



# FEDERAL REGISTER

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 OF THE UNITED STATES

Washington, Friday, October 3, 1958

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10783

#### TRANSFERRING CERTAIN FUNCTIONS FROM THE DEPARTMENT OF DEFENSE TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

By virtue of the authority vested in me by the National Aeronautics and Space Act of 1958 (Public Law 85-568; 72 Stat. 426), and as President of the United States, it is ordered as follows:

SECTION 1. All functions (including powers, duties, activities, and parts of functions) of the Department of Defense, or of any officer or organizational entity of the Department of Defense, with respect to the following are hereby transferred to the National Aeronautics and Space Administration:

(a) The United States scientific satellite project (Project VANGUARD).

(b) Specific projects of the Advanced Research Projects Agency and of the Department of the Air Force which relate to space activities (including lunar probes, scientific satellites and super-thrust boosters) within the scope of the functions devolving upon the National Aeronautics and Space Administration under the provisions of the National Aeronautics and Space Act of 1958, and which shall be more particularly described in one or more supplementary Executive orders hereafter issued.

SEC. 2. (a) The Secretary of the Treasury shall immediately transfer to the appropriation of the National Aeronautics and Space Administration for "Research and Development", from such appropriations of the Department of Defense as the Secretary of Defense shall designate, the following amounts:

(1) In connection with the transfer of functions provided for in section 1 (a) hereof, such amounts as shall be determined by the Director of the Bureau of the Budget pursuant to section 202 (b) of the Budget and Accounting Procedures Act of 1950 (31 U. S. C. 581c (b)) and section 1 (k) of Executive Order No. 10530 of May 11, 1954.

(2) In connection with the transfer of functions of the Advanced Research Projects Agency provided for in section 1 (b) hereof, \$59,200,000.

(3) In connection with the transfer of functions of the Department of the

Air Force provided for in section 1 (b) hereof, \$57,800,000.

(b) In connection with the transfer of functions provided for in section 1, appropriate transfers of records, property, facilities, and civilian personnel shall be carried out as may be agreed upon from time to time by the National Aeronautics and Space Administration and the Department of Defense.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

October 1, 1958.

[F. R. Doc. 58-8198; Filed, Oct. 1, 1958; 2:38 p. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 201—RULES OF PRACTICE

##### CHARGES FOR REPRODUCTIONS OF DOCUMENTS AND FOR CERTIFICATIONS

The Securities and Exchange Commission today announced an amendment to § 201.13 (j) (Rule XIII (j)) of its rules of practice providing a new minimum charge per order for reproductions and an increased fee for certifications (with seal).

*Statement of purpose.* This amendment is to conform the Commission's charges for reproductions of documents and certifications to the general policy set forth in Budget Bureau Circular A-28, dated January 23, 1954, and Bulletin No. 58-3, dated November 13, 1957. It adopts a \$2.00 fee for certification (with seal) and a new minimum charge per order of \$1.00 for reproductions. The charges per page remain unchanged.

*Statutory basis.* This amendment is pursuant to sections 6 (d) and 19 (a) of the Securities Act of 1933, sections 23 (a) and 24 (b) of the Securities Exchange Act of 1934, sections 20 (a) and 22 (a) of the Public Utility Holding Company Act of 1935, sections 307 (a) and 319 (a) of the Trust Indenture Act of 1939, sections 38 (a) and 45 (b) of the Investment Company Act of 1940, sections 210 (a) and 211 (a) of the Investment Advisers Act of 1940, and Title V of the Independent Offices Appropriation Act, 1952 (5

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### SEMIANNUAL CFR SUPPLEMENT (As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146-149,  
1958 Supplement 1 (\$1.00)

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U. S. C. 140), as implemented by Budget Bureau Circular A-28 and Bulletin No. 58-3.

Section 201.13 (j) (Rule XIII (j)) is amended to read as follows:

§ 201.13 *Filing papers; docket; computation of time; public information; confidential treatment.* \* \* \*

(j) Matters of public record may be inspected in the Public Reference Room at the principal office of the Commission, and such material on file at regional offices of the Commission may be inspected at those offices during regular business hours. Copies of matters of public record will be sold to any person upon payment of 20 cents for the first reproduction of an original page where the reproduction does not exceed 9 x 12 inches, 30 cents where it is larger but does not exceed 12 x 18 inches, and 50 cents where it is larger but does not exceed 18 x 24 inches. Additional copies of these pages will be at the rate of 15 cents, 25 cents and 45 cents per page, respectively. In the absence of special circumstances, documents will be photocopied at a 25 percent reduction in size. In addition to any copying charge a charge of \$2.00 will be made for each certification relating to Commission's records without additional charge for the seal of the Commission, which will be affixed in all instances. There will be a minimum charge of \$1.00 for each order.

The Commission finds that notice and public proceedings thereon are not required by section 4 of the Administrative Procedure Act and are unnecessary in view of the small amounts involved.

The foregoing action shall be effective October 1, 1958.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 77s, 77sss, 78u, 79t, 80a-37, 80b-11)

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

SEPTEMBER 25, 1958.

[F. R. Doc. 58-8133; Filed, Oct. 2, 1958; 8:47 a. m.]

**TITLE 49—TRANSPORTATION**  
**Chapter I—Interstate Commerce Commission**

[Docket No. 3666; Order 36]

**PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES**

**MISCELLANEOUS AMENDMENTS**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of September 1958.

The matter of revision of certain regulations governing the transportation of

explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 36, dated July 25, 1958, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on August 14, 1958 (23 F. R. 6242), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 36 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 36, dated July 25, 1958, as revised by the specific deletions and modifications set forth as follows:

1. Delete the entire proposed amendment to § 73.28 which is paragraph (h).

2. In § 73.55 paragraph (a) change the third word in the eighth line to read "of" instead of "or".

3. In § 73.263 paragraph (a) (9) remove the parenthetical mark after "acid" and parenthesize the word "muriatic" only in the sixth line.

It is further ordered, That this order shall become effective December 20, 1958 and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Federal Register Division.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. McCoy,  
Secretary.

**PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER**

Amend § 72.5 Commodity List (15 F. R. 8264, 8267, 8270, 8271, 8272, Dec. 2, 1950) (17 F. R. 7279, Aug. 9, 1952) (21 F. R. 7597, Oct. 4, 1956) (22 F. R. 11030, Dec. 31, 1957) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) \* \* \*

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change) Boron trifluoride.....	Nonf. G.....	73.302, 73.307.....	Green.....	300 pounds.
Grenades, hand or rifle, with gas, smoke or incendiary material but without bursting charges.	See §§ 73.88(d), 73.108, 73.330, 73.350.			
Igniters, jet thrust (jato), class B explosives.	Expl. B.....	No exemption, 73.92.....	Red#.....	550 pounds.
Jet thrust unit (jato), class B explosives.	Expl. B.....	No exemption, 73.92.....	Red#.....	550 pounds.
Peroxides, organic, liquids or solutions, n. o. s.	F.L.....	No exemption, 73.119 (m).	Red.....	1 quart.
Rifle powder. See Propellant explosives, class A. Propellant explosives, class B, or Black powder.				
Starter cartridges, jet engine, class B explosives.	Expl. B.....	No exemption, 73.92.....	Red#.....	200 pounds.
(Add) Bombs, practice, with electric primers or electric squibs.	See § 73.55.....			
Explosive power device.....	Expl. C.....	No exemption, 73.102.....		150 pounds.
Rocket bodies, with electric primers or electric squibs.	See § 73.55.....			
Smoke grenades.....	Expl. C.....	No exemption, 73.108.....		200 pounds.

**PART 73—SHIPPERS**

**SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER**

1. In § 73.31 amend paragraph (g) (9) Table 1; amend paragraph (g) (10) (22 F. R. 4789, July 9, 1957) (23 F. R. 2323, April 10, 1958) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* \* \* \*

(g) \* \* \*  
(9) \* \* \*

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See foot-note	Tank retests				Safety valve retest years	Interior heater systems retest				Tank test pst	Safety valve pst °	Safety valve vapor tight pst minimum	Retest holding time—minutes	Test time when lagging is not removed—minutes
		Up to 10 years	10-22 years	Over 10 years	Over 22 years		Up to 10 years	10-22 years	Over 10 years	Over 22 years					
(Change) ICC-103A100-AL-W		10		10		5					100	75	60	10	20
(Add) ICC-111A100-W-5	(9)	None	None		None	None	5	3		1	100				

(10) All I. C. C. tanks built to one specification and authorized to be stenciled to another specification must be retested in accordance with the higher specification and the test pressure stenciled accordingly on the tank or jacket.

2. In § 73.34 amend only the table in paragraph (k) Exception 12 (23 F. R. 2323, April 10, 1958) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* \* \* \*

(k) \* \* \*  
(12) \* \* \*

Cylinders made in compliance with—	Used exclusively for—
ICC-3A480, ICC-3AA480, ICC-3A480X, ICC-4B, ICC-4BA, ICC-26-210, <sup>1</sup> or ICC-26-300, <sup>1</sup> ICC-4, ICC-3A480, ICC-3AA480, ICC-3A480X, ICC-4A480, or ICC-4AA480.	Liquefied petroleum gas which is commercially free from corroding components. Anhydrous ammonia of at least 99.95% purity.

<sup>1</sup> Use of existing cylinders authorized, but new construction not authorized.

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.51 amend paragraph (q) (18 F. R. 6777, Oct. 27, 1953) to read as follows:

§ 73.51 *Forbidden explosives.* \* \* \*

(q) New explosives except samples for laboratory examination (see § 73.86) and military explosives approved by the Chief of Ordnance, Department of the Army; Chief, Bureau of Ordnance, Department of the Navy; or Air Material Command, Wright-Patterson Air Force Base, Ohio. All other new explosives must be approved for transportation by the Bureau of Explosives.

In § 73.53 amend paragraph (1) (15 F. R. 8286, Dec. 2, 1950) to read as follows:

§ 73.53 *Definition of class A explosives.* \* \* \*

(1) *Grenades.* Grenades, hand or rifle, are small metal or other containers designed to be thrown by hand or projected from a rifle. They are filled with an explosive or a liquid, gas, or solid material such as a toxic or tear gas or an incendiary or smoke producing material and a bursting charge. When shipped without explosives or bursting charges, see §§ 73.100 (y), 73.330, 73.350, and 73.385.

2. In § 73.55 amend paragraph (a) (19 F. R. 1277, Mar. 6, 1954) to read as follows:

§ 73.55 *Ammunition, nonexplosive.*

(a) Nonexplosive ammunition is devices containing no explosives, or other dangerous article, such as cartridge cases, dummy or drill cartridges; empty, sand-

loaded or solid projectiles with or without tracers (containing not in excess of 1 ounce of tracer composition), empty mines, empty bombs, solid projectiles, empty torpedoes, or practice bombs or rocket bodies equipped with electric primers or electric squibs. Such ammunition is exempt from Parts 71-78 of this chapter. Rotating bands should be protected against deformation by method of packing or loading.

3. In § 73.65 amend the introductory text of paragraph (f) (15 F. R. 8289, Dec. 2, 1950) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* \* \* \*

(f) Amatol when cast or compressed in a block or column, in addition to the containers prescribed in paragraphs (a) (1) to (5) of this section, may be shipped in specification containers as follows:

4. In § 73.88 amend paragraph (d) (20 F. R. 8100, Oct. 28, 1955) to read as follows:

§ 73.88 *Definition of class B explosives.* \* \* \*

(d) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See § 73.100 (r) for common fireworks). Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary bombs or incendiary grenades and smoke projectiles or smoke bombs fused or unfused and containing expelling charges but without bursting charges, flash powders in inner units not exceed-

ing 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see § 73.60 for shipments made as low explosives) and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

5. In § 73.92 add paragraph (d) (22 F. R. 11030, Dec. 31, 1957) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.* \* \* \*

(d) *Label.* Each outside container of igniters, jet thrust (jato), class B explosives, jet thrust units (jato), class B explosives, or starter cartridges, jet engine, class B explosives, when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

6. In § 73.100 amend paragraphs (r) (7), (y), and (z); add paragraphs (aa) and (bb) (18 F. R. 3134, June 2, 1953) (21 F. R. 7599, Oct. 4, 1956) (21 F. R. 9355, Nov. 30, 1956) (15 F. R. 8296, Dec. 2, 1950) to read as follows:

§ 73.100 *Definitions of class C explosives.* \* \* \*

(r) \* \* \*  
(7) Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight.

(y) Smoke candles, smoke pots, smoke grenades, and smoke signals containing not more than 200 grams of pyrotechnic composition each, without bursting charges, hand signal devices, very signal cartridges, and highway or railway fuses are devices designed to produce visible effects for signal purposes.

(z) Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive

charge which will break the rod or link upon functioning. These devices must be so designed that they will not function other explosive devices in the package sympathetically.

(aa) Explosive power devices are devices designed to drive generators or mechanical apparatus by means of propellant explosives, class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib and shall contain not more than 400 grams of explosive composition. The devices must be of a design approved by the Bureau of Explosives.

(bb) Detonating fuzes, class C explosives, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. They contain a detonator and a quantity of high explosive. Detonating fuzes, class C explosives, must be made and packed so that they will not cause functioning of other fuzes, explosives or explosive devices if one of the fuzes detonates in a shipping container or in adjacent containers.

7. Amend entire § 73.102 (21 F. R. 9355, Nov. 30, 1956) to read as follows:

§ 73.102 *Explosive cable cutters, explosive power devices, or explosive release devices.* (a) Explosive cable cutters, explosive power devices, or explosive release devices must be packed in strong wooden or metal boxes.

(b) Each outside container must be plainly marked "Explosive Cable Cutters," "Explosive Power Devices," or "Explosive Release Devices" and "Handle Carefully—Keep Fire Away."

8. In § 73.108 amend the heading and introductory text of paragraph (a); amend paragraph (d) (22 F. R. 2225, April 4, 1957) (21 F. R. 7599, Oct. 4, 1956) to read as follows:

§ 73.108 *Common fireworks, signal flares, hand signal devices, railway or highway fuses, smoke signals, smoke candles, smoke grenades, smoke pots, and very signal cartridges.* (a) Common fireworks, signal flares, hand signal devices, railway or highway fuses, smoke signals, smoke candles, smoke grenades, smoke pots, and very signal cartridges, unless otherwise specifically provided for, must be securely packed in containers complying with the following specifications:

(d) Each outside package must be plainly marked in letters not less than  $\frac{1}{16}$  inch in height "Common Fireworks", "Signal Flares", "Hand Signal Devices", "Railway Fuses", "Highway Fuses", "Smoke Signals", "Smoke Candles", "Smoke Pots", "Smoke Grenades", or "Very Signal Cartridges", as the case may be, and with the additional words "Handle Carefully—Keep Fire Away".

9. Amend entire § 73.113 (20 F. R. 4414, June 23, 1955) (22 F. R. 2225, April 4, 1957) to read as follows:

§ 73.113 *Detonating fuzes, class C explosives.* (a) Detonating fuzes, class C explosives, must be packed and well secured in strong tight outside wooden or

metal boxes. The gross weight of the outside wooden or metal box containing detonating fuzes, class C explosives, must not exceed 190 pounds.

(b) Each outside package must be plainly marked "Detonating fuzes, Class C Explosives—Handle Carefully".

SUBPART C—FLAMMABLE LIQUIDS;  
DEFINITION AND PREPARATION

1. In § 73.118 amend paragraph (c) (33) (21 F. R. 3009, May 5, 1956), to read as follows:

§ 73.118 *Exemptions for flammable liquids.* \* \* \*

(c) \* \* \*  
(33) Peroxides, organic, liquids or solutions, n. o. s.

