difference referred to in paragraph (a) of this account or the aggregate of all such differences for retirements is of an amount sufficiently large to constitute an extraordinary item, pursuant to instruction 1–2(d), the amount shall be credited to account 570 "Extraordinary items".

IV. TEXTS OF INCOME ACCOUNTS AMENDED

Item No. 1—Account 519, Miscellaneous Income. The text of this account is amended by revising paragraph (b) as follows:

(b) When the profit from sale of land, noncarrier property, or investment securities other than temporary cash investments, or from the reacquisition of the company's own bonds is of an amount sufficiently large to constitute an extraordinary item, pursuant to instruction 1–2(d), such profit shall be credited to account 570 "Extraordinary items".

Item No. 2—Account 532, Railway Tax Accruals. The text of this account is amended by revising paragraphs (c) and (d) as follows:

(c) Accruals for Federal income taxes applicable to ordinary income shall be included in this account. See texts of account 590 "Federal income taxes on extraordinary and prior period items", account 606 "Other credits to retained income", and account 616 "Other debits to retained income", for recording other income tax consequences.

Details pertaining to the tax consequences of other unusual and significant items, and also cases where tax consequences are disproportionate to related amounts included in income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

(d) Federal income taxes which are refundable or reduced as the result of carry-back or carry-forward of operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs or, if a carry-forward, in the year in which such loss is applied to reduce taxes. However, when the amount constitutes an extraordinary item, pursuant to instruction 1–2(d), it shall be included in account 580 "Prior period items".

Item No. 3—Account 551, Miscellaneous Income Charges. The text of this account is amended by revising paragraph (b) as follows:

(b) When the loss on the sale of land, noncarrier property, or investment securities other than temporary cash investments, or on the reacquisition of the company's own bonds is of an amount sufficiently large to constitute an extraordinary item, pursuant to instruction 1–2(d), such loss shall be included in account 570 "Extraordinary items".

Item No. 4. The system of accounts, following the text of account 551 "Miscellaneous income charges", is amended by adding the following caption and account numbers, titles, and texts:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

570 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1–2(d), upon approval by the Commission. Among the items which shall be included in this account are:

Net gain or loss on sale of land used for transportation purposes, and of noncarrier property.

Net gain or loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment of value.

Net gain or loss on reacquisition of company bonds.

Loss on sale or retirement of transportation property, for which depreciation reserve has not been provided.

Changes in application of accounting principles.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 590 "Federal income taxes on extraordinary and prior period items".

580 Prior period items (net).

(a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text of instruction 1–2(d), upon approval of the Commission. Among the items which shall be included in this account are:

Unusual adjustments, refunds or assessments of Federal income taxes of prior years.
Unusual adjustments of reserves of prior years determined to be excessive or deficient.
Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 590 "Federal income taxes on extraordinary and prior period items".

590 Federal income taxes on extraordinary and prior period items.

This account shall include the estimated Federal income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary, and are recorded in accounts 570 "Extraordinary items" and 580 "Prior period items".

V. TEXTS OF RETAINED INCOME ACCOUNTS DELETED AND AMENDED

Item No. 1. The following accounts in the section covering "Retained Income Accounts", are deleted by cancelling the numbers, titles, texts thereof and notes thereto.

603 Profit from Sale of Property.
604 Profit from Sale of Investment Securities.
605 Profit from Company Bonds Reacquired.
613 Loss on Sale or Retirement of Property.
614 Loss on Sale of Investment Securities.
615 Loss on Company Bonds Reacquired.
617 Federal Income Taxes Assigned to Retained Income.

Item No. 2—Account 606, Other Credits to Retained Income. This account is amended by revising the text as follows:

606 Other credits to retained income.

This account shall include other credit adjustments, net of assigned Federal income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

Item No. 3—Account 616, Other Debits to Retained Income. This account is amended by revising the text as follows:

616 Other debits to retained income.

(a) This account shall include losses from resale of reacquired capital stock, and charges which reduce or writeoff discount on capital stock issued by the company, but only to the extent that such charges exceed credit balances in capital surplus for shares reacquired. See instruction 6–4.

(b) This account shall also include other debit adjustments, net of assigned Federal income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

VI. TEXTS OF BALANCE SHEET ACCOUNTS AMENDED

Item No. 1—Account 723, Reserve for Adjustment of Investment in Securities—Cr. This account is amended by revising the text as follows:

723 Reserve for Adjustment of Investment in Securities—Cr.

(a) This account shall include the total of the balances in such reserves as are maintained by the accounting company for the purpose of providing for reductions in the value of securities owned and recorded in accounts 721 "Investments in affiliated companies", or 722 "Other investments". Corresponding charges shall be made to account 551 "Miscellaneous income charges", or account 570 "Extraordinary items", as appropriate.

(b) If reserves are maintained in provision for anticipated losses in specific securities, when the related assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular securities involved, and the remainder, if any, shall be charged to account 551 "Miscellaneous income charges", or to account 570 "Extraordinary items", as appropriate. In case a general reserve for losses in unspecified security values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 551 "Miscellaneous income charges", or to account 570 "Extraordinary items", as appropriate.

Item No. 2—Account 735, Accrued Depreciation; Road and Equipment. The text of this account is amended by revising paragraph (a) as follows:

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts to cover the loss in service value of depreciable road and equipment property. It shall also include adjustments which the Commission may authorize the accounting company to make with respect to past accruals of depreciation.

VII. FORM OF INCOME STATEMENT AMENDED

560 Form of Income Statement is amended by making the following changes:

Item No. 1. The caption number is changed from "560" to "599."

Item No. 2. The caption following the opening paragraph, "Operating Income", is changed to "Ordinary Items".

Item No. 3. All line items after the center caption, "Other Deductions", are canceled and the following are added:

546	Interest on funded debt:		
	(c) Contingent interest	------	------
	Ordinary income	------	------
	Extraordinary and Prior Period Items		
570	Extraordinary items (net)	------	------
580	Prior period items (net)	------	------
590	Federal income taxes on extraordinary and prior period items	------	------
	Total extraordinary and prior period items	------	------
	Net income transferred to Retained Income—Unappropriated	------	------

VIII. MISCELLANEOUS AMENDMENTS

Item No. 1. The List of Instructions and Accounts is amended by making the following changes:

a. Directly below "Income Accounts", the caption "Ordinary Items" is added.

b. Below the line item, "551 Miscellaneous income charges", the following caption and line items are added:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

570 Extraordinary items (net).
580 Prior period items (net).
590 Federal income taxes on extraordinary and prior period items.

c. Line item number "560" is changed to "599."

d. The following Retained Income Accounts items are deleted:

603 Profit from sale of property.
604 Profit from sale of investment securities.
605 Profit from company bonds reacquired.
613 Loss on sale or retirement of property.
614 Loss on sale of investment securities.
615 Loss on company bonds reacquired.
617 Federal income taxes assigned to retained income.

Item No. 2. In the system of account, above the number, title and text of account "501 Railway Operating Revenues" and directly below the caption "Income Accounts", the caption "Ordinary Items" is added.

[F.R. Doc. 67-6528; Filed, June 9, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 444]

CALIFORNIA

Opening of Lands From Waterpower Withdrawal

JUNE 5, 1967.

By virtue of the authority contained in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to 235 DM 1.1 (28 F.R. 2535), it is ordered as follows:

In an order issued February 16, 1967, the Federal Power Commission vacated the power withdrawal created by the filing of an application for license for Project No. 878 pertaining to the following described lands:

MOUNT DIABLO MERIDIAN

All portions of the following described lands lying at or below elevation 6,379 feet U.S. Geological Survey datum:

T. 12 N., R. 17 E.,
Sec. 11, lots 2, 5 and 6;
Sec. 14, lots 6, 7 and 8.

The areas described aggregate approximately 7.36 acres in the El Dorado National Forest, of which lot 2 is withdrawn by Public Land Order No. 4018 of May 20, 1966, for the Pope-Baldwin Recreation Area.

At 10 a.m. on July 12, 1967, the lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to the provisions of existing withdrawals.

The State of California has waived the preference right of application provided by section 24 of the act of June 10, 1920, supra.

IRVING SENGEL,
Assistant Director.

[F.R. Doc. 67-6490; Filed, June 9, 1967; 8:46 a.m.]

[C-2100]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple Use Management

JUNE 6, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All the described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed for classification are located within the following described areas and are shown on maps on file in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo., and Land Office, Bureau of Land Management, New Federal Building, Denver, Colo.

3. The lands involved are in Jackson County and are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 7 N., R. 77 W.
Secs. 31 and 32.
T. 6 N., R. 78 W.
Secs. 1 to 7, inclusive.
T. 7 N., R. 78 W.
Secs. 3 to 7, inclusive, and sec. 9;
Secs. 17 to 20, inclusive;
Secs. 29 to 35, inclusive.
T. 8 N., R. 78 W.
Secs. 2 to 5, inclusive;
Secs. 8 to 11, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, inclusive;
Secs. 29 to 34, inclusive.
T. 9 N., R. 78 W.
Secs. 4 to 11, inclusive;
Secs. 13 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 10 N., R. 78 W.
Sec. 7;
Secs. 17 to 19, inclusive;
Secs. 30 and 31.
T. 6 N., R. 79 W.
Secs. 1 and 12.
T. 7 N., R. 79 W.
Secs. 1 to 4, inclusive;
Secs. 6 and 7;
Secs. 9 to 15, inclusive;
Secs. 24, 25, and 36.
T. 8 N., R. 79 W.
Secs. 6, 7, 8, and 9;
Sec. 13;
Sec. 17 to 22, inclusive;
Sec. 24;
Secs. 27 and 28;
Secs. 30 and 31;
Secs. 33 and 34.
T. 9 N., R. 79 W.
Secs. 1 to 4, inclusive;
Secs. 6 and 7;
Secs. 9 to 15, inclusive;
Secs. 18, 19, and 20;
Secs. 23, 24, and 25;
Secs. 29, 30, and 31.
T. 10 N., R. 79 W.
Secs. 1, 2, and 3;
Secs. 8, 9, and 10;
Secs. 12 to 20, inclusive;
Secs. 22, 23, and 24;
Secs. 26 to 34, inclusive.
T. 11 N., R. 79 W.
Sec. 2;
Sec. 11;
Secs. 14 and 15;
Sec. 17;
Secs. 20 to 23, inclusive;
Secs. 27, 28, and 29;
Secs. 33, 34, and 35.
T. 7 N., R. 80 W.
Secs. 1 to 4, inclusive.
T. 8 N., R. 80 W.
Sec. 1;
Secs. 3 to 12, inclusive;
Secs. 14 to 31, inclusive;
Secs. 33 to 36, inclusive.
T. 9 N., R. 80 W.
Secs. 1 to 8, inclusive;
Secs. 10 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26, 27, and 28;
Secs. 31 to 36, inclusive.
T. 10 N., R. 80 W.
Secs. 3 to 8, inclusive;
Sec. 10;
Secs. 14 to 33, inclusive;
Secs. 35 and 36.
T. 11 N., R. 80 W.
Sec. 11;
Secs. 13 to 24, inclusive;
Secs. 26 to 35, inclusive.
T. 12 N., R. 80 W.
Secs. 27 and 28;
Secs. 32 to 34, inclusive.
T. 8 N., R. 81 W.
Secs. 12 and 13;
Sec. 25.
T. 9 N., R. 81 W.
Sec. 1;
Sec. 12.
T. 10 N., R. 81 W.
Secs. 6 and 7;
Secs. 17, 18, 19, and 20.
T. 11 N., R. 81 W.
Secs. 2 to 15, inclusive;
Secs. 18 and 19;
Secs. 23, 24, and 25;
Secs. 30 and 31.
T. 12 N., R. 81 W.
Secs. 19 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 10 N., R. 82 W.
Sec. 1;
Sec. 12.
T. 12 N., R. 82 W.
Sec. 24;
Sec. 26.