2. In § 73.119 add paragraph (a) (24); amend paragraph (k) (2) (15 F. R. 8299, Dec. 2, 1950) (21 F. R. 671, Jan. 31, 1956) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) \* \* \*  
(24) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drum. Gross weight restriction indicated by the gross weight embossment on the steel barrel or drum shall be waived.

(k) \* \* \*  
(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.162 add paragraph (a) (10) (15 F. R. 8304, Dec. 2, 1950) to read as follows:

§ 73.162 *Charcoal.* (a) \* \* \*  
(10) Charcoal screenings or ground, crushed, granulated, or pulverized charcoal, from pit or kiln burned charcoal, provided the screenings or the material from which the ground charcoal is made has been exposed to the air for not less than 5 days prior to shipment or grinding (see paragraphs (j) and (k) of this section).

2. In § 73.182 amend paragraph (a) (1) (21 F. R. 364, Jan. 19, 1956) to read as follows:

§ 73.182 *Nitrates.* (a) \* \* \*  
(1) Wooden or fiberboard boxes with glass, metal, or other strong inside containers; in metal or fiber drums; in kegs or barrels; or in strong metal cans. When so packed, they are exempt from specification packaging, marking other than name of contents, and labeling requirements when for transportation by rail or highway. Ammonium nitrate-carbonate mixtures, nitrocarbonate, and ammonium nitrate mixed fertilizers so packed are exempt from labeling requirements when for transportation by water carrier. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

3. In § 73.190 amend paragraph (b) (3) (22 F. R. 4790, July 9, 1957) to read as follows:

§ 73.190 *Phosphorus, white or yellow.*

(b) \* \* \*  
(3) Spec. 103, 103-W, or 111A100-W-1 (§§ 78.265, 78.280, or 78.303 of this chapter). Tank cars without bottom outlet for discharge of lading and with approved dome fittings, external heater systems, and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom wash-out nozzle of approved design may be applied. The material must be immersed in water or be blanketed with an inert gas and be loaded at a temperature not exceeding 140° F. The water must be loaded in the dome to not more than 50 percent of the capacity of the dome. After unloading, the tank must be filed to its entire capacity with an inert gas or to its entire capacity and the dome to not more than 50 percent of its capacity with water having a temperature not exceeding 140° F. and placarded with the caution placard prescribed in § 74.555 of this chapter before the car is offered for return movement.  
[No change in Note 1.]

4. In § 73.225 amend paragraph (a) (1) (15 F. R. 8312, Dec. 2, 1950) to read as follows:

§ 73.225 *Phosphorus sesquisulfide.* (a) \* \* \*  
(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with metal inside containers hermetically sealed (soldered) or water-tight metal cans with screw-top closures. Other closures if approved by the Bureau of Explosives will be permitted.

5. In § 73.232 amend paragraph (a) (17 F. R. 4294, May 10, 1952) to read as follows:

§ 73.232 *Tank cars containing residual phosphorus.* (a) Tank cars from which phosphorus has been unloaded and from which all residual phosphorus has not been removed by thorough cleaning must be shipped filled with water or an inert gas and must be placarded by the shipper with placards prescribed in § 74.555 of this chapter.

6. In § 73.234 amend paragraph (a) (2) (23 F. R. 4029, June 10, 1958) to read as follows:

§ 73.234 *Sodium nitrite.* (a) \* \* \*  
(2) Spec. 44C (§ 78.237 of this chapter). Multiwall paper bags constructed of at least 5 thicknesses of heavy duty shipping sack Kraft paper, or equivalent, with a minimum total basis weight of 310 pounds including a polyethylene or other suitable pliable plastic material inner sheet having a minimum basis weight of 10 pounds. All closures must be of such design as to provide a moisture-resistant package when closed for shipment. Net weight not over 100 pounds each. Authorized for carload or truckload shipments only.

## SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.245 amend paragraph (a) (18); add paragraph (a) (20) (22 F. R. 7836, Oct. 3, 1957) (15 F. R. 8313, Dec. 2, 1950) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) \* \* \*

(18) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

(20) Spec. 16A (§ 78.185 of this chapter). Upright, wrap-around style, wire-bound wooden boxes, with inside spec. 2T (§ 78.21 of this chapter), polyethylene containers. (See § 78.185-21 of this chapter).

2. In § 73.249 amend paragraph (a) (5) (22 F. R. 4790, July 9, 1957) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid.* (a) \* \* \*

(5) Spec. 103, 103-W, 103A, 103A-W, 103B, 103B-W, 104, 104-W, 105A100, 105A100-W, 111A100-W-1, 111A100-W-2, 111A100-W-3, 111A100-W-4, or 111A100-W-5 (§§ 78.265, 78.280, 78.282, 78.281, 78.267, 78.282, 78.269, 78.284, 78.270, 78.285, 78.303, 78.304, 78.305, 78.306, or 78.309 of this chapter). Tank cars.

3. In § 73.257 amend paragraphs (a) (6) and (11) (23 F. R. 2325, 2326, April 10, 1958) (22 F. R. 7836, Oct. 3, 1957) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) \* \* \*

(6) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant nonfragile materials having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other materials shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single-wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401 (c) shall not be required. Inside containers shall be packed to prevent movement within the box (see § 78.205-34 of this chapter). Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers (see § 78.205-33 of this chapter); gross weight of completed package shall not exceed 65 pounds. Complete package, closed as for shipment, with inside containers filled with liquid of same specific gravity

as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

(11) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

4. In § 73.258 amend paragraph (a) (2) (22 F. R. 7836, Oct. 3, 1957) to read as follows:

§ 73.258 *Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries.* (a) \* \* \*

(2) Electrolyte, acid, or alkaline corrosive battery fluid included with storage batteries and filling kits may be packed in strong plywood or wooden boxes when shipments are made by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government in outside containers of their specifications provided the electrolyte, acid, or alkaline corrosive battery fluid is packed in polyethylene bottles not over 32-ounce capacity each and not more than 24 bottles securely separated from storage batteries and kits may be shipped in one outside package.

5. In § 73.262 amend paragraphs (a) (6) and (7) (16 F. R. 9375, Sept. 15, 1951) (22 F. R. 7836, Oct. 3, 1957) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) \* \* \*

(6) Spec. 103B, 103B-W, or 111A100-W-5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars.

(7) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

6. In § 73.263 amend paragraphs (a) (9), (16) and (d) (2) (21 F. R. 4565, June 26, 1956) (22 F. R. 7837, Oct. 3, 1957) (23 F. R. 4029, June 10, 1958) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) \* \* \*

(9) Spec. 103B, 103B-W, or 111A100-W-5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars. Authorized for acid not over 38 percent strength by weight. Except for hydrochloric (muriatic) acid of 22° Baume strength, and other fuming acids, safety vent of approved design equipped with frangible disc having  $\frac{1}{8}$  inch breather hole in the center thereof or a safety vent of ap-

proved design equipped with carbon discs permitting continuous venting may be used.

[No change in Note 1.]

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

(d) \* \* \*

(2) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 1 gallon capacity each. Not more than 4 inside containers exceeding 5 pints capacity each shall be in the outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

7. In § 73.264 amend paragraph (a) (11) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) \* \* \*

(11) Spec. 103B, 103B-W, or 111A100-W-5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength.

8. In § 73.265 amend paragraph (b) (3) (16 F. R. 9375, Sept. 15, 1951) to read as follows:

§ 73.265 *Hydrofluosilicic acid.* \* \* \*

(3) Spec. 103B, 103B-W or 111A100-W-5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars, rubber-lined tanks.

9. In § 73.268 add paragraph (f) (5) (15 F. R. 8320, Dec. 2, 1950) to read as follows:

§ 73.268 *Nitric acid.* \* \* \*

(5) Spec. 60 (§ 78.255 of this chapter). Portable tanks, glass-lined.

10. In § 73.271 add paragraph (a) (11) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) \* \* \*

(11) Spec. 103A or 103A-W (§§ 78.266 or 78.281 of this chapter). Tank cars. Authorized for phosphorus trichloride only.

11. In § 73.272 amend paragraphs (c) (6) and (1) (4) (22 F. R. 7837, Oct. 3, 1957) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 *Sulfuric acid.* \* \* \*

(6) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles

may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

(i) \* \* \*  
 (4) Spec. 103B, 103B-W, or 111A100-W-5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars.

12. In § 73.276 add paragraph (a) (4) (15 F. R. 8322, Dec. 2, 1950) to read as follows:

§ 73.276 *Anhydrous hydrazine and hydrazine solution.* (a) \* \* \*  
 (4) Spec. 103C-W (§ 78.283 of this chapter). Tank cars having tanks of Type 304 or 347 ELC (extra low carbon) stainless steel with molybdenum content not exceeding one-half of one percent. Vapor space in tank must be filled with nitrogen gas at atmospheric pressure.

13. In § 73.286 amend paragraph (c) (1) (23 F. R. 4030, June 10, 1958) to read as follows:

§ 73.286 *Chemical kits.* \* \* \*  
 (c) \* \* \*  
 (1) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 32 ounces capacity each, securely cushioned and separated from other inside containers. The contents of the kit must be of such nature and so packed that there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

14. In § 73.287 add paragraph (a) (5) (15 F. R. 8323, Dec. 2, 1950) to read as follows:

§ 73.287 *Chromic acid solution.* (a) \* \* \*  
 (5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene containers having minimum wall thickness of not less than 0.007 inch and so designed as to maintain their configuration when standing empty and open (see § 78.205-34 of this chapter).

15. In § 73.289 amend paragraph (a) (12) (22 F. R. 7837, Oct. 3, 1957) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) \* \* \*  
 (12) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

16. In § 73.291 amend paragraph (a) (8) (21 F. R. 4565, June 26, 1956) to read as follows:

§ 73.291 *Flame retardant compound, liquid.* (a) \* \* \*  
 (8) Spec. 103B, 103B-W, or 111A100-W-5 (§§ 78.267, 78.282, or 78.309 of this chapter). Tank cars.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

In § 73.307 add Note 1 to paragraph (a) (1) (16 F. R. 9376, Sept. 15, 1951) to read as follows:

§ 73.307 *Nonliquefied gases, except gas in solution or poisonous gas.* (a) \* \* \*  
 (1) \* \* \*

NOTE 1: Authorized cylinders containing oxygen which is continuously fed to tanks containing live fish may be shipped irrespective of the provisions of § 73.24.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.331 add paragraph (c) (15 F. R. 8333, Dec. 2, 1950) to read as follows:

§ 73.331 *Gas identification sets.* \* \* \*  
 (c) Gas identification training sets containing poisonous liquids, class A, and poisonous articles, class C, when offered for transportation by carriers by rail freight, rail express, highway, or water must be packed for shipment as follows:

(1) The poisonous liquid, class A, and poisonous article, class C, in amounts not exceeding 5 cubic centimeters, if a liquid, or 20 grams, if a solid, when mixed with or absorbed in activated charcoal, silica gel, crepe rubber, or other absorbent medium, must be packed in strong glass bottles of not less than 2 fluid ounces capacity, equipped with a polyethylene liner; each bottle as herein specified must have a metal screw cap closure, equipped with a built-in compression type spring and an insert in the opening of the bottle to match so that when tightened an airtight seal is obtained. Twelve bottles, containing articles as described in this paragraph and not exceeding 100 cubic centimeters or grams, or a combination of both, shall be placed in a modified styrene plastic carrying case, in three rows of four bottles each and fitted with a fiberboard cell or separator. The void space around the individual bottles, and around all interior sides of the carrying case, shall be filled with dry, fine sawdust or vermiculite. A sheet of sponge rubber shall be fitted to the inside of the top and bottom of the carrying case to provide additional cushioning and insure a snug fit of the bottles when the top is secured. The carrying case shall be fitted into a snug fitting fiberboard box, domestic type. The case shall then be packed in a nailed wooden box, spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), which shall be fitted with a waterproof case liner.

2. § 73.366 add paragraph (a) (3) (20 F. R. 4418, June 23, 1955) to read as follows:

§ 73.366 *Arsenic (arsenic trioxide) or arsenic acid (solid).* (a) \* \* \*  
 (3) In addition to specification containers prescribed in this section, arsenic (arsenic trioxide) or arsenic acid (solid) may be shipped when packed in portable, collapsible, rubber containers, not over 70 cubic feet capacity, of a type approved by the Bureau of Explosives.

Authorized for carload or truckload shipments only.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

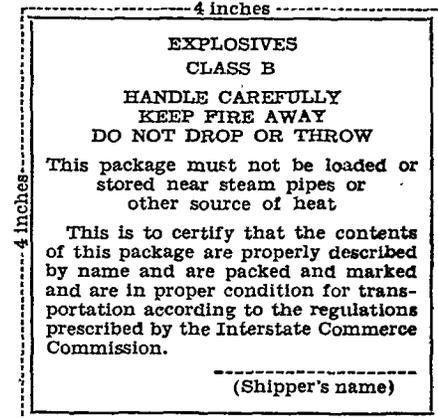
1. In § 73.400 amend paragraph (f) (17 F. R. 1562, Feb. 20, 1952) to read as follows:

§ 73.400 *Explosives.* \* \* \*  
 (f) Each shipment of igniters, jet thrust (jato), class B explosives, jet thrust units (jato), class B explosives, propellant explosives, class B, or starter cartridges, jet engine, class B explosives, when offered for transportation by carriers by rail express, must bear the label prescribed by § 73.412.

2. In § 73.412 amend the heading and entire paragraph (a) (17 F. R. 1563, Feb. 20, 1952) to read as follows:

§ 73.412 *Explosives, class B, label for express shipment.* (a) Label for class B explosives, except special fireworks (see § 73.410), must be square measuring 4 inches on each side and bright red in color. Printing must be in black letters inside of a black-line border measuring 3½ inches on each side and as shown in this section.  
 (1) Red label for Class B explosives for express shipment.

(Reduced size)  
 (Black printing on red)



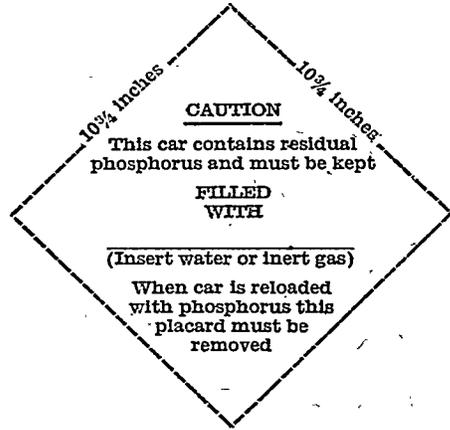
PART 74—CARRIERS BY RAIL FREIGHT

SUBPART C—PLACARDS ON CARS

1. Amend entire § 74.555 (16 F. R. 11781, Nov. 21, 1951) to read as follows:

§ 74.555 *"Caution—Residual phosphorus" placard.* (a) Tank cars previously loaded with phosphorus, when shipped filled with water or inert gas, must bear a placard reading "Caution—This car contains residual phosphorus and must be kept filled with (water) or (inert gas)". The placard must be of diamond shape measuring 10¾ inches on each side, and must bear the wording in black letters as shown in the following cut:

CAUTION PLACARD FOR RESIDUAL PHOSPHORUS  
(Reduced size)



2. In § 74.594 amend paragraph (j) (15 F. R. 8357, Dec. 2, 1950) to read as follows:

§ 74.594 *Leaking tank cars.* \* \* \*

(j) Whenever the leaking condition of a tank car requires transfer of lading or renders the tank unfit for reloading, the car must be stenciled on both sides in letters three inches in size, adjacent to the car number, "Leaky Tank. Do Not Load Until Repaired", and indicate and mark at the location of the leak with the symbol "X", and the owner must be immediately notified by wire, such notification to indicate definitely location of leak. Stenciling must not be removed until the tank is repaired.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. In § 78.10-3 paragraph (a) amend only the table; amend paragraph (c) (17 F. R. 7283, Aug. 9, 1952) to read as follows:

§ 78.10 *Specification 1F; polyethylene carboys in plywood drums.*

§ 78.10-3 *Polyethylene carboys.* (a) \* \* \*

Marked capacity (not over)	Minimum wall thickness	Minimum weight of bottles
Gallons:	Inch	Pounds
5.....	3/16	3
6 1/2.....	3/16	4
13.....	3/16	8

(c) Polyethylene carboys, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning so that contents will be 0° Fahr. or colder, onto solid concrete on any portion of carboy.

2. In § 78.11-3 paragraph (a) amend only the table (18 F. R. 805, Feb. 7, 1953) to read as follows:

§ 78.11 *Specification 1G; polyethylene carboys in wooden or glued plywood boxes.*

§ 78.11-3 *Polyethylene carboys.* (a) \* \* \*

Marked capacity (not over)	Minimum wall thickness	Minimum weight of polyethylene carboy
Gallons:	Inch	Pounds
5.....	0.0625	3
8.....	0.125	8
15.....	0.125	11 1/2

3. In § 78.13-3 amend paragraph (c) (21 F. R. 675, Jan. 31, 1956) to read as follows:

§ 78.13 *Specification 1H; polyethylene carboys in low carbon steel or other equally efficient metal crates.*

§ 78.13-3 *Polyethylene carboys.* \* \* \*

(c) Polyethylene carboys, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning so that contents will be 0° Fahr. or colder, onto solid concrete on any portion of the carboy.

SUBPART B—SPECIFICATIONS FOR INSIDE CONTAINERS, AND LININGS

1. In § 78.21-3 amend paragraph (c) (23 F. R. 2329, April 10, 1958) to read as follows:

§ 78.21 *Specification 2T; polyethylene containers.*

§ 78.21-3 *Polyethylene containers.* \* \* \*

(c) Polyethylene containers, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning so that contents will be 0° Fahr. or colder, onto solid concrete on any portion of the container.

2. In § 78.35-5 add paragraph (a) (2) (21 F. R. 675, Jan. 31, 1956) to read as follows:

§ 78.35 *Specification 2S; polyethylene drums.*

§ 78.35-5 *Test.* (a) \* \* \*

(2) Polyethylene drums, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning so that contents will be 0° Fahr. or colder, onto solid concrete on any portion of the drum.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.80-9, amend paragraph (b) (15 F. R. 8432, Dec. 2, 1950) to read as follows:

§ 78.80 *Specification 5; steel barrels or drums.*

§ 78.80-9- *Closures.* \* \* \*

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

[No change in Note 1.]

2. In § 78.82-9 amend paragraph (b) (15 F. R. 8434, Dec. 2, 1950) to read as follows:

§ 78.82 *Specification 5B; steel barrels or drums.*

§ 78.82-9 *Closures.* \* \* \*

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

[No change in Note 1.]

3. In § 78.115-8 amend paragraph (b) (15 F. R. 8448, Dec. 2, 1950) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

§ 78.115-8 *Closures.* \* \* \*

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

[No change in Note 1.]

4. In § 78.116-8 amend paragraph (b) (20 F. R. 955, Feb. 15, 1955) to read as follows:

§ 78.116 *Specification 17E; steel drums.*

§ 78.116-8 *Closures.* \* \* \*

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container: *Provided*, That thinner metal closures or closures of other material are authorized for containers of 12 gallons capacity or less when opening to be closed is not over 2.7 inches in diameter and closures, except threaded metal closures, are fitted with outside sealing devices which cannot be removed without destroying the closure or sealing device (see paragraph (d) of this section).

[No change in Note 1.]

5. In § 78.133-5 amend the table in paragraph (a); in § 78.133-9 amend the introductory text of paragraph (a) (23 F. R. 2330, April 10, 1958) to read as follows:

§ 78.133 Specification 37P; steel drums with polyethylene liner.

§ 78.133-5 Parts and dimensions. (a) \* \* \*

Marked capacity not over (gallons)	Type of container 1,2	Body sheet	Bottom head sheet	Removable head sheet	Type of removable head closure
5.....	Straight side, single bead.....	26	26	24	Ring seal, bolted ring, lug cover.
6½.....	Straight side, single bead.....	24	24	24	Ring seal, bolted ring, lug cover.
15.....	Straight side, single bead 3.....	22	22	19	Ring seal, bolted ring, lug cover.

[No change in footnotes]

§ 78.133-9 Marking. (a) Marking on the permanent head of each container by embossing with raised marks as follows:

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

In § 78.185-21 cancel Note 2 to paragraph (a) table; add paragraph (c) (23 F. R. 2331, April 10, 1958) to read as follows:

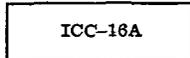
§ 78.185 Specification 16A; plywood or wooden boxes, wirebound.

§ 78.185-21 Special box authorized only when used in conjunction with inside specification 2T (§ 78.21 of this chapter) polyethylene container. (a) \* \* \*

[Note 2 canceled.]

(c) Marking authorized:

(1) Marking on each box with letters and figures at least ½" high in rectangle as follows:



(2) This mark shall be understood to certify that outer container complies with all construction requirements of the specification.

(3) Name of maker shall be located just above, below, or following the mark specified in paragraph (c) (1) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Add § 78.205-34 (15 F. R. 8476, Dec. 2, 1950) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205-34 Special box; authorized only for polyethylene, or other suitable plastic, tight-fitting inside containers so designed as to maintain their configuration when standing empty and open.

(a) Box shall comply with this specification except that top of box shall be closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary. (See §§ 73.257 (a) (6) and 73.287 (a) (5) of this chapter.)

2. In § 78.210 amend the heading; in § 78.210-6 amend only the table in paragraph (a); in § 78.210-10 add paragraph (b); in § 78.210-12 amend paragraph (a)

(1) (22 F. R. 7842, 7843, Oct. 3, 1957) to read as follows:

§ 78.210 Specification 12A; fiberboard boxes. Nonreusable containers.

§ 78.210-6 Boxes authorized. (a) \* \* \*

Gross weight not over (pounds)	Corrugated fiberboard strength (Mullen or Cady test) minimum	
	Double-faced	Double-wall
20.....	200	200
50.....	275	200
75.....	275	275

§ 78.210-10 Test for completed package. \* \* \*

(b) Tests prescribed by paragraph (a) of this section must be conducted prior to initial use of the package and shall be repeated on the change of any components of the package.

§ 78.210-12 Marking. (a) \* \* \*

(1) Stars to be replaced by authorized gross weight (for example, ICC-12A75). The letters NRC, located just above or below the ICC mark, to indicate a non-

reusable container. These marks shall be understood to certify that the outer container complies with all the construction requirements of the specification.

SUBPART F—SPECIFICATIONS FOR BAGS, CLOTH, BURLAP OR PAPER

1. Amend entire § 78.236 (15 F. R. 8482, Dec. 2, 1950) to read as follows:

§ 78.236 Specification 44B; multiwall paper bags.

§ 78.236-1 Compliance. (a) Required in all details.

§ 78.236-2 Paper. (a) Shipping sack kraft paper, plain, 1 shall conform to the following average requirements:

Nominal basis weight (500 sheets, 24" x 36") 1	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width	
	M. D. 2	Total M. D. plus C. D. 2	C. D. 2	Total C. D. plus M. D. 2
Pounds:	Grams	Grams	Pounds	Pounds
40.....	88	158	14	41
50.....	110	235	19	53
60.....	132	282	23	64
70.....	154	329	27	74

1 A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

2 M. D. means machine direction. C. D. means cross direction.

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

Type paper	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width		Heat resistance—hours at 150° F. without impairing function of sack	Maximum average water-vapor permeability from both sides at 50 percent R. H. and 73° F. g/m, 2/24 hours	
	M. D.	Total M. D. plus C. D.	C. D.	Total C. D. plus M. D.		Uncreased 1	Creased 1
Asphalt laminated 2.....	Grams	Grams	Pounds	Pounds	5	2.0	15.0
10PE-50 1/50-10PE 3.....	110	235	19	53	5	7.0	12.0
15PE-50 1/50-15PE 3.....	110	235	19	53	5	1.5	7.5

1 Creasing at 40° F.

2 Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

3 Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humid-

1 Shipping sack kraft paper plain is paper that consists of all sulphate pulp and no other fibre, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a) of this section.

ity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.236-3 *Construction.* (a) Bags must be at least 4 thicknesses of paper; this must be heavy duty shipping sack kraft paper, conforming to the requirements of § 78.236-2 paragraphs (a) and (b) or equivalent, with a minimum total basis weight of 200 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water-resistant stock and at least 60 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of "satchel bottom" construction; bottoms to be reinforced with a kraft paper patch at least 30 pounds basis weight. Other bottoms of equal efficiency are authorized.

(b) Or, bags must be at least 2 thicknesses of paper; this must be heavy duty shipping sack kraft paper, or equivalent with a minimum total basis weight of 110 pounds (500 sheets, 24" x 36"), fastened together with waterproof composition reinforced with jute, sisal, cotton, or other yarn or cord imbedded in the composition and criss-crossed at intervals of not over 1/2", approximately, so as to give approximately the same tensile strength for both width and length. Bags to be of "satchel bottom" construction. Other bottoms of equal efficiency are authorized.

(c) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.236-2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.236-4 *Adhesive.* (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.236-5 *Closure.* (a) For 4-ply bags: Inner (fourth) ply to be diamond folded loose; the third ply to be diamond folded and silicated across all its overlapping folds; the two outer plies to be diamond folded, and cross sealed, front to back and side to side, with gummed tape extending at least 2 inches down sides of bag; sealing tape must be 4" wide, of No. 1 Kraft paper, 90 pounds basis weight (500 sheets, 24" x 36"), or equivalent, and having a Mullen or Cady test, of not less than 90 percent of basis weight. Other closures of equal efficiency are authorized.

(b) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.236-6 *Tests for shipment.* (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.236-7 *Marking.* (a) Marking on each bag with letters and figures at

least 1/2 inch high in rectangle as follows:

ICC-44B

(1) This mark shall be understood to certify that bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

2. Amend entire § 78.237 (23 F. R. 2332, April 10, 1958) (15 F. R. 8482, 8483, Dec. 2, 1950) to read as follows:

§ 78.237 *Specification 44C; multi-wall paper bags.*

§ 78.237-1 *Compliance.* (a) Required in all details.

§ 78.237-2 *Paper.* (a) Shipping sack kraft paper, plain, shall conform to the following average requirements:

Nominal basis weight (500 sheets, 24" x 36") <sup>1</sup>	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width	
	M. D. <sup>2</sup>	Total M. D. plus C. D. <sup>2</sup>	C. D. <sup>2</sup>	Total C. D. plus M. D. <sup>2</sup>
Pounds:	Grams	Grams	Pounds	Pounds
40.....	88	188	14	41
50.....	110	235	19	53
60.....	132	282	23	64
70.....	154	329	27	74

<sup>1</sup> A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

<sup>2</sup> M. D. means machine direction. C. D. means cross direction.

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

Type paper	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width		Heat resistance hours at 150° F. without impairing function of sack	Maximum average water-vapor permeability from both sides at 50 percent R. H. and 73° F. g/m <sup>2</sup> /24 hours	
	M. D.	Total M. D. plus C. D.	C. D.	Total C. D. plus M. D.		Uncreased	Creased <sup>1</sup>
Asphalt laminated <sup>2</sup> .....	Grams 110	Grams 235	Pounds 19	Pounds 53	5	9.0	15.0
10PE-50 1/50-10PE <sup>3</sup> .....	110	235	19	53	5	7.0	12.0
15PE-50 1/50-15PE <sup>3</sup> .....	110	235	19	53	5	4.5	7.5

<sup>1</sup> Creasing at 40° F.

<sup>2</sup> Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

<sup>3</sup> Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample.

<sup>1</sup> Shipping sack kraft paper plain is paper that consists of all sulphate-pulp and no other fibre, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating, or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a) of this section.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.237-3 Construction. (a) Bags must be at least 4 thicknesses of paper; this must be heavy duty shipping sack kraft paper conforming to the requirements of § 78.237-2 paragraphs (a) and (b), or equivalent, with a minimum total

basis weight of 250 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water resistant stock and at least 60 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn, sift-proof bottom construction. Other bottoms of equal efficiency authorized.

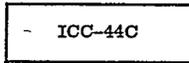
(b) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.237-2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.237-4 Adhesive. (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.237-5 Closure. (a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.237-6 Tests for shipment. (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.237-7 Marking. (a) On each bag with letters and figures at least 1/2 inch high in rectangle as follows:



(1) This mark shall be understood to certify that bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section.

tion; symbol (letters) authorized if registered with the Bureau of Explosives.

3. Amend entire § 78.238 (15 F. R. 8483, Dec. 2, 1950) to read as follows:

§ 78.238 Specification 44D; multiwall paper bags.

§ 78.238-1 Compliance. (a) Required in all details.

§ 78.238-2 Paper. (a) Shipping sack kraft paper, plain,<sup>1</sup> shall conform to the following average requirements:

Nominal basis weight (500 sheets, 24" x 36") <sup>1</sup>	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width	
	M. D. <sup>2</sup>	Total M. D. plus C. D. <sup>2</sup>	C. D. <sup>2</sup>	Total C. D. plus M. D. <sup>2</sup>
Pounds:	Grams	Grams	Pounds	Pounds
40.....	88	188	14	41
50.....	110	235	19	53
60.....	132	282	23	64
70.....	154	329	27	74

<sup>1</sup> A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

<sup>2</sup> M. D. means machine direction. C. D. means cross direction.

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

Type paper	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width		Heat resistance hours at 150° F. without in pairing function of sack	Maximum average water-vapor permeability from both sides at 50 percent R. H and 73° F. g/m, 2/24 hours	
	M. D.	Total M. D. plus C. D.	C. D.	Total C. D. plus M. D.		Uncreased	Creased <sup>1</sup>
Asphalt laminated <sup>2</sup> .....	Grams	Grams	Pounds	Pounds			
10PE-50 1/50-10PE <sup>3</sup> .....	110	235	19	53	5	9.0	15.0
15PE-50 1/50-15PE <sup>3</sup> .....	110	235	19	53	5	7.0	12.0
	110	235	19	53	5	4.5	7.5

<sup>1</sup> Creasing at 40° F.

<sup>2</sup> Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

<sup>3</sup> Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content between 3 and 5.5 percent by exposure to

relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test

<sup>1</sup> Shipping sack kraft paper plain is paper that consists of all sulphate pulp and no other fibre, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a) of this section.

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values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the different walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirements based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement; and variation in combined dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.233-3 *Construction.* (a) Bags must be at least 5 thicknesses of paper; this must be heavy duty shipping sack kraft paper, conforming to the requirements of § 78.238-2 paragraphs (a) and (b), or equivalent, with a minimum total basis weight of 320 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water resistant stock and at least 70 pounds basis weight, inner sheets not less than 50 pounds basis weight. Bags to be of sewn, sift-proof bottom construction. Other bottoms of equal efficiency authorized.

(b) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.238-2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

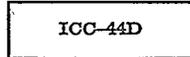
§ 78.238-4 *Adhesive.* (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.238-5 *Closure.* (a) For all bags: Any closure for the top which is equal

in efficiency to that of the bottom, is authorized.

§ 78.238-6 *Tests for shipment.* (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.238-7 *Marking.* (a) On each bag with letters and figures at least ½ inch high in rectangle as follows:



(1) This mark shall be understood to certify bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

4. Amend entire § 78.239 (23 F. R. 2332, April 10, 1958) (19 F. R. 1286, Mar. 6, 1954) to read as follows:

§ 78.239 *Specification 44E; multiwall paper bags.*

§ 78.239-1 *Compliance.* (a) Required in all details.