The public lands in the areas described aggregate approximately 127,315 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Glenwood Springs, Colo.

5. A public hearing on the proposed classification will be held on July 19, 1967, at 10 a.m. in Brunner Hall, Walden, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-6491; Filed, June 9, 1967; 8:46 a.m.]

Office of the Secretary

DEFENSE ELECTRIC POWER ADMINISTRATION

Delegations of Authority in Defense Emergencies

The following delegation of authority to Officials of the Defense Electric Power Administration is a part of the Departmental Manual, and the numbering is that of the Manual:

STEWART L. UDALL,
Secretary of the Interior.

JUNE 8, 1967.

290.5.1 *Delegation of Authority to Headquarters and Field Officials of DEPA for use in event of a declared civil defense emergency or attack on United States.*

A. In the event of a civil defense emergency, as defined in section 301 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C., App., sec. 2291), or an attack upon the United States, and subject to the limitations stated in subparagraph 290 DM 5.1B, the Administrator, Deputy Administrator, Assistant Administrators, Area Power Directors, and Deputy Area Power Directors of the Defense Electric Power Administration (DEPA) may severally exercise all of the authority of the Secretary of the Interior with respect to electric power under—

(1) The Defense Production Act of 1950, as amended (50 U.S.C., App., secs. 2061 et seq.), including but not limited to—

(a) The priorities and allocation powers in Title I of the Act,

(b) The authority, provided by section 704 of the Act, to make such rules, regulations, and orders as are deemed necessary to carry out the provisions of the Act (including but not limited to documents which are additions to, or amendments of such additions to, the Code of Federal Regulations), and

(c) The authority to employ civilian personnel for duty in the United States provided by section 703(a) of the Act, except as limited by subparagraph B(3)(c) of this delegation;

(2) Any other law pursuant to which the Secretary has been delegated functions or powers by virtue of authority delegated to him under the Defense Production Act; and

(3) Any law which may be enacted, or any delegation to the Secretary of the authority of the President, extending similar or providing additional defense mobilization authority.

B. *Limitations.*

(1) Each of the officials designated in subparagraph 290 DM 5.1A shall exercise his authority only as appropriate and necessary to the performance of the emergency duties assigned to his position and subject to such guidance and direction as may be received from superior officials in DEPA.

(2) Area Power Directors and other DEPA area officials shall exercise their authority, and DEPA Regional Power Liaison Representatives shall perform their liaison functions, subject also to the guidance and determinations provided by regional officials of the Office of Emergency Planning (or its successor emergency agency) and the office of Civil Defense and officials of State governments pursuant to their respective responsibilities and functions as set forth in official national plans, orders, agreements, and procedures adopted prior to the emergency, until such time as these DEPA officials may be advised that provisions of any such documents have been modified following the onset of the emergency.

(3) The delegation of authority made in subparagraph 290 DM 5.1A does not authorize any official of DEPA to—

(a) Perform any function or exercise any power which cannot be redelegated by the Secretary of the Interior under the provisions of a delegation of authority to the Secretary;

(b) Redelegate any power or function to any person other than an official or employee of DEPA; or

(c) Appoint or employ any person under section 710 of the Defense Production Act of 1950, as amended.

C. *Redelegation.* During a civil defense emergency or after an attack upon the United States, the authority delegated in subparagraph 290 DM 5.1A may be redelegated to subordinate DEPA officials with power successively to redelegate. Such redelegations may be made prior to a civil defense emergency or attack upon the United States, to become effective upon the occurrence of such an emergency, but any such redelegation issued prior to an emergency must have the approval of the Administrator of the Defense Electric Power Administration and be published in the FEDERAL REGISTER.

290.5.2 *Delegation of Authority to the Administrator, DEPA, for use in other types of national defense emergencies.*

A. Under conditions of a national defense emergency other than a declared civil defense emergency or an attack upon the United States, and subject to the limitations stated in 290 DM 5.1B and 290 DM 5.2B, the Administrator of the Defense Electric Power Administration (DEPA) may exercise all of the same authority of the Secretary of the Interior as that delegated by the foregoing subparagraph 290 DM 5.1A.

B. *Limitations.* In addition to the limitations stated in subparagraph 290 DM 5.1B, the following limitations also pertain to the delegation made to the Administrator in subparagraph 290 DM 5.2A:

(1) The exercise of these authorities will be subject to policy guidance, direction, and control of the Director of the Office of Emergency Planning (or its successor agency in an emergency), directly or through the Secretary of the Interior.

(2) Any finding made under or pursuant to and for the purpose of section 101(b) of the Defense Production Act of 1950, as amended, with respect to possible need for exercise of priorities and allocation powers to control the general distribution of electric power in order to meet requirements of the national defense, shall be submitted through the Secretary of the Interior for the approval of the Director of the Office of Emergency Planning. As provided in section 201(b) of Executive Order 10480, as amended, such findings shall not be effective until approved by the Director of OEP.

C. *Redelegation.* Redelegation of the authority delegated in 290 DM 5.2A shall be confined to full-time officials in the DEPA national headquarters, until such time as the Secretary of the Interior may determine that the DEPA field organization should be activated and the authority should be delegated to certain field officials.

[F.R. Doc. 67-6619; Filed, June 9, 1967; 11:31 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MORTON INTERNATIONAL, INC.

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 7B2177) has been filed by Morton International, Inc., 110 North Wacker Drive, Chicago, Ill. 60606, proposing an amendment to § 121.2520 *Adhesives* to provide for the same use of *N*-β-aminoethyl-*gamma*-aminopropyl trimethoxysilane as a component of food-packaging adhesives.

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6520; Filed, June 9, 1967; 8:49 a.m.]

NORWICH PHARMACAL CO.

Notice of Filing of Petition for Food Additive Buquinolate

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 has been filed by The Norwich Pharmacal Co., Box 191, Norwich, N.Y. 13815, proposing the amendment of § 121.291 *Buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinoline-carboxylate)* to provide for the safe use of buquinolate in chicken feed for the prevention of coccidiosis in chickens caused by the organism *E. maxima*.

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6521; Filed, June 9, 1967; 8:49 a.m.]

SALSBURY'S LABORATORIES

Notice of Withdrawal of Petition for Food Additives Dimetridazole and Antibiotics

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition (FAP 5C1700) was filed by Salsbury's Laboratories, Charles City, Iowa 50616, notice of which was published in the FEDERAL REGISTER of April 3, 1965 (30 F.R. 4365), proposing an amendment to § 121.258 *Dimetridazole* to provide for the safe use in turkey feed of dimetridazole in combination with specified low-level antibiotics for growth promotion and feed efficiency. Subsequently, the Commissioner of Food and Drugs requested the petitioner to submit certain additional information, to be received within 180 days of the petition's filing date. The requested information has not been received; therefore, in accordance with § 121.51(j) of the procedural food additive regulations (21 CFR 121.51(j)), the subject petition is considered withdrawn without prejudice to a future filing.

Dated: June 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6522; Filed, June 9, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-8294 etc.]

JOHN B. HAWLEY, JR. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 5, 1967.

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 heretofore authorized 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.

Protests 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 or 1.10) on or before June 23, 1967.