Type paper	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width		Heat resistance hours at 150° F. without impairing function of sack	Maximum average water-vapor permeability from both sides at 50 percent R. H. and 73° F. g/m, 2/24 hours	
	M. D.	Total M. D. plus C. D.	C. D.	Total C. D. plus M. D.		Uncreased	Creased <sup>1</sup>
	Grams	Grams	Pounds	Pounds			
Asphalt laminated <sup>2</sup> .....	110	235	19	53	5	9.0	15.0
10PE-50 1/50-10PE <sup>3</sup> .....	110	235	19	53	5	7.0	12.0
15PE-50 1/50-15PE <sup>3</sup> .....	110	235	19	53	5	4.5	7.5

<sup>1</sup> Creasing at 40° F.

<sup>2</sup> Asphalt laminated kraft paper when used as a wall in fabricated sacks, shall conform to the requirements of paragraph (b) of this section and shall consist of two sheets of kraft paper, the total basis weight of the two paper plies not less than 50 pounds per ream (500 sheets, 24" x 36"), continuously and uniformly laminated together with an average of not less than 25 pounds of asphalt per ream (500 sheets, 24" x 36"). Tolerance of minus 5 percent will be allowed on individual components. The total basis weight of the finished combination shall not exceed 100 pounds per ream (500 sheets, 24" x 36"). An asphalt laminated kraft wall meeting these requirements may be substituted for a plain kraft wall of 50 pounds basis or less, provided it meets the specification.

<sup>3</sup> Polyethylene-coated shipping sack kraft paper. The polyethylene-coated kraft paper when used as walls in fabricated sacks shall meet the heat resistance and water-vapor permeability requirements as specified in the table. A tolerance of minus 10 percent will be allowed for the lot sample average coating weight of polyethylene on shipping sack kraft paper. Minimum samples for testing shall comprise not less than 3 specimens 16 square inches each selected representatively from each polyethylene-coated wall of each sack in the lot sample.

(c) Laminating materials: Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the requirements in paragraph (b) of this section.

(d) All values in paragraphs (a) and (b) of this section are for paper having a moisture content in equilibrium with an atmosphere having a relative humidity of 50 percent plus or minus 2 percent at a temperature of 73° F. plus or minus 3.5° F. following preconditioning of the test specimens to a moisture content relatively dry air having a temperature no greater than 140° F.

(e) Conformance of sacks with paper strength requirements shall be established by comparing the sums of the test values for all the walls of the new and unused sack with the sums of the respective strength values specified in paragraphs (a) and (b) of this section for the respective papers specified for the differ-

§ 78.239-2 *Paper.* (a) Shipping sack kraft paper, plain,<sup>1</sup> shall conform to the following average requirements:

Nominal basis weight (500 sheets, 24" x 36") <sup>1</sup>	Minimum average dry tearing strength		Minimum average dry tensile strength per inch width	
	M. D. <sup>2</sup>	Total M. D. plus C. D. <sup>2</sup>	C. D. <sup>2</sup>	Total C. D. plus M. D. <sup>2</sup>
Pounds:	Grams	Grams	Pounds	Pounds
40.....	88	183	14	41
50.....	110	235	19	53
60.....	132	282	23	64
70.....	154	329	27	74

<sup>1</sup> A tolerance of minus 10 percent of the basis weight of individual plies of plain shipping sack kraft paper will be permitted; an average tolerance of minus 5 percent will be permitted in the sum total basis weight of all plies in multiwall constructions. Variations in excess of specified basis weights will not be considered a defect or deviation. The basis weight of paper means the basis weight as produced by the paper machine, not including finish subsequently applied, such as coating or printing.

<sup>2</sup> M. D. means machine direction. C. D. means cross direction.

(b) Asphalt laminated or polyethylene coated shipping sack kraft paper when used shall comply with the following requirements:

ent walls of the sack by a method acceptable to the Bureau of Explosives.

(1) Variation in cross direction dry tensile strength of not more than 2 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall of the sack, provided the variation is compensated for by a machine direction tearing strength test value in excess of the minimum requirement obtained from the tables, in the ratio of 5 units of tearing strength for each unit of dry tensile strength test below the minimum requirement; and variation in combined

<sup>1</sup> Shipping sack kraft paper plain is paper that consists of all sulphate pulp and no other fibre, and which has not been treated by coloring, bleaching, creping, coating, spraying, laminating or impregnating for special qualities. Paper shall have a degree of water resistance as secured by normal rosin sizing and shall comply with the requirements in paragraph (a) of this section.

dry tensile strength of not more than 4 units below the minimum requirement based on paragraphs (a) and (b) of this section will be permitted for each wall used provided the variation is compensated for by a combined tearing strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of combined tearing strength for each unit of dry tensile strength test below the minimum requirement. Similarly, variation in machine direction tearing strength of not more than 10 units below the minimum requirement will be permitted for each wall, provided the variation is compensated for by a cross direction dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 1 unit of dry tensile strength for each 5 units of tearing strength test below the minimum requirement; and variation in combined tearing strength of not more than 20 units below the minimum requirement obtained from the tables will be permitted for each wall provided the variation is compensated for by a combined dry tensile strength test value in excess of the minimum requirement obtained from the tables in the ratio of 5 units of tearing strength for each unit of dry tensile strength below the minimum requirement.

§ 78.239-3 *Construction and capacity.* (a) Bags must be at least 3 thicknesses of paper; this must be heavy duty shipping sack kraft paper conforming to the requirements of § 78.239-2 paragraphs (a) and (b), or equivalent, with a minimum total basis weight of 130 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water-resistant stock and at least 50 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn and taped, cemented, taped, satchel bottom or other construction of equal efficiency to form a sift-proof and reasonably airtight container. Authorized for not over 50 pounds net weight, except that bags having a minimum total basis weight of 160 pounds of paper (500 sheets, 24" x 36") with outer sheet of water-resistant stock and at least 60 pounds basis weight inner sheets not less than 50 pounds basis weight, are authorized for not to exceed 100 pounds net weight of contents.

(b) Moistureproof barrier sheets of paper, if used, must meet the requirements of § 78.239-2 (b) and shall be considered as one thickness of paper and shall be counted as 50 pounds basis weight (500 sheets, 24" x 36").

§ 78.239-4 *Adhesive.* (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.239-5 *Closure.* (a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.239-6 *Tests for shipment.* (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.239-7 *Marking.* (a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC-44E

(1) This mark shall be understood to certify bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. In § 78.261 amend paragraph (a) (1) (21 F. R. 4566, June 26, 1956) to read as follows:

§ 78.261 *Specification for interior heater systems—(a) Heater pipes and fittings.* (1) When threaded joints are used, pipes shall not be less than two inch "extra strong" lap-welded steel, seamless steel, electric-resistance-welded steel, or wrought iron to current A. A. R. Specifications, or to ASTM Specification A-83 titled Seamless Steel Boiler Tubes, Grade A, or to ASTM Specification A-178 titled Electric-Resistance-Welded Steel and Open-Hearth Iron Boiler Tubes, Grade A. When the joints are welded, instead of threaded, to give them the same bending strength as the body of the pipes, the thickness of wall may be reduced 20 percent. Joints shall be made by threaded wrought couplings, forged unions, bolted flanges, or welding. A minimum number of connections shall be used.

2. In § 78.265-12 amend the heading and paragraph (a) and add paragraph (b); in § 78.265-14 amend paragraph (c) and add paragraph (d) (21 F. R. 4563, June 26, 1956) (22 F. R. 4793, July 9, 1957) to read as follows:

§ 78.265 *Specification ICC-103; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.265-12 *Gauging, bottom outlet valve operating rod, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.265-14 *Safety valves.* \* \* \*

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids

or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¼ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.265-12 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.265-12 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

3. In § 78.266-12 amend the heading and paragraphs (a) and (b); in § 78.266-14 amend paragraph (b) and add paragraph (c) (21 F. R. 4570, 4571, June 26, 1956) to read as follows:

§ 78.266 *Specification ICC-103A; riveted steel tanks to be mounted on or forming part of a car.*

§ 78.266-12 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.266-14 *Safety vents.* \* \* \*

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¼ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.266-12 (a), made of metal not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent

closure must be chained or otherwise fastened to prevent misplacement.

(c) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.266-12 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

4. Amend entire § 78.267-12; in § 78.267-14 amend paragraph (b) and add paragraph (c) (21 F. R. 4573, June 26, 1956) (22 F. R. 7843, Oct. 3, 1957) to read as follows:-

§ 78.267 Specification ICC-103B; rubber lined riveted steel tanks to be mounted on or forming part of a car.

§ 78.267-12 Gauging, loading and unloading devices, extending through dome of tank. (a) Not specification requirements. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

(c) When gauging, loading and unloading devices and their closures are made of a material affected by the lading, they must have all surfaces protected with an acid resistant approved material at least  $\frac{1}{8}$  inch in thickness.

§ 78.267-14 Safety vents. \* \* \*

(b) Each tank or compartment thereof must be equipped with one safety vent at least  $1\frac{1}{4}$  inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.267-12 (a), made of an approved material not subject to rapid deterioration by the lading. If made of metal, must be lined with an acid resistant approved material at least  $\frac{1}{8}$  inch in thickness, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.267-12 (a), made of

material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. If these devices and their valves are made of metal, they must be lined with an acid resistant approved material at least  $\frac{1}{8}$  inch in thickness. Provision must be made for closing the pipe connections of valves.

5. Amend entire § 78.269-12; in § 78.269-14 amend paragraph (c) and add paragraph (d) (21 F. R. 4575, June 26, 1956) (22 F. R. 4793, July 9, 1957) to read as follows:

§ 78.269 Specification ICC-104; lagged riveted steel tanks to be mounted on or forming part of a car.

§ 78.269-12 Gauging, loading and unloading devices, extending through dome of tank. (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.269-14 Safety valves. \* \* \*

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least  $1\frac{1}{4}$  inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.269-12 (a), made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.269-12 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the

lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

6. In § 78.280-14 amend the heading and paragraph (a) and add paragraph (b); in § 78.280-16 amend paragraphs (c), (d) and add paragraph (e) (21 F. R. 4587, June 26, 1956) (22 F. R. 4794, July 9, 1957) to read as follows:

§ 78.280 Specification ICC-103-W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.280-14 Gauging, bottom outlet valve operating rod, loading and unloading devices, extending through dome of tank. (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.280-16 Safety valves. \* \* \*

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least  $1\frac{1}{4}$  inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.280-14 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.280-14 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

7. In § 78.281-14 amend the heading and paragraphs (a) and (b); in § 78.281-16 amend paragraphs (b) and (c) and add paragraph (d) (21 F. R. 4589, 4590, June 26, 1956) to read as follows:

§ 78.281 *Specification ICC-103A-W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.281-14 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.281-16 *Safety vents. \* \* \**

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¼ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.281-14 (a), made of metal not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.281-14 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

8. Amend entire § 78.282-13; in § 78.282-15 amend paragraphs (b) and (c) and add paragraph (d) (21 F. R. 4592, June 26, 1956) (22 F. R. 7844, Oct. 3, 1957) to read as follows:

§ 78.282 *Specification ICC-103B-W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.282-13 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification require-

ments. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

(c) When gauging, loading and unloading devices, and their closures are made of a material affected by the lading, they must have all surfaces protected with an acid resistant approved material at least ½ inch in thickness.

§ 78.282-15 *Safety vents. \* \* \**

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.282-13 (a), made of an approved material not subject to rapid deterioration by the lading. If made of metal, must be lined with an acid resistant approved material at least ½ inch in thickness, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.282-13 (a) made of an approved material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. If these devices and their valves are made of metal, they must be lined with an acid resistant approved material at least ½ inch in thickness. Provision must be made for closing the pipe connections of valves.

9. In § 78.283-2 amend paragraph (b) (21 F. R. 4593, June 26, 1956) to read as follows:

§ 78.283 *Specification ICC-103C-W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.283-2 *Lagging. \* \* \**

(b) Before lagging is applied, the inside surface of the metal jacket shall be given a protective coating.

10. In § 78.284-14 amend the heading and paragraphs (a) and (b); in § 78.284-16 amend paragraphs (c) and (d) and add paragraph (e) (21 F. R. 4596, June 26, 1956) (22 F. R. 4795, July 9, 1957) to read as follows:

§ 78.284 *Specification ICC-104-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.284-14 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

\* \* \* \* \*  
§ 78.284-16 *Safety valves. \* \* \**

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¼ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.284-14 (a), made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.284-14 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

11. In § 78.285-4 amend paragraph (b); in § 78.285-12 add paragraph (e) (22

F. R. 7844, Oct. 3, 1957) (21 F. R. 4597, 4598, June 26, 1956) to read as follows:

§ 78.285 *Specification ICC-105A100-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.285-4 *Thickness of plates.* \* \* \*

(b) The minimum thickness of plates must be to the following design dimensions:

Inside diameter of tanks	Bottom sheets	Shell sheets	Tank heads
87 inches or under	Inch $\frac{3}{16}$	Inch $\frac{1}{8}$	Inch $\frac{1}{8}$
Over 87 to 107 inches	Inch $\frac{1}{8}$	Inch $\frac{1}{16}$	Inch $\frac{1}{16}$

\* \* \* \* \*

§ 78.285-12 *Venting, loading and unloading, gauging and sampling devices and thermometer well.* \* \* \*

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

12. In § 78.286-12 add paragraph (f); in § 78.286-13 amend paragraph (b) and add paragraphs (c) and (d); in § 78.286-17 amend paragraph (a) (21 F. R. 4600, June 26, 1956) (22 F. R. 4796, July 9, 1957) to read as follows:

§ 78.286 *Specification ICC-105A300-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.286-12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* \* \* \*

(f) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

§ 78.286-13 *Safety valves.* \* \* \*

(b) The safety valve must be set for a start-to-discharge pressure of 225 pounds per square inch except as provided in § 78.286-13 (c).

(c) When a safety valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 225 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 213 pounds per square inch.

(d) When a safety valve is used in combination with a frangible disc, the frangible disc must be designed to fail at a pressure not in excess of 225 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 225 pounds per square inch. Provision must be made to prevent any accumulation of pressure between frangible disc and safety valve.

§ 78.286-17 *Tests of safety valves.*

(a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at the

pressure prescribed in § 78.286-13 (b), (c), or (d), with a tolerance of plus or minus 3 percent, and be vapor tight at 180 pounds per square inch.

13. In § 78.287-12 add paragraph (f); in § 78.287-13 amend paragraph (b) and add paragraphs (c) and (d); in § 78.287-17 amend paragraph (a) (21 F. R. 4601, June 26, 1956) (22 F. R. 4796, July 9, 1957) to read as follows:

§ 78.287 *Specification ICC-105A400-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.287-12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* \* \* \*

(f) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

§ 78.287-13 *Safety valves.* \* \* \*

(b) The safety valve must be set for a start-to-discharge pressure of 300 pounds per square inch except as provided in § 78.287-13 (c).

(c) When a safety valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 300 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 287 pounds per square inch.

(d) When a safety valve is used in combination with a frangible disc, the frangible disc must be designed to fail at a pressure not in excess of 300 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 300 pounds per square inch. Provision must be made to prevent any accumulation of pressure between frangible disc and safety valve.

§ 78.287-17 *Tests of safety valves.*

(a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at the pressure prescribed in § 78.287-13 (b), (c), or (d) with a tolerance of plus or minus 3 percent, and be vapor tight at 240 pounds per square inch.

14. In § 78.288-12 add paragraph (f); in § 78.288-13 amend paragraphs (b) and (c) and add paragraphs (d) and (e); in § 78.288-17 amend paragraph (a) (21 F. R. 4603, June 26, 1956) (22 F. R. 4796, July 9, 1957) to read as follows:

§ 78.288 *Specification ICC-105A500-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.288-12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* \* \* \*

(f) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may

be designed with a by-pass to allow equalization of pressures.

§ 78.288-13 *Safety valves.* \* \* \*

(b) The safety valve must be set for a start-to-discharge pressure of 375 pounds per square inch except as provided in § 78.288-13 (c).

(c) When a safety valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 375 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 360 pounds per square inch.

(d) When a safety valve is used in combination with a frangible disc, the frangible disc must be designed to fail at a pressure not in excess of 375 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 375 pounds per square inch. Provision must be made to prevent any accumulation of pressure between frangible disc and safety valve.

(e) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 375 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 412.5 pounds per square inch. Tanks must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 350 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.288-17 *Tests of safety valves.*

(a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at the pressure prescribed in § 78.288-13 (b), (c), or (d) with a tolerance of plus or minus 3 percent, and be vapor tight at 300 pounds per square inch.

15. In § 78.289-12 add paragraph (f); in § 78.289-13 amend paragraphs (b) and (c) and add paragraphs (d) and (e); in § 78.289-17 amend paragraph (a) (21 F. R. 4605, June 26, 1956) (22 F. R. 4797, July 9, 1957) to read as follows:

§ 78.289 *Specification ICC-105A600-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.289-12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* \* \* \*

(f) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

§ 78.289-13 *Safety valves.* \* \* \*

(b) The safety valve must be set for a start-to-discharge pressure of 450

pounds per square inch except as provided in § 78.289-13 (c).

(c) When a safety valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 450 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 423 pounds per square inch.

(d) When a safety valve is used in combination with a frangible disc, the frangible disc must be designed to fail at a pressure of not in excess of 450 pounds per square inch. The safety valve must be set for a start-to-discharge pressure of 450 pounds per square inch. Provision must be made to prevent any accumulation of pressure between frangible disc and safety valve.

(e) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 450 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge pressure of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 495 pounds per square inch. Tank must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 400 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

#### § 78.289-17 Tests of safety valves.

(a) Each valve must be tested by air or gas before being put into service. The valve must start-to-discharge at the pressure prescribed in § 78.289-13 (b), (c), or (d) with a tolerance of plus or minus 3 percent, and be vapor tight at 360 pounds per square inch.

16. In § 78.291-4 amend paragraph (a); amend entire § 78.291-13; in § 78.291-15 amend paragraphs (c) and (d) and add paragraph (e) (22 F. R. 4797, July 9, 1957) (21 F. R. 4607, June 26, 1956) to read as follows:

§ 78.291 Specification ICC-103AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.291-4 Thickness of plates. (a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than 1/2 inch:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness in inches of thinnest plate;  
 $P$  = calculated bursting pressure, pounds per square inch;  
 $d$  = inside diameter in inches;  
 $S$  = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060	= 9,500 psi.
ASTM B-209 Alloy 990A-1100	= 11,000 psi.
ASTM B-209 Alloy M1A-3003	= 14,000 psi.
ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.

$E$  = efficiency of longitudinal welded joint = 90 percent.

\* \* \* \* \*

§ 78.291-13 Gauging, bottom outlet valve operating rod, loading and unloading devices, extending through dome of tank. (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

#### § 78.291-15 Safety valves. \* \* \*

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves; but if not so equipped, must have one safety vent at least 1 3/4 inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.291-13 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.291-13 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

17. In § 78.292-4 amend paragraph (a); amend entire § 78.292-13; in § 78.292-15 amend paragraphs (d) and (e) and add paragraph (f) (22 F. R. 4798, July 9, 1957) (21 F. R. 4609, 4610, June 26, 1956) to read as follows:

§ 78.292 Specification ICC-103A-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.292-4 Thickness of plates. (a) The plate thickness shall not be less than that obtained by calculation using

the following formula; and in no case be less than 1/2 inch:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness in inches of thinnest plate;  
 $P$  = calculated bursting pressure, pounds per square inch;  
 $d$  = inside diameter in inches;  
 $S$  = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060	= 9,500 psi.
ASTM B-209 Alloy 990A-1100	= 11,000 psi.
ASTM B-209 Alloy M1A-3003	= 14,000 psi.
ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.

$E$  = efficiency of longitudinal welded joint = 90 percent.

\* \* \* \* \*

§ 78.292-13 Gauging, loading and unloading devices, extending through dome of tank. (a) Not specification requirements. When installed, these devices must be of approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading or unloading of the contents, these devices, including valves, must be of an approved design, made of material not subject to rapid deterioration by the lading and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

#### § 78.292-15 Safety devices. \* \* \*

(d) If tank is equipped with a safety vent it must be at least 1 3/4 inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.292-13 (a), made of material not subject to rapid deterioration by the lading and be closed with a frangible disc of suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(e) Safety valve or safety vent flanges, if welded to tank, must be of cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of tank.

(f) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.292-13 (a) or § 78.292-15 (d), made of material not subject to rapid deterioration by the lading and be tightly closed and chained to prevent misplacement. Valves, if applied, must be of approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

18. In § 78.294-4 amend paragraph (a); in § 78.294-12 add paragraph (e)

(21 F. R. 4613, 4614, June 26, 1956) to read as follows:

§ 78.294 *Specification ICC-105A100-AL-W; tagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.294-4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness in inches of thinnest plate;  
 $P$  = calculated bursting pressure, pounds per square inch;  
 $d$  = inside diameter in inches;  
 $S$  = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060 = 9,500 psi.  
 ASTM B-209 Alloy 990A-1100 = 11,000 psi.  
 ASTM B-209 Alloy M1A-3003 = 14,000 psi.  
 ASTM B-209 Alloy GR20A-5052 = 25,000 psi.  
 ASTM B-209 Alloy GS11A-6061 = 24,000 psi.  
 ASTM B-209 Alloy GR40A-5154 = 30,000 psi.  
 ASTM B-209 Alloy GM40A-5086 = 35,000 psi.

$E$  = efficiency of longitudinal welded joint = 90 percent.

§ 78.294-12 *Venting, loading and unloading, gauging and sampling devices.* \* \* \*

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

19. In § 78.297-13 amend the heading and paragraph (a) and add paragraph (b); in § 78.297-15 amend paragraphs (c) and (d) and add paragraph (e) (21 F. R. 4619, 4620, June 26, 1956) (22 F. R. 4799, July 9, 1957) to read as follows:

§ 78.297 *Specification ICC-103D-W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.297-13 *Gauging, bottom outlet valve operating rod, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.297-15 *Safety valves.* \* \* \*

(c) Tanks used for the transportation of corrosive liquids, flammable solids,

oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.297-13 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.297-13 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

20. Amend entire § 78.298-13; in § 78.298-15 amend paragraphs (c) and (d) and add paragraph (e) (21 F. R. 4622, June 26, 1956) (22 F. R. 4799, July 9, 1957) to read as follows:

§ 78.298 *Specification ICC-103E-W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.298-13 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.298-15 *Safety valves.* \* \* \*

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved

design which will prevent interchange with fixtures prescribed in § 78.298-13 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.298-13 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

21. In § 78.299-8 amend the heading and paragraph (a); amend entire § 78.299-13; in § 78.299-15 amend paragraphs (b) and (c) and add paragraph (d) (22 F. R. 11033, Dec. 31, 1957) (21 F. R. 4623, June 26, 1956) to read as follows:

§ 78.299 *Specification ICC-103A-N-W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.*

§ 78.299-8 *Manway rings, safety vent flange and bottom washout nozzle flange or other attachments.* (a) These attachments, except as provided in § 78.299-8 (b), must be fusion-welded. Fusion welding for securing these attachments in place must be of the double-welded butt joint type or double-full-fillet lap joint type.

§ 78.299-13 *Gauging, loading and unloading devices, extending through dome of tank.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank dome, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.299-15 *Safety vents.* \* \* \*

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¼ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.299-13 (a), made of metal not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.299-13 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

22. In § 78.300-4 amend paragraph (a); in § 78.300-12 add paragraph (e) (22 F. R. 4799, July 9, 1957) (21 F. R. 4626, June 26, 1956) to read as follows:

§ 78.300 *Specification ICC-105A300-AL-W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.300-4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank shall be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness in inches of thinnest plate;  
 $P$  = calculated bursting pressure, pounds per square inch;  
 $d$  = inside diameter in inches;  
 $S$  = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy GR20A—5052 = 25,000 psi.  
 ASTM B-209 Alloy GS11A—6061 = 24,000 psi.  
 ASTM B-209 Alloy GR40A—5154 = 30,000 psi.  
 ASTM B-209 Alloy GM40A—5086 = 35,000 psi.

$E$  = efficiency of longitudinal welded joint = 90 percent.

§ 78.300-12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* \* \* \*

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

23. In § 78.301-12 add paragraph (d) (21 F. R. 4627, June 26, 1956) to read as follows:

§ 78.301 *Specification ICC-109A300-W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.301-12 *Venting, loading and unloading valves, gauging and sampling device, and thermometer well.* \* \* \*

(d) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

24. In § 78.302-4 amend paragraph (a); in § 78.302-12 add paragraph (d) (22 F. R. 2236, Apr. 4, 1957) to read as follows:

§ 78.302 *Specification ICC-109A100-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.302-4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness in inches of thinnest plate;  
 $P$  = calculated bursting pressure, pounds per square inch;  
 $d$  = inside diameter in inches;  
 $S$  = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A—1060 = 9,500 psi.  
 ASTM B-209 Alloy 990A—1100 = 11,000 psi.  
 ASTM B-209 Alloy M1A—3003 = 14,000 psi.  
 ASTM B-209 Alloy GR20A—5052 = 25,000 psi.  
 ASTM B-209 Alloy GS11A—6061 = 24,000 psi.  
 ASTM B-209 Alloy GR40A—5154 = 30,000 psi.  
 ASTM B-209 Alloy GM40A—5086 = 35,000 psi.

$E$  = efficiency of longitudinal welded joint = 90 percent.

§ 78.302-12 *Venting, loading and unloading, gauging and sampling devices.* \* \* \*

(d) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

25. Amend entire § 78.303-17; in § 78.303-20 amend paragraph (c) and add paragraphs (d) and (e) (22 F. R. 4801, 4802, July 9, 1957) to read as follows:

§ 78.303 *Specification ICC-111A100-W-1; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.303-17 *Loading and unloading devices.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is author-

ized are such that these devices must be equipped with valves or fittings to permit the loading and unloading of the contents, these devices, including valves, must be of an approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

(c) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of the tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

§ 78.303-20 *Safety valves.* \* \* \*

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent at least 1¼ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.303-17 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damaged to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.303-17 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

26. In § 78.304-17 amend the heading and paragraph (a); in § 78.304-20 amend paragraphs (a) and (b) and add paragraph (d) (22 F. R. 4803, July 9, 1957) to read as follows:

§ 78.304 *Specification ICC-111A100-W-2; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.304-17 *Loading and unloading devices.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture in the tank, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading

pipes must be securely anchored within the tank.

\* \* \* \* \*

§ 78.304-20 *Safety vents.* (a) Safety valves are prohibited, but a safety vent must be applied.

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.304-17 (a), made of metal not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 75 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

\* \* \* \* \*

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.304-17 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing the pipe connections of valves.

27. In § 78.305-17 amend the heading and paragraph (a); in § 78.305-20 amend paragraph (c) and add paragraphs (d) and (e) (22 F. R. 4805, July 9, 1957) to read as follows:

§ 78.305 *Specification ICC-111A100-W-3; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.305-17 *Loading and unloading devices.* (a) Not specification requirements. When installed, these devices must be of an approved design which will prevent interchange with any other fixture on the tank, made of material not subject to rapid deterioration by the lading, and be tightly closed. Unloading pipes must be securely anchored within the tank.

\* \* \* \* \*

§ 78.305-20 *Safety valves.* \* \* \*

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.305-17 (a), made of a material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(d) Safety valve or safety vent flanges, if welded to tank, must be cast, forged, or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(e) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with any fixture prescribed in § 78.305-17 (a), made of material not subject to rapid deterioration by the lading, tightly closed, and chained to prevent misplacement. Valves, if applied, must be of approved design, made of a material not subject to rapid deterioration by the lading, and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

28. In § 78.306-18 add paragraph (b) (22 F. R. 4807, July 9, 1957) to read as follows:

§ 78.306 *Specification ICC-111A100-W-4; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.306-18 *Gauging device.* \* \* \*

(b) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

29. In § 78.307-4 amend paragraph (b); in § 78.307-12 add paragraph (e) (22 F. R. 7847, Oct. 3, 1957) (22 F. R. 4807, 4808, July 9, 1957) to read as follows:

§ 78.307 *Specification ICC-105A200-W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.307-4 *Thickness of plates.* \* \* \*

(b) The minimum thickness of plates must be to the following design dimensions:

Inside diameter of tanks	Bottom sheets	Shell sheets	Tank heads
87 inches or under	Inch $\frac{3}{16}$	Inch $\frac{3}{16}$	Inch $\frac{3}{16}$
Over 87 to 107 inches	Inch $\frac{3}{16}$	Inch $\frac{3}{16}$	Inch $\frac{3}{16}$

\* \* \* \* \*

§ 78.307-12 *Venting, loading and unloading, gauging, and sampling devices and thermometer well.* \* \* \*

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

30. In § 78.308-4 amend paragraph (a); in § 78.308-12 add paragraph (e) (22 F. R. 4809, 4810, July 9, 1957) to read as follows:

§ 78.308 *Specification ICC-105A200-AL-W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.308-4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness in inches of thinnest plate;  
 $P$  = calculated bursting pressure, pounds per square inch;

$d$  = inside diameter in inches;

$S$  = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060 = 9,500 psi.  
 ASTM B-209 Alloy 990A-1100 = 11,000 psi.  
 ASTM B-209 Alloy M1A-3003 = 14,000 psi.  
 ASTM B-209 Alloy GR20A-5052 = 25,000 psi.  
 ASTM B-209 Alloy GS11A-6061 = 24,000 psi.  
 ASTM B-209 Alloy GR40A-5154 = 30,000 psi.  
 ASTM B-209 Alloy GM40A-5086 = 35,000 psi.

$E$  = efficiency of longitudinal welded joint = 90 percent.

\* \* \* \* \*

§ 78.308-12 *Venting, loading and unloading, gauging and sampling devices.* \* \* \*

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

31. Add § 78.309 (21 F. R. 4628, June 26, 1956) to read as follows:

§ 78.309 *Specification ICC-111A100-W-5; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 Application for Approval, (a), (b), (c) and (d).

§ 78.309-1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.309-2 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.309-3 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than  $\frac{3}{16}$  inch:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness in inches of thinnest plate;  
 $P$  = calculated bursting pressure, pounds per square inch;

$d$  = inside diameter in inches;

$S$  = minimum ultimate tensile strength in pounds per square inch;

$E$  = efficiency of longitudinal welded joint = 90 percent.

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness of plate in inches;  
 $P$  = calculated bursting pressure, pounds per square inch;  
 $d$  = inside diameter in inches;  
 $S$  = minimum ultimate tensile strength in pounds per square inch;  
 $E$  = efficiency of welded joint, if any = 90 percent; if head is made in one piece,  $E$  = 100 percent.

(c) Tank must be lined with rubber at least  $\frac{3}{32}$  inch thick. The lining must overlap at least  $1\frac{1}{2}$  inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. A rubber reinforcing pad at least  $4\frac{1}{2}$  feet square and at least  $\frac{1}{2}$  inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the manway opening. The edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No rubber shall be under tension when applied. Interior of tank must be free from scale, oxidation, moisture and all foreign matter during the lining operation.

§ 78.309-4 *Openings in the tank.* (a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.309-5 *Material.* (a) All plates for tank must be made of open-hearth boilerplate flange or firebox quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

(d) Each tank or compartment thereof must be lined with acid resisting rubber vulcanized or bonded directly or otherwise attached to the metal tank to provide a non-porous laminated lining.

§ 78.309-6 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.309-7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All

joints must be fabricated by means of fusion-welding in accordance with the requirements of the A. A. R. Welding Code, Appendix W.