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 protest or 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 protest or 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: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-8294..... E 5-8-67	John B. Hawley, Jr. and G. S. Davidson, trustees under John B. Hawley, Jr. Trust No. 1 (successor to John B. Hawley, Jr.), 1915 Fifth Ave., North, Minneapolis, Minn. 55430.	Cities Service Gas Co., Kansas Hugoton Gas Field, Haskell County, Kans.	12.5	14.65
G-8407..... E 5-22-67	Astra Oil & Gas Corp. (successor to Swan-Finch Gas Development Corp.), Terminal Bldg., Bradford, Pa. 16701.	The Manufacturers Light & Heat Co., acreage in Elk County, Pa.	27.5	15.325
G-9143..... E 5-8-67	John B. Hawley, Jr. and G. S. Davidson, trustees under John B. Hawley, Jr. Trust No. 1 (successor to John B. Hawley, Jr.).	Cities Service Gas Co., Kansas Hugoton Gas Field, Morton County, Kans.	12.5	14.65
G-9268..... E 5-8-67	....do....	Northern Natural Gas Co., Kansas Hugoton Gas Field, Haskell County, Kans.	[2] 12.0	14.65
G-9477..... E 5-8-67	....do....	Colorado Interstate Gas Co., Kansas Hugoton Gas Field, Grant County, Kans.	[2] 13.5	14.65
G-11181..... C 5-8-67	Gas Gathering Corp., Post Office Box 519, Hammond, La. 70401.	Transcontinental Gas Pipe Line Corp., Bayou Bouillon Field Area, Pointe Coupee Parish, La.	21.25	15.025
G-11838..... C 5-17-67	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Northern Natural Gas Co., acreage in Edwards County, Kans.	15.5	14.65
G-13103..... C 5-19-67	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
G-13570..... E 5-8-67	John B. Hawley, Jr. and G. S. Davidson, trustees under John B. Hawley, Jr. Trust No. 1 (successor to John B. Hawley, Jr. (Operator), et al.).	Northern Natural Gas Co., Kansas Hugoton Gas Field, Finney County, Kans.	[2] 13.0	14.65
G-18513..... E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas et al. d.b.a. Thomas & Brewer (Operator) et al.), Post Office Box 1177, Liberal, Kans. 67901.	Colorado Interstate Gas Co., Adams Ranch Field, Meade County, Kans.	[3] 17.0	14.65
G-19226..... E 5-17-67	Union Pacific Railroad Co. (successor to St. Helens Petroleum Corp.), 1416 Dodge St., Omaha, Nebr. 68102.	Colorado Interstate Gas Co., Table Rock Field, Sweetwater County, Wyo.	[4] 16.0	14.65
CI60-189..... E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas et al. d.b.a. Thomas & Brewer (Operator) et al.).	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	16.0	14.65
CI60-193..... E 4-28-67	....do....	....do....	16.0	14.65
CI61-763..... E 5-15-67	Sunray DX Oil Co. (successor to Texaco Inc.), Post Office Box 2039, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Hobble-McCartor Unit, Beaver County, Okla.	16.8	14.65
CI61-957..... E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas et al. d.b.a. Thomas & Brewer (Operator) et al.).	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	16.0	14.65
CI62-845..... E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas and George W. Brewer, Jr. d.b.a. Thomas & Brewer (Operator) et al.).	Panhandle Eastern Pipe Line Co., Barryman Pool, Morton County, Kans.	[2] 12.0 [5] 16.0	14.65
CI62-1450..... E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas et al. d.b.a. Thomas & Brewer (Operator) et al.).	Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla.	15.0	14.65
CI64-130..... E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas and George W. Brewer, Jr., d.b.a. Thomas & Brewer (Operator) et al.).	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	16.0	14.65
CI64-567..... E 4-28-67	....do....	Panhandle Eastern Pipe Line Co., Adams Ranch Field, Meade County, Kans.	14.0	14.65
CI64-725..... C 5-22-67	Samedan Oil Corp. (Operator) et al., Lincoln Center, Ardmore, Okla. 73401.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	[6] 17.0	14.65
CI64-1441..... E 5-1-67	Valor Production Co. (successor to Ray D. Sorrells (Operator) et al.), A-112 Petroleum Center, San Antonio, Tex. 78209.	Alinos Gas Gathering Co., Linke Field, Bee County, Tex.	12.0	14.65
CI64-1443..... E 5-1-67	Valor Production Co. (successor to Chiles Drilling Co. (Operator) et al.).	....do....	12.0	14.65
CI65-608..... C 5-15-67 [7]	Marathon Oil Co. (Operator) et al., [8] 539 South Main St., Findlay, Ohio 45840.	Natural Gas Pipeline Company of America, Indian Basin Area, Eddy County, N. Mex.	16.608	14.65
CI67-107..... C 5-24-67	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Honolulu Mesa Field, Rio Arriba County, N. Mex.	12.0	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 Mcf	Pressure base
CI67-1223 A 5-5-67 [12] 5-5-67 [13]	Sesco Production Co., Operator, c/o Paul E. French, Counsel, Post Office Box 309, Longview, Tex. 75601.	Lone Star Gas Co., Henderson South Travis Peak and Henderson South Travis Peak "A" Fields, Rusk County, Tex.	15.0075	14.65
CI67-1586 B 5-8-67	R. R. Kennedy et al., c/o Robert E. Barber, Attorney, Post Office Box 2127, Andrews, Tex. 79714.	Transwestern Pipeline Co., Crawar Field, Ward County, Tex.	[16]	.....
CI67-1651 A 5-17-67	Alco Oil & Gas Corp. (Operator) et al., Post Office Box 52027, OCS, Lafayette, La. 70505.	Trunkline Gas Co., Lake Arthur Field, Jefferson Davis Parish, La.	19.5	15.025
CI67-1652 B 5-18-67	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Carthage Field, Rusk County, Tex.	Depleted	.....
CI67-1653 A 5-18-67	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	Panhandle Eastern Pipe Line Co., South Guymon Field, Texas County, Okla.	[4] 17.0	14.65
CI67-1654 A 5-18-67	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., Ship Shoal Area Blocks 28 and 32 Fields, Offshore Terrebonne Parish, La.	[11] 20.625	15.025
CI67-1655 (CI63-736) F 5-12-67	Sarkeys, Inc. (successor to Estate of S. J. Sarkeys), 4400 North Lincoln Blvd., Oklahoma City, Okla. 73105.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	[5] 19.5	14.65
CI67-1656 (CI65-925) F 5-17-67	CRA International, Ltd. (successor to Oil & Gas Property Management, Inc. (Operator) et al), Post Office Box 7305, Kansas City, Mo. 64116.	Panhandle Eastern Pipe Line Co., Johansen Area, Kiowa County, Kans.	15.0	14.65
CI67-1657 B 5-19-67	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	Kansas-Nebraska Natural Gas Co., Inc., Mount Hope and Padroni Fields, Logan County, Colo.	[16]	.....
CI67-1658 A 5-19-67	do	Colorado Interstate Gas Co., Table Rock Unit, Sweetwater County, Wyo.	16.0	14.65
CI67-1659 B 5-19-67	International Helium, Inc. (Operator) et al., Post Office Box 951, Longview, Tex. 75601.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Depleted	.....
CI67-1660 A 5-19-67	Douglas Weatherston and George Weatherston, 1517 NBC Bldg., San Antonio, Tex. 78205.	Valley Gas Transmission, Inc., Sejita East Field, Duval County, Tex.	15.0	14.65
CI67-1661 A 5-22-67	Hampshire Gas Co., c/o R. H. Buzzard, V. Pres., 1100 H St., NW., Washington, D.C. 20005.	United Fuel Gas Co., Whip Cove Anticline, Hampshire County, W. Va.	25.0	15.325
CI67-1662 A 5-19-67	Pel Tex Petroleum Co., Inc., 1121 Americana Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., North Turtle Bayou Field, Terrebonne Parish, La.	18.5	15.025
CI67-1663 A 5-19-67	Carl E. Smith, Inc., Sandyville, W. Va. 25275.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	25.0	15.325
CI67-1664 A 5-22-67	McCullough-Rezek, Post Office Box 625, Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Parkersburg District, Wood County, Okla.	25.0	15.325
CI67-1665 (G-12236) F 5-22-67	Continental Oil Co. (successor to J. M. Huber Corp.) Post Office Box 2197, Houston, Tex. 77001.	Cities Service Gas Co., Eureka Area, Alfalfa County, Okla.	[17] 13.0	14.65
CI67-1666 A 5-22-67	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Danville Field, Bienville Parish, La.	[18] 18.33	15.025
CI67-1667 A 5-22-67	Quaker State Oil Refining Corp., Box 337, Bradford, Pa. 16701.	Consolidated Gas Supply Corp., Centerville District, Tyler County, W. Va.	25.0	15.325
CI67-1668 B 5-22-67	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Michigan Wisconsin Pipe Line Co., Selman-Morris Unit, Woodward County, Okla.	Depleted	.....
CI67-1669 A 5-22-67	Anadarko Production Co., Post Office Box 9827, Fort Worth, Tex. 76107.	Boca Gas Gathering System, Inc., Walsh Field, Baca County, Colo.	12.0	14.65
CI67-1670 B 5-22-67	Cities Service Oil Co.	Lone Star Gas Co., Cruce Field, Stephens County, Okla.	Depleted	.....
CI67-1671 B 5-22-67	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., South Forgan Area, Beaver County, Okla.	Depleted	.....
CI67-1672 B 5-22-67	P. H. Welder, Post Office Box 1160, Victoria, Tex. 77901.	Florida Gas Transmission Co., McCook Field, Hidalgo County, Tex.	Depleted	.....
CI67-1673 B 5-19-67	W. C. McBride, Inc., 25 North Brentwood Blvd., St. Louis, Mo. 63105.	Arkansas Louisiana Gas Co., South Marlow Field, Stephens County, Okla.	[19]	.....
CI67-1674 B 5-22-67	Shell Oil Co.	United Gas Pipe Line Co., Bayou Chauvin Field, Terrebonne Parish, La.	Depleted	.....
CI67-1675 A 5-23-67	A. M. van Flick, 211 Water St., Weston, W. Va. 26452.	Equitable Gas Co., Court House District, Lewis County, W. Va.	25.0	15.325
CI67-1676 A 5-24-67	Dwight L. McKeever, c/o Jacob Goldberg, Attorney, 810 Pennsylvania Bldg., Washington, D.C. 20004.	The Manufacturers Light & Heat Co., Loyal Hanna Township, Westmoreland County, Pa.	21.5	15.325
CI67-1677 A 5-24-67	Texaco Inc.	Montana-Dakota Utilities Co., Pavillion Field, Fremont County, Wyo.	15.384	15.025
CI67-1678 A 5-25-67	Larco Drilling Co. (Operator) et al., Post Office Box 2599, Jackson, Miss. 39207.	United Gas Pipe Line Co., Puckett Gas Field, Rankin and Smith Counties, Miss.	17.0	15.025
CI67-1679 B 5-25-67	W. H. Hunt, 1401 Elm St., Dallas, Tex. 75201.	South Texas Natural Gas Gathering Co., El Benadito Area, Starr County, Tex.	Depleted	.....
CI67-1680 A 5-25-67	Texaco Inc.	Northern Natural Gas Co., Carthage Field, Texas County, Okla.	17.0	14.65
CI67-1682 A 5-24-67	Reynolds Drilling Co., Inc., Operator, 1901-A Beck Bldg., Shreveport, La. 71101.	Texas Eastern Transmission Corp. Logansport Field, De Soto Parish, La.	18.0	15.025

See footnotes at end of table.

[1] Rate in effect subject to refund in Docket No. RI62-208.
[2] Rate in effect subject to refund in Docket No. RI64-595.
[3] Rate in effect subject to refund in Docket No. RI62-522.
[4] Rate in effect subject to refund in Docket No. RI63-43.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Rate in effect subject to refund in Docket No. RI63-169.
[7] Applicable to gas produced from depths above the top of the Wabaunsee Group of the Pennsylvanian System.
[8] Applicable to gas produced from depths below the top of the Wabaunsee Group of the Pennsylvanian System.
[9] Subject to upward B.t.u. adjustment.
[10] Adds interest of nonsignatory coowners.
[11] Applicant has indicated willingness to accept the conditions imposed by the order issuing certificate in the original application. These conditions were similar to those imposed by Opinion No. 468.
[12] Application previously noticed Mar. 15, 1967, in Docket Nos. G-3902, et al. at a total initial rate of 14.99 cents per Mcf.
[13] Amended application filed to reflect a total initial rate of 15.0075 cents per Mcf in lieu of 14.99 cents.
[14] Well is incapable of delivering gas into Buyer's pipeline.
[15] 1.625 cents per Mcf of such price shall be paid to an escrow agent in accordance with the Commission's order issued Aug. 24, 1962, in Docket No. G-17417.
[16] Wells are no longer capable of producing gas in commercial quantities due to water encroachment.
[17] Rate in effect subject to refund in Docket No. G-20444. Includes ¾-cent dehydration charge.
[18] Includes 1.33 cents per Mcf tax reimbursement.
[19] Well is no longer capable of producing in commercial quantities.

[F.R. Doc. 67-6434; Filed, June 9, 1967; 8:45 a.m.]

[Docket No. CP67-347]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JUNE 1, 1967.

Take notice that on May 22, 1967, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1126, Shreveport, La. 71102, filed in Docket No. CP67-347 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of Public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct, operate and install the following natural gas facilities:

(1) Approximately 6.3 miles of 6-inch lateral line from its existing 10-inch line "AM-46" to the site of the plant being constructed by Nekoosa Edwards Paper Co. (Nekoosa) south of Ashdown in Little River County, Ark., together with the

necessary metering and regulating equipment at the plantsite, and

(2) Install and operate a 570 horsepower compressor unit at the Trees Junction of Applicant's lines "A", "E", and "AM–46" in Nevada County, Ark., to be known as Emmett Compressor Station.

Applicant also seeks authorization to sell and deliver to Nekoosa, through the natural gas facilities abovementioned, up to 14,400 Mcf of interruptible natural gas per day and up to 1,680,000 Mcf of interruptible natural gas annually for use in Nekoosa's plant operation.

Applicant estimates the total cost of the proposed natural gas facilities at approximately $245,925, said cost to be financed from cash on hand.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 26, 1967.

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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if 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 Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–6480; Filed, June 9, 1967; 8:45 a.m.]

[Docket No. CP67–340]

CITIES SERVICE GAS CO.

Notice of Application

JUNE 2, 1967.

Take notice that on May 16, 1967, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67–340 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas in interstate commerce to provide initial natural gas service to thirty-nine communities and three industrial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities in 1968 and 1969:

1968: (1) Approximately 27 miles of 20-inch pipeline with appurtenant facilities paralleling and looping its existing Saginaw-Springfield pipeline from the Saginaw Compressor Station to the Pierce City Compressor Station,

(2) One 1,350 horsepower compressor unit and appurtenant facilities at its proposed Springfield Compressor Station in Greene County, Mo.,

(3) Approximately 182.5 miles of mainline facilities consisting of approximately 93.5 miles of 16-inch, 60 miles of 12-inch and 29 miles of 8-inch pipeline with appurtenant facilities from Applicant's proposed Springfield Compressor Station to a point near Washington, Mo.,

(4) Approximately 181.5 miles of lateral line facilities including 72 miles of 3-inch, 25.2 miles of 4-inch, 59.5 miles of 6-inch and 24.8 miles of 8-inch lateral pipeline with measuring, regulating, and other appurtenant facilities beginning at points on Applicant's proposed mainline and ending at points of delivery near the 39 communities to be served,

(5) Approximately 10.3 miles of 6-inch pipeline with measuring, regulating, and other appurtenant facilities for the sale and delivery of natural gas to Meramec Mining Co. for fuel at its plant near Sullivan, Mo.,

(6) Approximately 0.5 mile of 4-inch pipeline with measuring, regulating, and other appurtenant facilities for the sale and delivery of natural gas to Allied Chemical Corp., for fuel at its plant near Owensville, Mo., and

(7) Approximately 0.3 mile of 3-inch pipeline with measuring, regulating, and other appurtenant facilities for the sale and delivery of natural gas to Kingsford Co., Inc., for fuel at its plant near Belle, Mo.

1969: (1) Approximately 11.4 miles of 20-inch pipeline with appurtenant facilities paralleling and looping Applicant's existing Saginaw-Springfield pipeline beginning at the point of discharge of the Pierce City Compressor Station and ending in Lawrence County, Mo.

Applicant estimates the third year peak day and peak annual requirements of natural gas for the 39 communities at 39,310 Mcf and 4,076,268 Mcf, respectively. Applicant also estimates the third year peak day and peak annual requirements of natural gas for the three industrial customers at 4,118 Mcf and 1,682,870 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $15,435,700, said cost to be financed through the issuance of First Mortgage Pipeline Bonds.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 28, 1967.

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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if 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 Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–6481; Filed, June 9, 1967; 8:45 a.m.]

[Docket No. CP64–89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

JUNE 1, 1967.

Take notice that on May 25, 1967, Cities Service Gas Co. (Cities), Post Office Box 25128, Oklahoma City, Okla. 73125, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603 (Petitioners), filed in Docket No. CP64–89 a petition to amend the order issued by the Commission January 2, 1964, as amended August 14, 1964, April 13, 1965, and April 25, 1967, by authorizing an increase in the maximum volumes of natural gas petitioners may exchange and the operation of an additional delivery point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, as amended, Petitioners were authorized to exchange up to 40,000 Mcf of natural gas per day through various delivery points for a period to May 1, 1970.

In the instant filing, Petitioners seek authorization to increase the volumes of natural gas exchanged from 40,000 Mcf of natural gas per day to 60,000 Mcf of natural gas per day and to operate a new exchange point, called Signal Exchange Point, in Carter County, Okla., at the site of the Signal Oil and Gas Co.'s Fox Gasoline Plant, where Cities has existing facilities. Petitioners state that the principal purpose for the increased exchange volumes of natural gas and the additional delivery point is to enable Cities to utilize the unused capacity of its South of Blackwell System. Cities states that the natural gas supplies along its South of Blackwell System have been steadily declining and it has the capacity to handle the additional volumes of natural gas to be received from Natural and use this portion of its system to meet the growing demands of its present customers. Cities

also states that it has sufficient natural gas available in other portions of its system, in excess of its system capacity, to deliver the proposed exchange volumes to Natural through existing delivery points.

Petitioner states that the proposed Signal Exchange Point will utilize existing facilities and no new or additional facilities will be constructed or acquired by either Cities or Natural.

Protests 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 or 1.10) on or before June 28, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6482; Filed, June 9, 1967; 8:45 a.m.]

[Docket No. CP67-348]

H.J.K. GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

JUNE 1, 1967.

Take notice that on May 22, 1967, H.J.K. Gas Co. (Applicant), Post Office Box 448, Franklin, Tenn. 37064, filed in Docket No. CP67-348 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the community of Nolensville, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a municipal distribution system in the community of Nolensville, Tenn., for the purpose of providing initial natural gas service to the community. Applicant proposes to purchase the natural gas from Respondent at a proposed point of interconnection with Respondent's transmission line where it passes by the southern border of Nolensville, Tenn. Applicant estimates the third year peak daily and peak annual natural gas requirements at 96 Mcf and 5,400 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $60,000, said cost to be financed through the use of personal loans and capital funds of the corporation.

Protests 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 or 1.10) on or before June 26, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6483; Filed, June 9, 1967; 8:45 a.m.]

[Docket No. CP67-350]

MISSOURI NATURAL GAS CO. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

June 1, 1967.

Take notice that on May 23, 1967, Missouri Natural Gas Co. (Applicant), Drawer 230, Farmington, Mo. 63640, filed in Docket No. CP67-350 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Mississippi River Transmission Corp. (Respondent) to establish physical connection of its natural gas transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the city of Pilot Knob, Iron County, in the State of Missouri, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a municipal natural gas distribution system in the city of Pilot Knob, Mo., and to construct a transmission lateral from said distribution system to Respondent's pipeline which is to serve the Pilot Knob Pellet Co., previously authorized in Docket No. CP67-229. Applicant estimates the third year peak daily and peak annual natural gas requirements at 340 Mcf and 26,814 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $98,800, said cost to be financed through the sale of first mortgage bonds and, if necessary, through the sale of capital stock.

Protests 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 or 1.10) on or before June 28, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6484; Filed, June 9, 1967; 8:45 a.m.]

[Docket No. CP67-351]

MISSOURI NATURAL GAS CO. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

June 1, 1967.

Take notice that on May 23, 1967, Missouri Natural Gas Co. (Applicant), Drawer 230, Farmington, Mo. 63640, filed in Docket No. CP67-351 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Mississippi River Transmission Corp. (Respondent) to establish physical connection of its natural gas transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the Deer Run Estates Subdivision, Madison and St. Francois Counties, Mo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a municipal natural gas distribution system in the Deer Run Estates Subdivision, Madison and St. Francois Counties, Mo., and to construct a lateral line from a proposed point of interconnection with Respondent's Line No. 1, where the natural gas will be purchased, to the distribution system. Applicant estimates the third year peak daily and peak annual natural gas requirements for the proposed distribution system at 91 Mcf and 8,016 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $29,250, said cost to be financed through the sale of first mortgage bonds and stocks.

Protests 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 or 1.10) on or before June 28, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6485; Filed, June 9, 1967; 8:45 a.m.]

[Docket No. CP67-349]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

JUNE 1, 1967.

Take notice that on May 23, 1967, South Texas Natural Gas Gathering Co. (Applicant), Post Office Drawer 521, Corpus Christi, Tex. 78403, filed in Docket No. CP67-349 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of additional quantities of natural gas to an existing customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 98 miles of 20-inch O.D. pipeline extending from Falfurrias, Jim Wells County, Tex., to a new delivery point at Normanna, Bee County, Tex.,

(2) Install one 1,000 horsepower compressor unit at an existing compressor station, and

(3) Install four 1,000 horsepower compressor units at two new compressor stations.