§ 78.309-8 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit. (See A. A. R. Appendix W.)

§ 78.309-9 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.309-10 *Tests of tanks.* (a) Each tank must be tested before rubber lining is applied by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures except safety vents, must be in place while test is made. After tank is rubber-lined, no further tests are required.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.309-7 (a).

§ 78.309-11 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC-111A100-W in letters and figures at least  $\frac{3}{8}$  inch high, stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If the tanks are fabricated from ASTM A-212 Grade A or B steel, the specification number of this material must also be stamped in letters and figures at least  $\frac{3}{8}$  inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC-111A100-W-5 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of the tank builder and date of original test of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in § 78.309-11 (a) (1).

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in § 78.309-11 (a) (2) by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the

stenciled mark specified in § 78.309-11 (a) (1) by the party assembling the completed car.

(4) "Rubber-Lined Tank — Pressure Test Not Required", stenciled on tank, or jacket if lagged, instead of record of test of tank.

(5) Date on which interior heater systems were last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in § 78.309-11 (a) (1).

§ 78.309-12 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives, and Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

(b) Before a tank car tank not originally built under this specification is lined with rubber, a report certifying that the tank and its equipment have been brought into compliance with the tank requirements of specification ICC-111A100-W-5 must be furnished by car owner to the party who is to apply the rubber lining. A copy of this report in approved form certifying that tank has been lined in compliance with all requirements of this specification, must be furnished by party lining the tank to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads.

§ 78.309-13 *Outage.* (a) Tanks built to this specification will require a minimum outage of 1 percent. This outage must be provided in the tank shell.

§ 78.309-14 *Lagging.* (a) Not a specification requirement. If applied, the tank shell must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than  $\frac{1}{8}$  inch in thickness and efficiently flashed around all openings so as to be weather-tight.

(b) Before lagging is applied, the exterior tank surface and the interior surface of the metal jacket shall be given a protective coating.

§ 78.309-15 *Manway and closures.* (a) The opening for manway, before

lining, must be at least 18 inches in diameter. All surfaces exposed to the lading must be rubber-covered.

(b) The manway cover must be of an approved type and designed to provide a secure closure of the manway.

(c) Manway cover must be made of a suitable metal. The top, bottom and edge of manway cover must be rubber-covered as prescribed in § 78.309-3 (c) and § 78.309-5 (d). Through bolt holes must be lined with rubber at least 1/8 inch in thickness. Cover made of metal not affected by the lading, need not be rubber-covered. All rubber surfaces on outside of tank or fitting must be protected with age resisting coating. Manway nozzle must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with the metal of the tank.

(d) All covers not hinged must be attached to outside of tank by at least a 3/8 inch chain or its equivalent.

(e) All joints between manway cover and manway and between manway cover and any appurtenances mounted thereon, must be made tight against leakage.

§ 78.309-16 *Bottom outlets.* (a) Bottom outlet is prohibited. Bottom sump is permissible. If used and welded to tank it must be of cast, fabricated or forged metal of good weldable quality in conjunction with metal of tank.

§ 78.309-17 *Venting, loading and unloading devices.* (a) Tank must be provided with a venting device and a loading and unloading device of approved design, and must be tightly closed. Protective housing not required except when the characteristics of the commodity for which car is authorized are such that the devices must be equipped with valves to provide for the loading and unloading of the contents. These devices, including the valves, must be of an approved design and provided with a protective housing. Unloading pipes must be securely anchored within the tank.

(b) When venting, loading and unloading and air inlet devices and their closures are made of material affected by the lading, they must have all surfaces covered as prescribed in § 78.309-3 (c) and § 78.309-5 (d).

(c) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of tank can be completely removed.

§ 78.309-18 *Gauging device.* (a) Outage for these tanks must be provided in the tank shell; therefore, an outage scale visible from manway when cover is open must be provided. All surfaces of attachments exposed to the lading must be covered with rubber as prescribed in § 78.309-3 (c) and § 78.309-5 (d). Attachments made of metal not affected by the lading need not be rubber-covered.

§ 78.309-19 *Vacuum breaker.* (a) Not a specification requirement.

§ 78.309-20 *Safety vents.* (a) Safety valves are prohibited. Safety vent must be applied.

(b) Each tank, or compartment thereof, must be equipped with one safety vent of approved material and if of metal, must be lined with rubber at least 1/8 inch in thickness, having an inside diameter of at least 1 1/4 inches after lining, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent connection, if welded to tank, must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank.

§ 78.309-21 *Interior heater systems.* (a) Not a specification requirement. When installed, see § 78.260 and § 78.261, heater systems. If applied, the design must be approved.

32. In § 78.312-12 add paragraph (e) (22 F. R. 4811, July 9, 1957) to read as follows:

§ 78.312 *Specification ICC-112A400-W; fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.312-12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* \* \* \*

(e) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

33. In § 78.313-4 amend paragraph (a); in § 78.313-12 add paragraph (d) (23 F. R. 2333, 2334, Apr. 10, 1958) to read as follows:

§ 78.313 *Specification ICC-109A200 AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.313-4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness in inches of thinnest plate;  
 $P$  = calculated bursting pressure, pounds per square inch;  
 $d$  = inside diameter in inches;  
 $S$  = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060 = 9,500 psi.  
 ASTM B-209 Alloy 990A-1100 = 11,000 psi.  
 ASTM B-209 Alloy M1A-3003 = 14,000 psi.  
 ASTM B-209 Alloy GR20A-5052 = 25,000 psi.  
 ASTM B-209 Alloy GS11A-6061 = 24,000 psi.  
 ASTM B-209 Alloy GR40A-5154 = 30,000 psi.  
 ASTM B-209 Alloy GM40A-5086 = 35,000 psi.

$E$  = efficiency of longitudinal welded joint = 90 percent.

§ 78.313-12 *Venting, loading and unloading, gauging and sampling devices.* \* \* \*

(d) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

34. In § 78.314-4 amend paragraph (a); in § 78.314-12 add paragraph (d) (22 F. R. 4812, 4813, July 9, 1957) to read as follows:

§ 78.314 *Specification ICC-109A300-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.*

§ 78.314-4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

$t$  = thickness in inches of thinnest plate;  
 $P$  = calculated bursting pressure, pounds per square inch;  
 $d$  = inside diameter in inches;  
 $S$  = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy GR20A-5052 = 25,000 psi.  
 ASTM B-209 Alloy GS11A-6061 = 24,000 psi.  
 ASTM B-209 Alloy GR40A-5154 = 30,000 psi.  
 ASTM B-209 Alloy GM40A-5086 = 35,000 psi.

$E$  = efficiency of longitudinal welded joint = 90 percent.

§ 78.314-12 *Venting, loading and unloading, gauging and sampling devices.* \* \* \*

(d) An excess flow valve, as referred to in this specification, is a device which closes automatically against the outward flow of the contents of the tank such as may be encountered in case the external closure valve is broken off or removed during transit. Excess flow valves may be designed with a by-pass to allow equalization of pressures.

35. In § 78.323 amend the heading; in § 78.323-11 amend paragraph (a) (20 F. R. 4420, June 23, 1955) to read as follows:

§ 78.323 *Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B209-57T).* To be mounted on and to form part of tank motor vehicles for transportation of flammable liquids, and poisonous liquids, class B.

§ 78.323-11 *Material.* (a) All sheets for such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209-57T (as revised to include 5454), and have the following minimum requirements:

Yield strength..... 26,000 lbs. per sq. in.  
 Ultimate strength..... 34,000 lbs. per sq. in.  
 Elongation, 2-inch sample, 12 percent.

NOTE: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASTM E8-36).

36. In § 78.326-10 amend paragraph (a) (22 F. R. 11036, Dec. 31, 1957) to read as follows:

§ 78.326 *Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction.*

§ 78.326-10 *Material.* (a) All sheets for shell, heads, bulkheads, and baffles of such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Materials Specification B209-57T (as revised to include 5454).

[F. R. Doc. 58-8140; Filed, Oct. 2, 1958; 8:48 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) of § 6.342 (b) is amended and subparagraph (15) is added to paragraph (b) as set out below.

§ 6.342 *Housing and Home Finance Agency.* \* \* \*

(b) *Federal Housing Administration.*

(9) One Assistant Commissioner for Audit and Examination.

(15) One Deputy Assistant Commissioner for Audit and Examination.  
(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

##### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
*Executive Assistant.*

[F. R. Doc. 58-8166; Filed, Oct. 2, 1958; 8:54 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

#### PART 722—COTTON

##### PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ALLOTMENT FOR THE 1959 CROP OF UPLAND COTTON

Sec. 722.201 Basis and purpose.  
722.202 Findings and determinations with respect to a national marketing quota for the 1959 crop of cotton.  
722.203 Determination of a national allotment for the 1959 crop of cotton.

AUTHORITY: §§ 722.201 to 722.203 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 341-348, 52 Stat. 38, as amended, Pub. Law 85-385; 7 U. S. C. 1301, 1341-1348.

§ 722.201 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1958, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national allotment for the 1959 crop of upland cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended (referred to herein as the "act"), including amendments under the Agricultural Act of 1958 (Pub. Law 85-835, approved August 28, 1958, 72 Stat. 988). The term "upland cotton" (referred to herein as "cotton") and the data appearing in §§ 722.202 and 722.203 do not include extra long staple cotton described in section 347 (a) of the act or similar types of such cotton which are imported. Section 342 of the act provides, in part, that, whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed, the Secretary is required by section 344 (a) of the act to determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The act further provides that the proclamation with respect to a national marketing quota shall be made not later than October 15 of the calendar year in which the determinations relating thereto are made.

(b) The terms "total supply", "carryover", and "normal supply", as they relate to cotton, are defined in section 301 of the act as follows:

"Total supply" of cotton for any marketing year shall be the carryover at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carryover" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 percent of the sum of such consumption and exports as an allowance for carryover.

(c) The findings and determinations made by the Secretary are contained in §§ 722.202 and 722.203 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER on September 9, 1958 (23 F. R. 6959), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), that the Secretary was preparing to examine

the supply situation with respect to cotton to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 15 days from the date of publication of the notice, which was September 9, 1958. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.202 *Findings and determinations with respect to a national marketing quota for the 1959 crop of cotton—*

(a) *Total supply.* The total supply of cotton for the marketing year beginning August 1, 1958 (in terms of running bales or the equivalent), is 20,369,000 bales, consisting of (1) a carryover on August 1, 1958, of 8,405,000 bales, (2) estimated production from the 1958 crop of 11,904,000 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1958, of 60,000 bales.

(b) *Normal supply.* The normal supply of cotton for the marketing year beginning August 1, 1958 (in terms of running bales or the equivalent), is 15,990,000 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1958, of 7,800,000 bales, (2) estimated exports during the marketing year beginning August 1, 1958, of 4,500,000 bales, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carryover, or 3,690,000 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of cotton for the marketing year beginning August 1, 1958, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1959. It is further determined and proclaimed that the amount of the national marketing quota for the 1959 crop of cotton shall be 12,167,000 bales (standard bales of 500 pounds gross weight). The amount of such quota has been determined under section 342 of the act which, in effect, provides that the 1959 quota shall be the larger of the following:

(1) The number of bales of cotton (standard bales of 500 pounds gross weight) adequate, together with (i) the estimated carryover at the beginning of the 1959-60 marketing year and (ii) the estimated imports during the 1959-60 marketing year, to make available a normal supply of cotton. The number of bales of cotton determined under this provision is 8,196,000 bales.

(2) The number of bales of cotton required to provide a national allotment of 16,000,000 acres for the 1959 crop of cotton. The number of bales of cotton (standard bales of 500 pounds gross weight) determined under this provision is 12,167,000 bales.

§ 722.203 *Determination of national allotment for the 1959 crop of cotton.* It is hereby further determined and proclaimed that a national allotment shall be in effect for the crop of cotton pro-

duced in the calendar year 1959. The amount of such national allotment shall be 16,000,000 acres. The amount of such national allotment has been determined under section 342 of the act, which provides that the national marketing quota for cotton for 1959 shall be not less than the number of bales required to provide a national allotment for cotton for 1959 of 16,000,000 acres. The apportionment of the 1959 national allotment to the States will be included in the regulations pertaining to acreage allotments for the 1959 crop of upland cotton. The regulations will also contain the additional allotment which each State will receive under the 310,000-acre national reserve provision which was added to the act by the Agricultural Act of 1958.

Done at Washington, D. C., this 29th day of September 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,  
Acting Secretary of Agriculture.

[F. R. Doc. 58-8144; Filed, Oct. 2, 1958;  
8:49 a. m.]

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[938.300, Amdt. 2]

#### PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

##### LIMITATION OF SHIPMENTS

*Findings.* 1. Pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the Act.

2. It is hereby 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 amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of

this amendment; (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted under the circumstances, for such preparation; (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area; and (vi) this amendment relieves restrictions on the handling of potatoes grown in the production area during the period from the effective date hereof until June 30, 1959.

*Order, as amended.* In paragraph (b) of § 938.300 (23 F. R. 7102) subparagraph (4) is hereby amended as set forth below:

(4) *Minimum quantities.* Pursuant to § 938.53 any handler may handle not more than 20 hundredweight of table-stock potatoes, in the aggregate, per shipment free from requirements effective pursuant to § 938.42 (assessments) and § 938.60 (inspection). This exemption shall not apply to any portion of a shipment of over 20 hundredweight of such potatoes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 30, 1958, to become effective October 6, 1958.

[SEAL] S. R. SMITH,  
Director,  
Fruit and Vegetable Division.

[F. R. Doc. 58-8171; Filed, Oct. 2, 1958;  
8:56 a. m.]

## TITLE 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

#### PART 71—REGULATIONS TO PROTECT AGAINST ACCIDENTAL CONDITIONS OF CRITICALITY IN THE SHIPMENT OF SPECIAL NUCLEAR MATERIAL

In September 1957, the Commission issued for public comment proposed regulations designed to assure that appropriate precautions are taken in connection with shipments of special nuclear material to protect against accidental conditions of criticality. Requirements to protect against other hazards in the shipment of such materials are prescribed in other Commission regulations and in regulations of other agencies having jurisdiction over means of transportation.

In view of some comments which interpreted the proposed regulation as requiring individual approvals for each shipment, an addition has been made to § 71.23 (b) to make it clear that a licensee, or applicant, may propose shipping procedures for special nuclear material which, if approved, may be observed by him for any number of shipments falling within the scope of the approved procedures.

The Commission is collaborating with agencies having jurisdiction over means of transportation to develop standardized shipping procedures and container specifications for special nuclear material. The issuance of regulations speci-

fying approved procedures and containers for such materials will eliminate the need for many specific approvals now required.

Pursuant to Part 70 (§ 70.12), carriers and warehousemen are exempt from special nuclear material licensing requirements to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto. The following rule distinguishes between transportation by licensees and transportation by such unlicensed carriers. Where special nuclear material is to be transported by a licensee, prior Commission approval of proposed shipping procedures must be obtained for all shipments in excess of the quantities of special nuclear material specified in Appendix A. In the case of unlicensed carriers, there normally exists a possibility that a number of small quantities of special nuclear material from different shippers might come into hazardous proximity to each other. For this reason, the quantity of special nuclear material which may be delivered to a carrier authorized to transport special nuclear material without a Commission license is set considerably lower (Appendix B), except for cases where the licensee who makes the shipment is in a position to, and does, exercise such control over transportation of the shipment as to assure that the total quantity of special nuclear material in the shipment does not exceed the limits specified in Appendix A.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following regulations are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

##### GENERAL PROVISIONS

Sec.	
71.1	Purpose.
71.2	Scope.
71.3	Definitions.
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##### EXEMPTIONS

71.11	Specific exemptions.
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##### REQUIREMENTS

71.21	Shipments to be transported by licensees.
71.22	Shipments to be transported by persons other than licensees.
71.23	Application for approval of proposed shipping procedures.

##### ENFORCEMENT

71.71	Violations.
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AUTHORITY: §§ 71.1 to 71.71 issued under sec. 161 (b), (i), 68 Stat. 948, as amended; 42 U. S. C. 2201.

##### GENERAL PROVISIONS

§ 71.1 *Purpose.* The regulations in this part are designed to establish appropriate precautions in connection with the transportation of special nuclear material to prevent accidental conditions of criticality. Requirements to protect against other hazards in the shipment of such materials are prescribed pursuant to other parts of this chapter and in regulations of other agencies having jurisdiction over means of transportation. Accordingly, the requirements of this part are in addition to, and not in

substitution for, such other requirements.

§ 71.2 *Scope.* The regulations in this part apply to all persons licensed to receive, possess, use or transfer special nuclear material pursuant to the regulations in Part 70 of this chapter.

§ 71.3 *Definitions.* As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

(b) "Carrier" means any person who receives special nuclear material for purposes of transportation and who (pursuant to § 70.12 of this chapter) may transport special nuclear material without a license from the Commission. The term includes, but is not limited to, government agencies which furnish transportation services, such as the Post Office Department and the Military Air Transport Service;

(c) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(d) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(e) "License" means a license issued under the regulations in Part 70 of this chapter. "Licensee" means the holder of such license;

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing;

(g) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the act, determines to be special nuclear material but does not include source material; or (2) any material artificially enriched by any of the foregoing but does not include source material.

§ 71.4 *Communication.* All communications and reports concerning the regulations in this part, and applications filed under them, should be addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Division of Licensing and Regulation.

§ 71.5 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be

recognized to be binding upon the Commission.

EXEMPTIONS

§ 71.11 *Specific exemptions.* The Commission may, upon application of any interested person, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

REQUIREMENTS

§ 71.21 *Shipments to be transported by licensees.* No licensee shall transport any quantity of special nuclear material outside the confines of his plant or other authorized location of use in any case where the quantity of such material in the shipment exceeds the limits specified in Appendix A, except in accordance with such procedures as have been approved by the Commission.

§ 71.22 *Shipments to be transported by carriers.* (a) A licensee may deliver a quantity of special nuclear material to a carrier for transportation without obtaining prior approval: *Provided*, (1) The quantity of special nuclear material so delivered does not exceed the limits specified in Appendix A and (2) such licensee is in a position to, and does, exercise such supervision and control over the shipment as to assure that, if said special nuclear material is transported with any other quantity of special nuclear material, the total quantity of special nuclear material so transported does not exceed the limits specified in Appendix A.

(b) No licensee shall deliver any quantity of special nuclear material in excess of the limits specified in Appendix B to any carrier for transportation except (1) as provided in paragraph (a) of this section or (2) in accordance with such procedures as have been approved by the Commission.

§ 71.23 *Application for approval of proposed shipping procedures.* (a) (1) There may be included in any application for special nuclear material license, or for amendment of a special nuclear material license proposed procedures to protect against accidental conditions of criticality in the transportation of special nuclear material. Such applications should include the following information:

(i) Maximum quantity and physical, chemical, and isotopic composition of special nuclear materials to be shipped in each container and in each shipment; and

(ii) Shipping container specifications; and

(iii) The safeguards (such as "bird-cages") to be employed to assure that containers will not come into hazardous proximity with one another or with containers of another shipment of special nuclear materials; and

(iv) The mode of transportation to be used; and

(v) Applicant's own evaluation of the adequacy of the proposed procedures to

protect against accidental conditions of criticality, taking into account the possibility of accidents, including flooding, fire and wreckage.

(2) The Commission may request additional information.

(b) The Commission will approve proposed transportation procedures pursuant to this section if it determines that such procedures will provide adequate protection against accidental conditions of criticality. Transportation procedures approved by the Commission under this section for a licensee may be observed by the licensee for any number of shipments within the scope of the approved procedures without further approval from the Commission.

ENFORCEMENT

§ 71.71 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

APPENDIX A

Special nuclear material	Quantity
Uranium enriched in the isotope U-235.	350 grams contained Uranium-235.
Uranium-233	200 grams.
Plutonium	200 grams.

NOTE: Where a shipment is to contain more than one kind of special nuclear material (e. g., uranium enriched in the isotope U-235 and plutonium), the applicable quantity limits for the shipment should be calculated in the following manner: Determine for each kind of special nuclear material to be shipped, the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all the kinds of special nuclear material in the proposed shipment should not exceed "1" (i. e., "unity").

EXAMPLE: If a proposed shipment is to consist of 175 grams of contained uranium-235 and 50 grams of uranium-233, it may also include not more than 50 grams of plutonium. This limit was determined as follows:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

APPENDIX B

Special nuclear material	Quantity
Uranium enriched in the isotope U-235.	100 grams contained Uranium-235.
Uranium-233	60 grams.
Plutonium	60 grams.

NOTE: Where a quantity of special nuclear material to be delivered to a carrier for transportation contains more than one kind of special nuclear material, the applicable quantity limits should be calculated in the following manner: Determine for each kind of special nuclear material to be shipped, the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear material in the proposed shipment should not exceed "1" (i. e., "unity").

Dated at Germantown, Md., this 10th day of September 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,  
General Manager.

[F. R. Doc. 58-8167; Filed, Oct. 2, 1958;  
8:55 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7041]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

##### TOWNECRAFT INDUSTRIES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.25 *Competitors and their products*; *Competitors' products*; § 13.170 *Qualities or properties of product or service*; § 13.205 *Scientific or other relevant facts*. Subpart—*Disparaging competitors and their products*—*Competitors' products*: § 13.100 *Performance*. Subpart—*Misrepresenting oneself and goods*—*Goods*: § 13.1585 *Competitive inferiority*; § 13.1710 *Qualities or properties*; § 13.1740 *Scientific or other relevant facts*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Townecraft Industries, Inc., et al., Ridgefield, N. J., Docket 7041, Aug. 15, 1958]

*In the Matter of Townecraft Industries, Inc., a Corporation, Henry Zadikoff, Michael G. Nakash, Ernest Barbaris, and Arthur I. Meyer (Erroneously Referred to in the Complaint as Arthur R. Mayer), Individually and as Officers and Directors of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in Ridgefield, N. J., of stainless steel cooking utensils known as "Chef's Ware" designed to employ the so-called "waterless" method of cooking, with representing falsely in advertising and through salesmen furnished by it with sales manuals, talks, and sales talk visualizers, that use of its cooking utensils and waterless cooking preserved all food elements, was more conducive to health than other cooking utensils, and would assure good health; that odors in cooking meant that vitamins and minerals were being cooked out of food; and that food cooked in aluminumware becomes tainted because of previously cooked food retained in the porous metal.

Following acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 15 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That the respondent Townecraft Industries, Inc., a corporation, and its officers, and respondents Henry Zadikoff, Michael Nakash, and Ernest Barbaris, individually and as officers of said corporation, and respondents' agents, representatives and em-

ployees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of stainless steel cooking utensils or any other cooking utensils of substantially similar composition, design, construction or purpose, do forthwith cease and desist from representing, directly or by implication:

(1) That all food elements are preserved in food when respondents' cooking utensils and the "waterless" method of cooking are used.

(2) That most illnesses are the direct or indirect result of vitamin and mineral deficiencies brought about by the improper preparation of food or misrepresenting in any manner the percentage of illnesses that may be so caused.

(3) That the use of respondents' cooking utensils and the "waterless" method of cooking is more conducive to health than other modern cooking utensils employing the "waterless" method of cooking and those utensils known as pressure cookers and steamers; however nothing contained herein shall prevent respondents from representing that more vitamins and minerals are retained in food cooked in their utensils utilizing the modern "waterless" method of cooking than when cooked in other utensils requiring substantially larger quantities of water.

(4) That the use of respondents' cooking utensils and the "waterless" method of cooking will promote or is conducive to better health except for the benefit to health accomplished by the additional vitamins and minerals retained through use of the modern "waterless" method of cooking.

(5) That odor emanating from food when it is being cooked means that vitamins or minerals are being cooked out of the food.

(6) That food cooked in aluminum cooking utensils becomes tainted.

(7) That food cooked or kept in aluminum cooking utensils becomes poisonous.

(8) That the use of aluminum cooking utensils will cause ill health.

*It is further ordered*, That the complaint be, and it hereby is, dismissed as to respondent Arthur I. Meyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondents Townecraft Industries, Inc., a corporation, and Henry Zadikoff, Michael G. Nakash, and Ernest Barbaris, individually and as officers and directors of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 15, 1958.

By the Commission.

[SEAL] ROBERT M. FARRISH,  
Secretary.

[F. R. Doc. 58-8125; Filed, Oct. 2, 1958;  
8:45 a. m.]

[Docket 7104]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

##### ALEX SALES CO. ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.170 *Qualities or properties of product or service*; § 13.205 *Scientific or other relevant facts*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Alex Sales Company et al., Oklahoma City, Okla., Docket 7104, Aug. 28, 1958]

*In the Matter of Alex Sales Company, a Corporation, T. O. Whitten, Darwin Frayer, Gussie Singleton, and Faye Whitten, Individually and as Officers of Alex Sales Company*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Oklahoma City, Okla., of a preparation known as "Don's Hair Formula", to cease representing falsely in advertising that the great majority of cases of excessive hair fall and baldness are caused by disease of the scalp; that use of their preparation would cure such diseased condition and thereby prevent excessive hair fall and baldness, grow new hair, and cure baldness.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 28 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That the respondents Alex Sales Company, a corporation, and its officers, and T. O. Whitten, Darwin Frayer, Gussie Singleton and Faye Whitten, individually and as officers of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Don's Hair Formula or any other cosmetic or medicinal preparation for use in the treatment of disorders of the hair and scalp, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That diseased scalp conditions are a major cause of excessive hair fall or baldness or misrepresenting in any manner the extent to which diseased scalp conditions may be a cause of excessive hair fall or baldness.

2. Representing that the use of respondent's preparation alone or in conjunction with any method or treatment will:

(a) Prevent excessive hair fall or baldness or cause the growth of new hair unless such representations are expressly limited to cases other than those known to dermatologists as male pattern baldness, and unless the advertisement clearly and conspicuously reveals that

the great majority of cases of excessive hair fall and baldness are of the male pattern type and that in such cases the use of respondents' product will not be of value in preventing excessive hair, loss, preventing baldness or in growing new hair.

(b) Cure dandruff or have any beneficial effect upon dandruff in excess of the temporary removal thereof.

3. Disseminating or causing the dissemination by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' preparation, in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited by Paragraphs 1 and 2 hereof or which fails to comply with the affirmative requirements of Paragraph 2 (a) hereof.

By "Decision of the Commission", report of compliance was required as follows:

*It is ordered.* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 28, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 58-8126; Filed, Oct. 2, 1958;  
8:45 a. m.]

[Docket 6998]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TEITELBAUM OF BEVERLY HILLS ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*: Exaggerated as regular and customary; percentage savings; § 13.285 *Value*. Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1845 *Composition*: Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: Fur Products Labeling Act; § 13.1865 *Manufacture or preparation*: Fur Products Labeling Act; § 13.1900 *Source or origin*: Fur Products Labeling Act; *Place*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Teitelbaum of Beverly Hills et al., Los Angeles, Calif., Docket 6998, Sept. 3, 1958]

*In the Matter of Teitelbaum of Beverly Hills, a Corporation and Milton J. Wershow and David Weisz, Individually*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Los Angeles with violating the Fur Products

Labeling Act by failing to comply with the invoicing requirements; by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products or the country of origin of imported furs, or that some products were artificially colored; misused the word "blended"; represented prices as reduced from regular prices which were in fact fictitious, and misrepresented percentage savings and appraised values; and by failing to keep adequate records as a basis for such pricing claims.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 3 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered.* That respondents Teitelbaum of Beverly Hills, a corporation, and its officers, and David Weisz, individually, and as an officer of said corporation, and Milton J. Wershow, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Falsely or deceptively invoicing or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

(g) The item number or mark assigned to a fur product.

(h) That the fur product contains "secondhand used fur" when such is a fact.

3. Setting forth on invoices pertaining to fur products:

(a) Information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(b) The term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

B. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is a fact;

(c) That the fur product contains "secondhand used fur" when such is a fact;

(d) The name of the country of origin of any imported furs contained in a fur product.

2. Contains the term "blended" to describe the pointing, dyeing, or tip-dyeing of furs.

3. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business.

4. Represents directly or by implication through percentage savings claims that the regular or usual retail prices charged by respondents for fur products in the recent regular course of their business were reduced in direct proportion to the amount of savings stated when contrary to the fact.

5. Represents directly or by implication that fur products are of a certain certified appraised value when contrary to fact.

6. Represents directly or by implication that no merchandise has been added to the original inventory obtained from a well-known and famous furrier when such is not the fact.

C. Making pricing claims and representations of the types referred to in subparagraphs B3 and B4 above unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered.* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form

in which they have complied with the order to cease and desist.

By the Commission.

Issued: September 3, 1958.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 58-8128; Filed, Oct. 2, 1958;  
8:46 a. m.]

[Docket 7101]

PART 13—DIGEST OF CEASE AND DESIST  
ORDERS

RAYCO MANUFACTURING CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.130 *Manufacture or preparation*; § 13.155 *Prices*: Exaggerated as regular and customary; forced or sacrifice sales; product or quantity covered; § 13.215 *Seals, emblems, or awards*. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception*: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Rayco Manufacturing Company, Inc., et al., Paterson, N. J., Docket 7101, Sept. 3, 1958]

*In the Matter of Rayco Manufacturing Company, Inc., a Corporation, and Joseph Weiss, Julius Stern, and Burton B. Weiner, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Paterson, N. J., with representing falsely in advertising materials furnished to retail stores for their use and in advertisements in newspapers, by radio, television, etc., that their auto seat covers and tops had been awarded the Fashion Academy seal for beauty and styling and the U. S. Testing seal for durability; that exaggerated fictitious prices were their regular prices; that their franchised retail dealers were having a "Close-Out" of 4,000 sets of seat covers at sacrifice prices; that their ready-made products were "custom fitted" for the individual buyer; and that purchasers of their convertible tops received the complete top for the advertised price.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 3 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent Rayco Manufacturing Company, Inc., a corporation, and its officers, and Joseph Weiss and Julius Stern, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or

distribution of automobile seat covers and convertible tops, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the Fashion Academy Seal or representing, in any manner, that any of their products had been awarded said seal, or an award, by Fashion Academy upon the basis of a contest in which respondents' products, or any of them, and competitive products had been judged.

2. Using the U. S. Testing Company Seal in such a manner as indicating that any of their products had been found to be of greater durability than competitive products by U. S. Testing Company, or representing in any other manner that the U. S. Testing Company had found that their products, or any of them, were more durable than competitive products, unless such is the fact.

3. Representing, directly or by implication:

(a) That the usual and customary retail price of any of respondents' products is in excess of the price at which such products are regularly and customarily sold by respondents or their franchised dealers in their usual course of business.

(b) That the retail price of a product has been reduced, unless it is a reduction from the price at which this product had been regularly and customarily sold by respondents or their franchised dealers.

(c) That any of respondents' franchised dealers had 4,000 seat covers on hand at a particular time; or misrepresenting the number of seat covers, or any other product, that may be on hand at a particular time.

(d) That the purchasers of respondents' convertible tops receive a complete top for the advertised price, including rear window and curtain, unless such is the fact.

*It is further ordered*, That the complaint insofar as it relates to respondent Burton B. Weiner and to the charge concerning the words "custom fitted", set out in subparagraph (e) of Paragraph Six, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondents Rayco Manufacturing Company, Inc., a corporation, and Joseph Weiss and Julius Stern, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 58-8129; Filed, Oct. 2, 1958;  
8:46 a. m.]