Applicant also seeks authorization to sell an additional 55,000 Mcf of natural gas per day to Transcontinental Gas Pipe Line Corp. (Transco), under an existing contract and up to 120,000 Mcf of natural gas per day to Transco under a new contract dated May 15, 1967. The total

sales under the terms of both gas purchase contracts between Applicant and Transco, as amended May 15, 1967, are up to 385,000 Mcf per day of natural gas which Transco states it needs to meet its future market requirements. Applicant states that the facilities above proposed would bring the delivery point to Transco approximately 80 miles nearer to Transco's market.

Applicant estimates the total cost of the proposed facilities at approximately $8,652,200, said cost to be financed through the use of internally generated funds and long-term loans from its parent company, Coastal States Gas Producing Co.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 28, 1967.

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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if 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 Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6486; Filed, June 9, 1967; 8:46 a.m.]

[Docket No. CP67-339]

TRANSWESTERN PIPELINE CO.

Notice of Application

JUNE 1, 1967.

Take notice that on May 15, 1967, Transwestern Pipeline Co. (Applicant), First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CP67-339 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of natural gas for resale in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) 3.2 miles of 36-inch pipeline loop along the West Texas lateral,

(2) 24.6 miles of 30-inch pipeline loop along the West Texas lateral,

(3) 1.9 miles of 10-inch pipeline extending from Applicant's Atoka lateral to the point of intersection of its West Texas lateral and the Indian Basin lateral in Eddy County, N. Mex.,

(4) 1,000 compression horsepower at the point of intersection of its West Texas lateral and the Indian Basin lateral,

(5) 4,500 compression horsepower at its Station 9-A near Roswell, N. Mex.,

(6) 4,000 compression horsepower at its Station P-3 in Gray County, Tex., and

(7) Sales, measuring, regulating, and related facilities to be installed at a point of proposed delivery to Cities Service Gas Co. (Cities) in Hemphill County, Tex.

Applicant also seeks authorization to sell and deliver to Cities an average daily demand volume of up to 150,000 Mcf of natural gas per day at a proposed delivery point in Hemphill County, Tex. Applicant proposes to make the abovementioned sale pursuant to an agreement between it and Cities dated March 10, 1967.

Applicant estimates the total cost of the proposed facilities at approximately $8,364,000, said cost to be financed either from funds made available from company operations and short-term loans or from the issuance of first mortgage bonds.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 26, 1967.

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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if 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 Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6487; Filed, June 9, 1967; 8:46 a.m.]

[Docket No. G-13002]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

JUNE 2, 1967.

Take notice that on May 15, 1967, United Gas Pipe Line Co. (Petitioner), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. G-13002 a petition to amend the order issued by the Commission January 3, 1958, as amended February 20, 1967, by authorizing Petitioner to sell an additional maximum daily and maximum annual volume of natural gas to Louisiana Power and Light Co. (Louisiana), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, as amended, Petitioner was authorized to sell and deliver to Louisiana a maximum daily and maximum annual volume of natural gas of 55,000 Mcf and 20,075,000 Mcf, respectively. By the instant filing, Petitioner seeks authorization to increase the deliveries of natural gas by 16,000 Mcf and 300,000 Mcf, respectively. Petitioner states that it has entered into an agreement with Louisiana dated May 5, 1967, called a "Standby Gas Sales Agreement", which provides for the abovementioned additional sales. Petitioner also states that Louisiana requires the additional natural gas for use in its Sterlington Plant which is strategically located on Louisiana's system. Petitioner further states that no new or additional facilities will be required as a result of the above-proposed sale.

Protests 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 or 1.10) on or before June 26, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6488; Filed, June 9, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MICHIGAN

Designation and Extension of Areas For Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Michigan natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

Clinton.

It also has been determined that in the hereinafter-named county in the State of Michigan natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Michigan	*Original designation*
Allegan	31 F.R. 8473

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who

previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of June, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-6504; Filed, June 9, 1967; 8:47 a.m.]

NEBRASKA

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska	*Original designation*
Boyd	31 F.R. 10585
Holt	31 F.R. 10585

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of June 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-6505; Filed, June 9, 1967; 8:47 a.m.]

UTAH

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Utah natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Utah	*Original Designation*
Washington	32 F.R. 584

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of June 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-6506; Filed, June 9, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

MASSACHUSETTS INSTITUTE OF TECHNOLOGY AND UNIVERSITY OF NEW YORK DOWNSTATE MEDICAL CENTER

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, Office of Scientific and Technical Equipment, 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 Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment 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. 67-00092-65-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Reichert Zetophan F Interference Microscope. Manufacturer: C. Reichert Optical Works, AG, Austria. Intended use of article: Interference contrast work on hard superconductive surfaces. Instrument will also be used as a polarization interferometer for the quantitative investigation of surface irregularities. Application received by Commissioner of Customs: May 25, 1967.

Docket No. 67-00093-33-46040. Applicant: University of New York Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Electron microscope, Model Elmiskop 1A, No. 171000, incorporating series micrograph cassette with airlock, object decontamination device, and superfine focus control for objective lens; closed water-circuit cooling system number 5NY-1C-CR-14; 70 mm. roll film camera, No. 171023b; vacuum evaporating unit (VBG 500) with equipment for carbon shadowing, No. 172502; and spare parts kit, No. 171005. Manufacturer: Siemens AG, West Germany. Intended use of article: Research and teaching involving the ultrastructural normal and pathologic morphology of tissues in investigation of kidney diseases, liver diseases, intestinal diseases, "Small vessel" diseases, neural and neuro-muscular diseases, diseases of the blood and blood forming tissues, malignant diseases (cancer), and microbiologic diseases. Application received by Commissioner of Customs: May 29, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-6477; Filed, June 9, 1967; 8:45 a.m.]

UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL SCHOOL AT DALLAS 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, Office of Scientific and Technical Equipment, 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 Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment 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. 67-00094-33-90000. Applicant: University of Texas Southwestern Medical School at Dallas, 5323 Harry Hines Boulevard, Dallas, Tex. 75235. Article: Micromanipulator, Eccles-types Model ME-7; Stereotaxic Instrument, Eccles-type, Model SE-4 and Ball Joint B-2 type 12 mm. Manufacturer: Narishigo Scientific Instrument Labora-

tory, Japan. Intended use of article: Applicant states:

The article will be used for neurophysiological investigations of the mammalian spinal cord. The micromanipulator will be employed to introduce fine microelectrodes into the spinal cord to record the electrical activities of single neurons. The animal frame will be used to mount the animal in a manner which maximizes the stability of the animal to permit such records to be made.

Application received by Commissioner of Customs: May 29, 1967.

Docket No. 67-000-96-30-82600. Applicant: University of California, Lawrence Radiation Laboratory, End of East Avenue, Livermore, Calif. 94550. Article: Mettler Recording Vacuum Thermoanalyzer and ancillary equipment. Manufacturer: Mettler Instrument Corp., Switzerland. Intended use of article: Applicant states:

This instrument will be used for Research purposes by the University of California's Lawrence Radiation Laboratory * * *. The specific usage will be in the area of materials analysis by High Explosive Chemistry for support of detonator research and development in weapons applications.

Application received by Commissioner of Customs: May 29, 1967.

Docket No. 67-00099-75-00560. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: 150 Electromagnetic Isotope Separator, Model 9000. Manufacturer: Danfysik, Denmark. Intended use of article: Applicant states:

Typical uses of the isotope separator include target preparation for the study of decay schemes of pure isotopes, high resolution studies of nuclear reactions, study of energy levels, measurement of scattering cross-sections, studies of sputtering, diffusion studies in solids and other work in solid state physics.

Application received by Commissioner of Customs: May 31, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-6479; Filed, June 9, 1967; 8:45 a.m.]

UNIVERSITY OF SOUTHERN CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Articles

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00006-60-46040. Applicant: University of Southern California, Owens Hall, University Park, Los Angeles, Calif. 90026. Article: Electron microscope, Model HU-125 with automatic tilting, rotating, and heating stage, type HK-2-BM; universal diffraction stage, type HE-1, narrow angle charge neutralizer, type SG-B, specimen cooling stage, type HC-2, magnetic domain attachment, type HMD-1, and specimen tensile stage, type HD-1. Manufacturer: Hitachi, Ltd., Tokyo, Japan. Intended use of article: Research and teaching on graduate level in materials science with investigations of metals, ceramics, and semiconductors. Comments: No comments were received with respect to this application. However, the comparable instrument made by a domestic manufacturer was considered in the evaluation of the application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purpose for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolution of 7 Angstroms by crystal lattice test and accelerating voltages of 25, 50, 75, 100, and 125 kilovolts. The domestic instrument has a guaranteed resolution of 8 Angstroms by the Fresnal fringe test and offers accelerating voltages of 50 and 100 kilovolts. The purpose for which the institution intends to use the foreign article necessitates the highest possible penetration. The increased penetrating capability provided by the 125 kilovolts acceleration will permit results that are significant to the intended use of the article, which could not be achieved otherwise.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-6478; Filed, June 9, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

BOARD OF TRUSTEES OF UNIVERSITY OF ILLINOIS

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-69. The license authorizes The Board of Trustees of The University of Illinois to operate its TRIGA Mark II reactor, located in Urbana, Ill. The amendment, which reissues the license in its entirety, (1) incorporates Technical Specifications for operation of the facility, and (2) authorizes the use in the reactor of the TRIGA type fuel elements that has been previously used in a subcritical assembly.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related Safety Evaluation prepared by the Division of Reactor Licensing and (2) the licensee's applications for amendment dated November 18, 1966, and December 20, 1966, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A Copy of the Safety Evaluation may be obtained at the Atomic Energy Commission, Washington, D.C. 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of May 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-6476; Filed, June 9, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18361; Order No. E-25254]

BERMUDA SERVICE INVESTIGATION

Order Regarding Additional Transportation Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of June 1967.

By Order E-24935, dated March 31, 1967, the Board instituted the Bermuda Service Investigation, Docket 18361, to determine whether the public convenience and necessity require new or additional air transportation services between the coterminal points Chicago, Detroit, Boston, New York, Washington, Baltimore, and Washington-Baltimore,

on the one hand, and the terminal point Bermuda, on the other hand. Order E-24935 also placed in issue the following: (1) Whether any awards for service between the United States and Bermuda shall include the right to engage in interstate air transportation between the coterminals, and whether stopover rights at the coterminals should be granted in the event domestic traffic rights are not awarded; (2) whether existing and newly authorized New York-Bermuda authority should be restricted to turnaround service; and (3) whether the Board should designate the airport through which a point should be served.

Order E-24935 provided that the existing authority of Pan American and Eastern shall not be subject to alteration, amendment, modification, or suspension, under section 401(g) of the Act except as follows: (1) The designation of New York/Newark as a terminal, (2) the designation of specific airports at points already served, (3) whether Eastern's authority to serve Washington should be amended to include Washington/Baltimore, and (4) whether the New York-Bermuda authority of Pan American and Eastern should be restricted to turnaround service.

The order of investigation consolidated the following applications with Docket 18361: Eastern, Docket 16093, for authority between the coterminal points Chicago, Detroit, Washington/Baltimore, and Bermuda; Pan American, Docket 15819, for authority between the coterminal points Chicago, Detroit, Washington, Baltimore, and Bermuda;[1] and Trans Caribbean, Docket 15974, for authority between the coterminal points Boston, New York/Newark, Baltimore, Washington, and Bermuda.[2] The order gave interested persons 20 days to file motions to consolidate, applications, or petitions seeking modification or reconsideration, and petions for leave to intervene. Answers were to be filed 10 days thereafter.

Petitions for leave to intervene have been filed by American; TWA; Baltimore Parties;[3] the Virginia Airports Authority, the Fairfax County Industrial Development Authority, and the Committee for Dulles; the Metropolitan Washington Board of Trade; the city of Philadelphia; the New England Council; the city of Boston, and the Greater Boston Chamber of Commerce, the Commonwealth of Massachusetts, the Massachusetts Port Authority; the State of New Hampshire; and the Detroit Aviation Commission, the Board of County Commissioners of Wayne County, and the Greater Detroit Board of Commerce.[4]

Motions to consolidate were filed by Allegheny, Docket 18458; Braniff, Docket 18452; Delta, amendment No. 1 to Docket 18435;[5] Eastern, amendment No. 3 to Docket 16093; National, Docket 18451; Northeast, Docket 18449; Northwest, Amendment No. 1 to Docket 18453;[6] and Trans Caribbean, Amendment No. 2 to Docket 15974.[7]

Petitions for reconsideration or modification of Order E-24935 were filed by Eastern, Northwest, Pan American, and Philadelphia, and answers were filed by Allegheny, Braniff, Eastern, National, Northwest, Pan American, and Trans Caribbean.

Eastern's petition requests that any new authorization granted in this proceeding be so conditioned as to prohibit single-plane service beyond the six named U.S. coterminal points over the existing routes of the applicants but that single-plane service between any of the named coterminals may be provided. It argues that if an applicant is permitted to propose domestic service beyond the coterminals, the entire focus of the case will be shifted away from Bermuda. Braniff, National, and Northwest are opposed to Eastern's request while Pan American and Trans Caribbean are in accord.

Northwest seeks reconsideration of Order E-24935 insofar as it places in issue the authorization of additional domestic air transportation between the U.S. coterminal points. It contends that the markets involved are the core of the domestic air service system in the northeastern United States and that inclusion of this issue will transform this proceeding from a relatively straightforward case to an extremely complex one. Allegheny, Braniff, National, and Trans Caribbean oppose Northwest's request while Eastern and Pan American support it.

Philadelphia objects to Order E-24935 insofar as it eliminates the issue of nonstop service between Philadelphia and Bermuda. Pan American seeks reconsideration of the Board's order to the extent it precludes the designation of Philadelphia as a coterminal point on Pan American's route to Bermuda. Pan American would designate Philadelphia as a coterminal subject to a restriction against nonstop service until such time as nonstop service is permitted under the bilateral.

We have considered the petitions for reconsideration and the pleadings filed in response thereto and have concluded that the issue of domestic service between the U.S. coterminal points should not be eliminated from the proceeding. We recognize that the inclusion of this issue may require some additional time, but do not agree that it will transform the case into an extremely complex one as Northwest suggests. Moreover, as we stated in our original order, we feel it is desirable to explore this issue, since the support of local traffic may enable one or more carriers to successfully mount a full pattern of service and thus develop and expand the markets. The parties, of course, will have a full opportunity to argue that any awards granted in this proceeding should not include the right to carry domestic traffic.

Nor do we agree with Eastern that beyond-terminal operations should be prohibited because the entire focus of the case will be shifted away from Bermuda. The bilateral agreement does not prohibit single-plane service beyond the named coterminals and we see no reason to impose such a pretrial restriction.

We believe, however, that a change should be made in the order insofar as Philadelphia is concerned. Philadelphia is one of the largest cities in the country and our traffic surveys indicate that the number of Philadelphia-Bermuda passengers in fiscal 1966 was considerably greater than the Bermuda traffic generated by Washington and Baltimore combined. Moreover, inclusion of the Philadelphia issue would aid in exploring the possibility of alleviating the traffic congestion in the New York area by the use of other gateways to Bermuda. We will therefore include Philadelphia as a coterminal point recognizing, of course, that operations pursuant to any award must conform to the provisions of the bilateral.

The following applications conform to the scope of this proceeding and should be consolidated: Allegheny, Docket 18458; Braniff, Docket 18452; Delta, Amendment No. 1 to Docket 18435; Eastern, Amendment No. 3 to Docket 16093; National, Docket 18451; Northeast, Docket 18449; Northwest, Amendment No. 1 to Docket 18453; and Trans Caribbean, Amendment No. 2 to Docket 15974.

The petitioners seeking intervention have established that they are entitled to intervene and we will grant their petitions.

Accordingly, it is ordered:

1. That ordering paragraph 1 of Order E-24935 be and it hereby is amended to read: "1. That an investigation to be known as the Bermuda Service Investigation be, and it hereby is, instituted in Docket 18361, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and

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[1] Philadelphia-Bermuda nonstop service was omitted.

[2] Philadelphia-Bermuda and San Juan service matters were omitted.

[3] The Mayor and City Council of Baltimore, the Chamber of Commerce of Metropolitan Baltimore, the Greater Baltimore Committee, and the State Aviation Commission of Maryland.

[4] Detroit's petition to intervene was filed after the deadline prescribed by Order E-24935. Its petition was accompanied by a motion pursuant to Rule 4(f) for leave to file an unauthorized document. Detroit has shown good cause for failure to file its petition on time and it will be accepted.

[5] Through error, Delta thought Order E-24935 restricted the scope of the investigation to foreign air transportation. When it discovered its error, Delta filed a motion for leave to amend its application in Docket 18435. Since Delta's amended application has been filed prior to the prehearing conference and all parties have been put on notice, Delta will be permitted to correct its error.

[6] Northwest originally filed separate applications for domestic and foreign authority. Thereafter it filed a motion under Rule 4(f) for leave to amend Docket 18453 and the carrier withdrew its application in Docket 18454.

[7] Trans Caribbean originally filed separate applications for domestic and foreign authority. Thereafter, it filed a motion under Rule 4(f) for leave to amend Docket 15974 and the carrier withdrew its application in Docket 18457.

necessity require the alteration, amendment, or modification of carrier authorizations so as to certificate one or more air carriers to provide foreign air transportation between the coterminal points Chicago, Detroit, Boston, New York, Philadelphia, Washington, Baltimore, and Washington-Baltimore on the one hand, and the terminal point Bermuda, on the other hand;"

2. That ordering paragraph 4 of Order E-24935 be and it hereby is amended to read: "4. That the following applications or parts thereof, to the extent they conform to the scope of this proceeding, be and they hereby are consolidated with Docket 18361: Allegheny, Docket 18458; Braniff, Docket 18452; Delta, Amendment No. 1 to Docket 18435; Eastern, Amendment No. 3 to Docket 16093; National, Docket 18451; Northeast, Docket 18449; Northwest, Amendment No. 1 to Docket 18453; Pan American, Docket 15819; and Trans Caribbean, Amendment No. 2 to Docket 15974."

3. That the following petitions for leave to intervene be and they hereby are granted: American; TWA; Baltimore Parties; the Virginia Airports Authority, the Fairfax County Industrial Development Authority, and the Committee for Dulles; the Metropolitan Washington Board of Trade; the city of Philadelphia; the New England Council; the city of Boston and the Greater Boston Chamber of Commerce; the Commonwealth of Massachusetts; the Massachusetts Port Authority; the State of New Hampshire; and the Detroit Aviation Commission, the Board of County Commissioners of Wayne County, and the Greater Detroit Board of Commerce.

4. That except to the extent granted herein, all motions, petitions, and requests for relief be and they hereby are denied.

5. That any additional applications requesting the designation of Philadelphia as a coterminal point shall be filed by June 20, 1967; and

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-6510; Filed, June 9, 1967; 8:48 a.m.]

[Docket No. 18588]

TRANSAVIA N.V.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 14, 1967, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., June 7, 1967.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 67-6511; Filed, June 9, 1967; 8:48 a.m.]

[Docket No. 18587]

TURKS AND CAICOS AIR SERVICES, LTD.

Notice of Prehearing Conference

Application for authority to furnish nonscheduled cargo service between the Turks and Caicos Islands on the one hand, and the United States, Puerto Rico, and other U.S. possessions in the Caribbean area on the other hand.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 19, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., June 7, 1967.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 67-6512; Filed, June 9, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2129]

CELANESE INTERNATIONAL FINANCE CO.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

JUNE 6, 1967.

Notice is hereby given that Celanese International Finance Co. ("Applicant"), 522 Fifth Avenue, New York, N.Y. 10036, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Celanese International Corp. ("CIC") under the laws of the State of Delaware on May 15, 1967. All of the outstanding securities of Applicant consisting of 10 shares of common stock without par value are owned by CIC which purchased such stock for $1,000.

CIC was organized by the Celanese Corp. ("Celanese") under the laws of the State of Delaware on July 15, 1966, for the principal purpose of obtaining funds for Celanese's foreign subsidiaries and affiliates. All of the outstanding capital stock of CIC consisting of 1,000 shares of common stock without par value are owned by Celanese. In July 1966, CIC borrowed approximately $50 million from nine European banks. Each such bank agreed that it would not make any public offering or effect any distribution of the notes issued by CIC. Celanese agreed that it would from time to time advance to CIC such sums as would maintain the working capital of CIC at $500,000; and that the aggregate of such advances would not exceed $50 million.

On or before the issuance of the debentures of Applicant described below, CIC will purchase from Applicant additional common stock or make such contribution in cash, securities or other property in order that the equity capital of Applicant will not be less than $4 million. Any additional securities which Applicant may issue other than debt securities, will be issued only to CIC or Celanese. CIC will continue to retain its present holdings of Applicant's stock and any additional securities of Applicant which CIC or Celanese may acquire, and CIC or Celanese will not dispose of any of Applicant's securities except to Applicant or to a fully owned subsidiary of Celanese (which term as used herein means a corporation all of the outstanding securities of which, other than short-term paper, as defined in section 2(a)(36) of the Act, are owned, directly or indirectly, by Celanese); and Celanese will cause each fully owned subsidiary not to dispose of Applicant's securities except to CIC, Celanese, Applicant, or another fully owned subsidiary of Celanese.

Celanese is engaged, directly and through its subsidiaries, in the manufacture and sale of petrochemicals, petroleum products, pulps, fibers, paints, and plastics.

A principal purpose for the organization of Applicant and CIC was to raise funds abroad for financing the expansion and development of Celanese's foreign operations while at the same time providing assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $20 million of its Guaranteed Debentures due 1982 ("Debentures"). Celanese will guarantee the principal, interest payments, and premium, if any, on the Debentures. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by Celanese in a manner substantially similar to the guarantee of the Debentures. The net proceeds from the sale of the Debentures will be made available by loan or otherwise to CIC to repay CIC's bank loans referred to above. It is contemplated that as soon as CIC's bank loans have been repaid in full CIC and Applicant will be combined into one company.

It is intended that upon completion of the long-term investment of CIC's and Applicant's assets, substantially all of the assets of CIC and Applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding, or trading in securities and which are, or upon the making of such investment will be (1) majority-owned subsidiaries of Celanese within the meaning of section 2(a)(23) of the Act, (2) companies under Celanese's control within the meaning of section 2(a)(9)

of the Act, or (3) companies which are engaged in a business related to the business of Celanese, in which Celanese, CIC, or Applicant owns an equity interest of 15 percent or more. Applicant will proceed as expeditiously as practicable with the long-term investment of its assets in the manner described above. Pending such investment, Applicant will invest temporarily in debt obligations (including time deposits) of foreign governments, foreign financial institutions, foreign branches of U.S. banks and foreign subsidiaries of Celanese, payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition. Applicant will not acquire the securities representing its investments or loans for the purpose of resale and will not trade in such securities.

The Debentures are to be sold through a group of Underwriters, and payment will be received by Applicant, outside the United States. The Debentures are to be offered and sold under conditions which are intended to assure that the Debentures will not be offered or sold in the United States, its territories or possessions or to nationals, citizens, or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Debentures will not be purchased by nationals, citizens, or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Debentures, except where a specific statutory exemption is available. Thus, by financing its foreign operations through Applicant and CIC rather than through the sale of its own debt obligations, Celanese will utilize instrumentalities, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant will use its best efforts to have the Debentures listed on the Luxembourg Stock Exchange. The Debentures will not be listed on a stock exchange in the United States and will not be registered under the Securities Act of 1933 or the Securities Exchange Act of 1934.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of Applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Celanese may obtain funds in foreign countries for its foreign operations; (2) the Debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any U.S. national, citizen, or resident in connection with such offering; (3) the burden of the interest equalization tax will tend to discourage purchase of the Debentures by any U.S. person; (4) Applicant will not deal or trade in securities; (5) none of the securities of Applicant, other than debt securities, will be held by any person other than Celanese, CIC, or a fully owned subsidiary of Celanese; and (6) the public policy underlying the Act is not applicable to Applicant and the security holders of Applicant do not require the protection of the Act, because the payment of the Debenture, which is guaranteed by Celanese does not depend solely on the operations or investment policy of Applicant, for the Debenture holders may ultimately look to the business enterprise of Celanese rather than solely to that of Applicant.

Notice is further given that any interested person may, not later than June 19, 1967, at 3:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-6496; Filed, June 9, 1967; 8:47 a.m.]

[811-934]

DEVELOPMENT CORPORATION OF AMERICA

Notice of Filing of an Application for Order To Declare Company Has Ceased To Be Investment Company

JUNE 6, 1967.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") on behalf of Development Corporation of America ("DCA"), 26 Broadway, New York, N.Y. 10004, a Delaware Corporation, registered as a management closed-end nondiversified investment company under the Act, for an order declaring that DCA has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

On July 14, 1960, pursuant to shareholder approval, DCA was merged into The Equity Corp. ("Equity") in accordance with the provisions of section 253 of the General Corporation Law of the State of Delaware. After the merger was consummated DCA ceased its separate corporate existence and title to its assets, subject to its liabilities, was transferred to Equity.

Prior to the effective date of the merger DCA called for redemption all of its outstanding $1.25 cumulative convertible preferred stock ($1.00 par value). On May 3, 1967, 14 persons, holding or entitled to hold a total of 388 shares of such preferred stock redeemable for a total consideration of $10,662.02, had not tendered their shares for redemption. Equity has written to each of these 14 persons, advising them that an application had been filed pursuant to section 8(f) of the Act, of their right to receive payment for their shares, and further advising them that, unless such persons claim these funds, the right to receive payment for the shares may escheat to the State in which the holder is domiciled.

It is represented that DCA no longer meets the definition of an investment company under the Act.

Section 8(f) of the Act provides that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 27, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon DCA at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing

of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-6497; Filed, June 9, 1967; 8:47 a.m.]

TARIFF COMMISSION

[APTA-W-12; TC Publication 208]

CERTAIN WORKERS OF GENERAL MOTORS CORPORATION'S WILMINGTON, DEL., PLANT

Report to Automotive Agreement Adjustment Assistance Board

JUNE 6, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA-W-12, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Wilmington, Del., plant of the General Motors Corp.

Only certain sections of the Commission's report can be made public since much of the information it contains was received in confidence. Publication of such information would result in the disclosure of certain operations of individual firms. The sections of the report that can be made public are reproduced on the following pages.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission herein reports the results of an investigation (APTA-W-12) concerning the possible dislocation of certain workers engaged in the production of automobiles at the Wilmington, Del., plant of the General Motors Corp. The Commission instituted the investigation on April 17, 1967, upon receipt on the same day of a request for investigation from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. Public notice of the investigation was given in the FEDERAL REGISTER (30 F.R. 6376) on April 22, 1967.

The Automotive Assistance Committee's request for the investigation resulted from a petition for determination of eligibility to apply for adjustment assistance that was filed with the Assistance Board on April 12, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.) and its Local No. 435, on behalf of a group of workers at the Wilmington plant of General Motors Corp. (hereafter referred to as GMC). Neither the petitioners nor any other party requested a hearing before the Commission, and none was held.

The petitioners allege that importation of Chevrolet automobiles from the St. Therese, Quebec, plant of General Motors of Canada, Ltd., resulted in the indefinite layoff of 741 hourly workers on January 6, 1967, at the Wilmington plant. The petitioners further allege that the layoff was the result of the Automotive Products Trade Act of 1965 (APTA).

The Commission conducted investigation APTA-W-12 concurrently with investigations APTA-W-13 and 14 relating to the possible dislocation of certain workers engaged in the production of Chevrolet automobiles, trucks, and automobile bodies at GMC plants in North Tarrytown, N.Y. Much of the information developed in connection with APTA-W-13 and 14 is also pertinent to APTA-W-12; because of significant differences in the circumstances involved in the three investigations, however, separate reports have been prepared.

The information reported herein was obtained from a variety of sources, including the General Motors Corp., the other major U.S. automobile manufacturers, the International Union, U.A.W., and its Local 435, the Commission's files, and through fieldwork by members of the Commission's staff.

The automotive product involved—automobiles. Conventional passenger automobiles are the articles under consideration in this investigation. Special purpose motor-vehicles, such as the "Jeep" and "Scout", and automobile components that are shipped in K-D (knocked-down) kits for subsequent assembly are not included within the scope of this investigation.

Imported automobiles are dutiable under item 692.10 of the Tariff Schedules of the United States at the rate of 6.5 percent ad valorem; if imported from Canada, however, they are duty-free under item 692.11.

GMC and its automotive divisions. GMC, with headquarters in Detroit, Mich., is the largest manufacturing corporation in the world. Its net sales in 1966 were valued at about $20 billion; approximately 90 percent of this total was accounted for by the sale of automotive products. GMC is comprised of numerous divisions and foreign and domestic subsidiaries. The divisions, which are organized along product lines, produce cars, trucks, vehicle bodies, automotive components, engines, and household appliances.

* * * * *

United States and Canadian production and trade—all automobiles.[1] Total U.S. production of automobiles in model years 1963-66 increased from 7.2 million units in 1963 to 8.8 million units in 1965, then declined to 8.6 million units in 1966. During the same period, Canadian production increased annually from 467,449 units in 1963 to 672,901 units in 1966 (table 1, page 20).

U.S. production of automobiles totaled 2.9 million units in the period January-April 1964, and 2.5 million units in the corresponding period of 1967. Canadian production in the same periods totaled 227,739 and 228,025 units, respectively.

During model years 1963-66, exports to Canada of U.S. produced automobiles increased annually from 6,569 units in 1963 to 59,207 units in 1966. There were no U.S. imports of automobiles from Canada during the 1963-64 model years. Imports from Canada began with 1,610 units in the 1965 model year and increased to 94,381 units in the 1966 model year.

U.S. exports to Canada of automobiles totaled 3,459 units in the period January-April 1964 and 75,592 units in the corresponding period of 1967. U.S. imports from Canada amounted to 100,346 units in January-April 1967.

During model year 1966, the United States became a net importer of cars from Canada, importing a net 35,174 units. In the first 9 months of the 1967 model year, the U.S. net import position with Canada was 21,599 units, compared with 22,504 units in the corresponding period of 1966.

* * * * *

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-6498; Filed, June 9, 1967; 8:47 a.m.]

[1] Data are based on the operations of the four principal U.S. producers of automobiles.

[AA1921—50]

CAST IRON SOIL PIPE FROM POLAND

Notice of Investigation

Having received advice from the Treasury Department on June 5, 1967, that cast iron soil pipe from Poland is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Interested parties are also referred to § 208.5 of the Commission's rules regarding the submission of written statements

of pertinent information. Written statements must be filed not later than July 14, 1967.

Issued: June 6, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-6499; Filed, June 9, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 7, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41045—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 385), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in middlewest territory, on the one hand, and points in Central States, southwestern and Canadian territories, on the other; between points in Central States territory, on the one hand, and points in southwestern and Canadian territories, on the other; and between points in southwestern territory and Canadian territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 17 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 498.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6525; Filed, June 9, 1967; 8:49 a.m.]

[Ex Parte No. 256]

EASTERN, WESTERN, AND SOUTHERN TERRITORY RAILROADS

Increased Freight Rates, 1967

In the matter of May 22, 1967, and May 25, 1967, petitions filed by the Eastern and Western Railroads and a May 31, 1967, petition filed by the Southern Territory Railroads for leave to amend their petitions filed May 18, 1967, and May 19, 1967, respectively, in the above proceeding.

Present: Laurence K. Walrath, Commissioner, to whom the matters which are the subject of this order have been assigned for action thereon.

Upon consideration of the petitions filed by certain respondent railroads in the above proceeding for leave to amend their petitions of May 18, 1967, and May 19, 1967, by changing the petitioners shown in Appendices I, and by changing certain of the provisions, limitations, and exceptions shown in Appendices III of said petitions, and good cause appearing therefore:

It is ordered, That the petitions for leave to amend be, and they are hereby, granted.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

Dated at Washington, D.C., this 2d day of June, A.D. 1967.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6526; Filed, June 9, 1967; 8:49 a.m.]

[Notice 1530]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 7, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), 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-69532. By order of May 31, 1967, the Transfer Board approved the transfer to Link Truck Lines, Inc., Genoa, Colo., of certificate of registration in No. MC-97471 (Sub-No. 1), issued January 12, 1965, to Laura C. Zimmerman, doing business as Zimmerman Truck Lines, Burlington, Colo., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of public convenience and necessity No. PUC 961, granted by Decisions Nos. 33044, dated July 14, 1949, and 33150, dated August 3, 1949, and transferred to transferor by decision No. 59763, dated December 4, 1962, by the Public Utilities Commission of the State of Colorado. Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-69633. By order of May 31, 1967, the Transfer Board approved the transfer to North Park Transportation Co., a corporation, Denver, Colo., of certificate in No. MC-112247, issued March 15, 1956, to Jim Chelf, Inc., Denver, Colo., authorizing the transportation of: Fabricated steel products, from Denver, Colo., to points within a specified New Mexico territory. Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6527; Filed, June 9, 1967; 8:50 a.m.]

[Notice 401]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 7, 1967.

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 protest 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 10761 (Sub-No. 214 TA), filed June 5, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from the plantsite of American Home Foods, at La Porte, Ind., to points in Missouri, Kansas, Oklahoma, Texas, and Nebraska; for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y. 10017. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 28573 (Sub-No. 29 TA), filed June 2, 1967. Applicant: GREAT NORTHERN RAILWAY COMPANY, 175 East Fourth Street, St. Paul, Minn. 55101. Applicant's representative: Anthony Kane (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Contractors' equipment, materials, and supplies,* between Trego, Mont., and the site of the Great Northern Railway Co.'s new Flathead Tunnel through Elk Mountain in the Flathead

Range, in Flathead and Lincoln Counties, Mont.; restricted to traffic having a prior or subsequent movement by rail; for 180 days. Supporting shipper: Walsh-Groves, Post Office Box 72, Trego, Mont. 59934. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 29120 (Sub-No. 94 TA), filed June 5, 1967. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer, 1500 Industrial Avenue, Post Office Box 765, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk, in tank vehicles), from Huron, S. Dak., to Peoria, Ill.; for 180 days. Supporting shipper: Armour & Co., D. A. Chute, Transportation Manager, Chicago, Ill. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501. NOTE: Applicant states that it intends to tack authority here applied for with authority presently held under MC 29120 and to Sub 86 application when final.

No. MC 66562 (Sub-No. 2234 TA) (Correction), filed May 9, 1967, published in FEDERAL REGISTER, issue of May 16, 1967, corrected, and republished as corrected, this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: James C. Ingwersen, 1815 Egbert Avenue, San Francisco, Calif. 94124. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in express service, between Coeur d'Alene and Farragut State Park, Idaho, as follows: From Coeur d'Alene, over U.S. Highway 95 to junction Idaho Highway 54, thence over Idaho Highway 54 to Farragut State Park, and return over the same route; for 45 days, beginning July 15, 1967. Supporting shipper: Howard Boyd, Director of Registration, Boy Scouts of America, New Brunswick, N.J. 08903. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013. NOTE: Applicant states that it intends to tack the authority here applied for to other authority held by it, under MC 66562 (Sub-No. 1332), or to interline with other carriers. The purpose of this republication is to set forth applicant's intention to tack and interline with other carriers, previously inadvertently omitted.

No. MC 95540 (Sub-No. 701 TA), filed June 5, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Hoyt Starr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile and related articles*, from Lakeland, Fla., to Mount Prospect, Ill., and Tulsa and Oklahoma City, Okla.; for 180 days. Supporting shipper: Florida Tile Industries, Inc., 608 Prospect Street, Lakeland, Fla. 33802. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 108460 (Sub-No. 24 TA), filed June 5, 1967. Applicant PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Post Office Box 762, Sioux Falls, S. Dak. 57106. Applicant's representative: Mead Bailey, 509 South Dakota Avenue, Sioux Falls, S. Dak. 57102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the terminal of Central Farmers Fertilizer Co. at or near Pine Bend, Minn., to points in Iowa, Nebraska, North Dakota, and South Dakota; for 180 days. Supporting shipper: Central Farmers Fertilizer Co., 100 South Wacker Drive, Chicago, Ill. 60606 (C. E. Reddemann, General Traffic Manager). Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 112669 (Sub-No. 8 TA) (Correction), filed April 21, 1967, published in FEDERAL REGISTER, issue of April 28, 1967, corrected, and republished as corrected, this issue. Applicant: FRIESEN TRUCK LINE, INC., 1207 East Second Street, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream products and frozen bakery products*, from Hutchinson, Kans., to Springdale, Ark., and Sedalia, Mo.; for 150 days. Supporting shipper: Jackson Ice Cream Co., Inc., 416 North Main Street, Hutchinson, Kans. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202. NOTE: The purpose of this correction is to add the commodity of frozen bakery products, inadvertently omitted previously. By order of the Commission, Temporary Authorities Board, entered May 18, 1967, effective May 21, 1967, applicant was authorized temporary authority for 150 days transporting ice cream and ice cream products only, and therefore seeks a corrected order to include the additional commodity omitted in the previous publication.

No. MC 114364 (Sub-No. 139 TA), filed June 5, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Hyplains Dressed Beef, Inc., Dodge City, Kans., to points in Oklahoma, Arkansas, and Texas; for 150 days. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, Kans. (Darrell Staggs, Traffic Manager). Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 124735 (Sub-No. 6 TA), filed June 5, 1967. Applicant: R. C. KERCHEVAL, JR., 4424 Fouth Avenue South, Seattle, Wash. 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, and parts for motor vehicle chassis, and motor vehicle undercarriage*, from points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin to ports of entry on the international boundary line between the United States and Canada, at or near Blaine, Wash., Eastport, Idaho, Sweetgrass, Mont., and Portal, N. Dak.; for the account of Wheels & Equipment, Ltd.; restricted to shipments destined to Vancouver, British Columbia, Calgary, and Edmonton, Alberta, Canada; for 180 days. Supporting shipper: Wheels & Equipment Ltd., Vancouver, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126276 (Sub-No. 7 TA), filed June 5, 1967. Applicant: FORD MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caps and tops for bottles, jars, and glass containers*, from the plantsite of Ball Brothers Co., Inc., at or near Okmulgee, Okla., to points in Arkansas and Texas; for 150 days. Supporting shipper: Ball Brothers Co., Inc., Muncie, Ind. 47302. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128746 (Sub-No. 3 TA), filed June 5, 1967. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, Pa. 19153.

Applicant's representative: G. Donald Bullock, Post Office Box 146, Wyncote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Willimansett, Mass., to New York, N.Y.; for 150 days. Supporting shippers: Quaker City Beverage Co., 1726–44 Lombard Street, Philadelphia, Pa. 19146; and Kramer Beverage Co., 110 North Virginia, Atlantic City, N.J. 08401. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106. NOTE: Applicant states that it intends to tack authority here applied for with presently held authority, at New York, N.Y.

No. MC 129091 (Sub-No. 2 TA), filed June 5, 1967. Applicant: DALLAS BAUGHMAN, Rural Delivery 2, Everett, Pa. 15537. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Buffington Township, Indiana County, Pa., and points in Somerset County, Pa., to points in Washington County, Md.; for 120 days. Supporting shipper: The Erickson Coal Sales, Inc., Post Office Box 271, Windber, Pa. 15963. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 129133 TA, filed June 5, 1967. Applicant: TYRONE J. GOLLOTT, doing business as CITY TRANSFER & STORAGE CO., 1255 Couevas Street, Biloxi, Miss. 39533. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, decontainerization of such shipments; for 180 days. Supporting shippers: Delcher's Moving & Storage, Post Office Box 507, Jacksonville, Fla.; HIGA Fast Pac, Inc., 465 California Street, Suite 530, San Francisco, Calif. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 312–A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 129134 TA, filed June 5, 1967. Applicant: BILL CARLYLE AND HOWARD BARLOW, a partnership, doing business as SAFEWAY VAN LINES, 203 Railroad Street, Warrensburg, Mo. 64093. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Johnson, Jackson, Henry, Lafayette, Benton, Pettis, Saline, Cooper, Morgan, Moniteau, Ray, Clay, Cass, and Bates Counties, Mo.; restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments; for 180 days. Supporting shippers: Jet Forwarding Inc., 2945 Columbia Street, Torrance, Calif. 90503; CTI-Container Transport International, Inc., 17 Battery Place, New York, N.Y. 10004; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94802; and Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-6566; Filed, June 9, 1967; 8:50 a.m.]

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