[Docket 6696]

PART 13—DIGEST OF CEASE AND DESIST  
ORDERS

JOSEPH JAYKO ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.15 *Business status, advantages, or connections*: Individual or private business as educational, religious or research institution; nature; qualifications and abilities; § 13.20 *Comparative data or merits*; § 13.55 *Demand, business, or opportunities*; § 13.115 *Jobs and employment service*; § 13.205 *Scientific or other relevant facts*. Subpart—*Using misleading name*—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Joseph Jayko trading as Cramwell Institute, etc., Adams, Mass., Docket 6696, Sept. 3, 1958]

*In the Matter of Joseph Jayko, Trading as Cramwell Institute and Cramwell Research Institute*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in Adams, Mass., engaged in selling printed tests designed to determine the knowledge and ability of persons regarding certain subjects, and awarding to persons passing them degrees such as Bachelor of Science, Bachelor of Arts and Bachelor of Laws, and diplomas designated as "College Equivalent Diplomas" and "High School Equivalency Diplomas", with representing falsely that he had authority to award such degrees and diplomas; that the educational qualifications of recipients were equivalent to those acquired by attendance at accredited institutions of learning; that his diplomas were recognized by industry, commerce and government, had been awarded to thousands of persons, and would guarantee better paid jobs; and with misrepresenting the nature of his business by use of the word "Institute" in his trade name.

Based upon the record made at hearings in due course, the hearing examiner made his initial decision including findings, conclusions, and order to cease and desist, from which respondent appealed. Having heard the matter upon briefs and oral argument, the Commission denied the appeal and on September 3 adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent, Joseph Jayko, individually and now doing business under the names of Cramwell Institute and Cramwell Research Institute, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of printed test material or other printed matter, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondent has authority to award degrees and diplomas;

(b) That the educational qualifications of persons awarded degrees and diplomas, or either of them, are equivalent to the educational qualifications acquired by those attending accredited institutions of learning;

(c) That the certifications or diplomas issued are recognized by industry or commerce or by federal or state organizations;

(d) That the degrees and diplomas, or either of them, awarded by respondent will guarantee better paid positions and jobs.

2. Misrepresenting the number of persons who have purchased respondent's tests or the number of diplomas which have been awarded.

3. Using the word "Institute" as a part of any corporate or trade name or in any other manner, or any word of similar import and meaning in connection with his business.

By "Final Order", report of compliance was required as follows:

It is ordered, That the respondent, Joseph Jayko, shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist contained in the initial decision.

Issued: September 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 58-8127; Filed, Oct. 2, 1958; 8:46 a. m.]

**TITLE 32—NATIONAL DEFENSE**

**Chapter V—Department of the Army**

**Subchapter F—Personnel**

**PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS**

**GENERAL ELIGIBILITY REQUIREMENTS FOR APPOINTMENT OF OFFICERS IN REGULAR ARMY**

Paragraph (h) of § 573.10 is revised to read as follows:

§ 573.10 *General eligibility requirements.* \* \* \*

(h) *Age.* (1) Applicants for appointment under this section must have reached their twenty-first birthday but not their twenty-seventh birthday on date of appointment. This maximum age may be increased by:

(i) The number of years, months, and days of active commissioned service performed in the Army after attaining the age of twenty-one years and subsequent to 6 December 1941 and/or—

(ii) A period (not to exceed two years) equal to the days, months, and years by which age exceeds twenty-seven.

(2) Applicants for appointment in the Medical Service Corps must be eligible according to the age requirements set forth in § 573.3. No person may be ap-

pointed a Regular Army officer under this section if his age is above that which would permit him to complete 20 years of active commissioned service before he attains his fifty-fifth birthday. Applications will not be accepted from male applicants who will become ineligible by virtue of excess age within 4 months subsequent to the date the completed application file would be received in Headquarters, Department of the Army. Applications from Women's Army Corps applicants under provision of this section will not be forwarded if applicant will be ineligible by virtue of excess age within 3 months after the date the completed file would be received in Headquarters, Department of the Army.

[C 2, AR 601-100, August 28, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,  
Major General, U. S. Army,  
The Adjutant General.

[F. R. Doc. 58-8124; Filed, Oct. 2, 1958; 8:45 a. m.]

**TITLE 39—POSTAL SERVICE**

**Chapter I—Post Office Department**

**PART 24—THIRD CLASS**

**WEIGHT AND SIZE LIMITATIONS**

Paragraph (b) of § 24.3 *Weight and size limitations* as amended effective July 1, 1959, by Federal Register Document 57-4729, 22 F. R. 4053, is further amended to read as follows effective July 1, 1959:

§ 24.3 *Weight and size limitations.* \* \* \*

(b) *Size.* The minimum size is 2¾ by 4 inches. An article measuring less in either dimension will be unmailable. There is no maximum limit.

NOTE: The corresponding Postal Manual section is 134.32.

(R. S. 161, as amended, 396, as amended; sec. 206, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 235)

[SEAL] HERBERT B. WARBURTON,  
General Counsel.

[F. R. Doc. 58-8131; Filed, Oct. 2, 1958; 8:47 a. m.]

**PART 41—SERVICE IN POST OFFICES**

**POST OFFICE BOXES**

In § 41.3 *Post office boxes*, make the following changes:

1. Amend paragraph (c) (23 F. R. 2842), to read as follows:

§ 41.3 *Post office boxes.* \* \* \*

(c) *Rental rates*—(1) *Main post offices*—(i) *Office groups.* The following nine groups of post offices are established for purposes of setting rental rates for call and lockboxes. The factors—such as the postmaster's salary level—to be applied in determining the proper schedule of charges in installations that were in operation on or before July 1, 1957, will be those that were in effect on July 1, 1957, regardless of whether or not changes have been made in such factors since that date. The factors to be applied for all units that have been placed in operation after July 1, 1957, will be those in effect on the opening date of the installation.

*Group A.* Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 16, 17, 18, or 19.

*Group B.* Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 14 or 15.

*Group C.* Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 12 or 13.

*Group D.* Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 10 or 11.

*Group E.* Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 7, 8 or 9.

*Group F.* Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 8, 9 or above.

*Group G.* Post offices not offering city delivery service and with the position of the postmaster ranked in salary level 7.

*Group H.* Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 5 or 6.

*Group I.* All fourth-class post offices.

(ii) *Rate schedule.* The quarterly box rent schedule for main post offices is as follows:

Post Office groups	Rate per quarter						
	Call boxes		Lock boxes and drawers				
	Size No.		Size No.				
	1	2	1	2	3	4	5
	Cubic-inch capacity		Cubic-inch capacity				
	To 225	225 to 500	To 225	225 to	500 to	900 to	3,000 and over
Offices with city carrier service:							
Group A.....	\$2.25	\$3.00	\$4.50	\$6.00	\$8.00	\$10.00	\$12.00
Group B.....	1.50	2.25	3.00	4.50	6.00	7.50	9.00
Group C.....	1.10	1.50	2.25	3.00	4.50	6.00	7.50
Group D.....	.80	1.10	1.70	2.25	3.00	4.50	6.00
Group E.....	.65	.80	1.20	1.50	2.25	3.00	4.50
Offices without city carrier service:							
Group F.....	.50	.65	.90	1.10	1.50	2.25	3.00
Group G.....	.35	.50	.70	.90	1.10	1.50	2.25
Group H.....	.20	.30	.50	.65	.90	1.10	1.50
Group I.....	.15	.20	.35	.50	.65	.90	1.10

## RULES AND REGULATIONS

(2) *Stations and branches*—(i) *Stations and branches of first-class offices.* (a) Box rental rates at stations and branches of post offices with gross annual postal receipts of \$1 million or more are established by the Bureau of Finance. Postmasters of those offices will be furnished individual rate schedules.

(b) With the exception of rural stations or certain stations and branches primarily servicing academic institutions, box rental rates at station and branches affiliated with post offices having less than \$1 million in gross annual postal receipts are based on the following:

(1) At classified stations and branches with the position of the superintendent ranked in salary levels 9 or above the rates are those prescribed in the box rent schedule for the first group below that of the main office.

(2) At classified stations and branches with the position of the superintendent ranked in salary levels 8 or below the rates are those prescribed in the box rent schedule for the second group below that of the main office.

(3) All contract stations will charge those rates prescribed in the box rent schedule for the second group below that of the main office.

(c) All rural stations will charge the fees prescribed in the box rent schedule for Group I post offices.

(d) Stations and branches with box equipment owned or supplied by an academic institution establish box rental charges in accordance with subdivision (iii) of this subparagraph. Stations and branches primarily servicing academic institutions with lockbox equipment not owned or supplied by an academic institution will charge regular applicable box rental rates.

(ii) *Stations and branches of second and third-class offices.* (a) With the exception of rural stations or certain stations and branches primarily servicing academic institutions, stations and branches of second- and third-class post offices will charge the same rental fees as those charged at the main office.

(b) All rural stations will charge the fees prescribed in the box rent schedule for Group I post offices.

(c) Stations and branches with box equipment owned or supplied by an academic institution will establish box rental charges in accordance with subdivision (iii) of this subparagraph. Stations and branches primarily servicing academic institutions with lockbox equipment not owned or supplied by the academic institution will charge regular applicable box rental rates.

(iii) *Stations and branches servicing academic institutions.* The following applies only to stations and branches primarily servicing academic institutions when the box equipment is owned or supplied by the academic institution:

(a) When box equipment is separated from designated post office quarters and the mail is placed in the boxes by per-

sonnel employed by the school, box rental fees, if any, are subject to the control of the academic institution and the revenues therefrom, if any, are not considered as postal funds.

(b) When box equipment is not separated from designated post office quarters or the mail is not placed in the boxes by personnel employed by the academic institution, call and lockbox charges are based on the following schedule and all revenues therefrom shall be considered as postal funds. Fees may be paid on an annual basis or on either a semester or quarterly basis to coincide with the system used by the school. Box rental fees applicable during the summer session of schools operating on a semester basis will be one-half the regular semester rates.

	Call boxes		Lockboxes				
	No. 1	No. 2	No. 1	No. 2	No. 3	No. 4	No. 5
Per semester.....	\$0.30	\$0.40	\$0.50	\$0.60	\$0.90	\$1.50	\$2.40
Per quarter.....	.20	.30	.35	.40	.60	1.00	1.60

(3) *Fees applicable under special circumstances.* When larger size boxes are not available or cannot be provided to handle the average daily mail volume of a patron, arrangements may be entered into by postmasters to utilize bags or other containers in lieu of lockboxes. The fee for service will be equivalent to the rental that would be collected if the patron had been provided with the largest size box in the installation.

NOTE: The corresponding Postal Manual section is 151.33.

2. Amend that part of paragraph (d) which precedes subparagraph (1) thereof to read as follows:

(d) *Payment of box rent.* Box rent must be paid in advance. A receipt on Form 1538 is given for each payment. Box rent may be paid as follows:

NOTE: The corresponding Postal Manual section is 151.34.

3. Redesignate paragraphs (e), (f), and (g) as paragraphs (f), (g), and (h), respectively, and insert new paragraph (e) to read as follows:

(e) *Refund of box rent.* When a box is surrendered, no portion of the rent will be refunded to a patron who has paid on a quarterly basis. A patron renting a box on an annual basis who surrenders the box before the end of the fiscal year for which rent has been paid may apply for a refund of that portion of the box rent that is applicable to all full quarters remaining in the fiscal year. No refund will be made for the remaining portion of the quarter in which the box is surrendered. Application for refund should be made on Form 3533 in duplicate in the same manner as postage refunds, as outlined in § 37.2 of this title.

NOTE: The corresponding Postal Manual section is 151.35.

(R. S. 161, as amended, 396, as amended, 3901, 4051; 5 U. S. C. 22, 369; 39 U. S. C. 279, 783)

[SEAL] HERBERT B. WARBURTON,  
General Counsel.

[F. R. Doc. 58-8132; Filed, Oct. 2, 1958; 8:47 a. m.]

## PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## 17 CFR Part 944.1

[Docket No. AO-105-A12]

HANDLING OF MILK IN QUAD CITIES  
MARKETING AREA

## NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and

procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the City Hall, Rock Island, Illinois, beginning at 10:00 a. m., on October 22, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Quad Cities marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the

tentative marketing agreement and to the order.

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

Proposed by the Quality Milk Association and the Milk Foundation of the Quad Cities:

*Proposal No. 1.* Amend § 944.10 (b) by adding the following: "And provided further, If a supply plant is owned and operated by a cooperative association, Grade A milk received in a tank truck at the farms of its producer members and delivered in such tank truck to pool plants qualified pursuant to paragraph (a) of this section may, at the election

of the cooperative for the purpose of this paragraph, be deemed to have been received at its supply plant and shipped therefrom to the aforesaid pool plants."

Proposed by Kraft Foods Division of National Dairy Products Corporation:

*Proposal No. 2.* Delete § 944.10 (c).

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 3.* Delete § 944.44 (c) and substitute therefor the following:

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 300 miles from the City Hall, Rock Island, Illinois, by the shortest highway distance as determined by the market administrator;

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 300 miles from the City Hall, Rock Island, Illinois, by the shortest highway distance as determined by the market administrator, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 944.30 for the month within which such transactions occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month directly from Grade A dairy farms that the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farms shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and other orders issued pursuant to the act is less than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the assignment to Class I milk at a pool plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this part and other orders issued pursuant to the act.

*Proposal No. 4.* Delete § 944.50 (b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for

milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

*Present Operator and Plant Location*

Amboy Milk Products Company, Amboy, Ill.  
Borden Company, Dixon, Ill.  
Carnation Company, Morrison, Ill.  
Carnation Company, Oregon, Ill.  
Carnation Company, Waverly, Iowa.  
United Milk Products Company, Argo, Ill.

*Proposal No. 5.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P. O. Box 691, Rock Island, Illinois, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington D. C., this 30th day of September 1958.

[SEAL]

ROY W. LENNARTSON,  
Deputy Administrator.

[F. R. Doc. 58-8170; Filed, Oct. 2, 1958; 8:55 a. m.]

[7 CFR Part 949]

[Docket No. AO-232-A7]

HANDLING OF MILK IN SAN ANTONIO,  
TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED  
AMENDMENTS TO TENTATIVE MARKETING  
AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at San Antonio, Texas, on September 10, 1958, pursuant to notice thereof issued on September 3, 1958 (23 F. R. 6886).

The material issues on the record of the hearing related to:

1. Whether a separate class and pricing provision for milk used to produce Cheddar cheese should be established; and

2. Whether an emergency exists with respect to the above issue which warrants the omission of a recommended decision of the Deputy Administrator, Agricultural Marketing Service, and the opportunity for the filing of exceptions thereto.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Provision should be made to classify and price milk used to produce Cheddar cheese as Class II-A. Such provision should be effective only through July 1959.

The producers' association proposed that the order be amended to provide a somewhat lower price for milk used to produce Cheddar cheese than for that used in other Class II products.

The present Class II milk classification includes all milk used to produce manufactured products, other than those defined as fluid milk products. The bulk of the Class II milk is used for such products as cottage cheese and ice cream which afford a relatively high return. The Class II price has been one which reflects the value of milk for such uses.

In recent months handlers have depended upon the producers' association to handle more of their reserve supplies of milk. Because of the wide fluctuations in the volume available, and the lack of facilities for storing more perishable products, the most feasible outlet for milk in excess of that which can be utilized in cottage cheese and ice cream has been Cheddar cheese. The financial return per hundredweight for milk used to produce Cheddar cheese is less than the Class II price in the order; thus, milk so used is handled at a loss. Because of recent developments in the market the volume of milk which the association is manufacturing into Cheddar cheese has increased very materially. Some of the milk for Cheddar cheese has been processed in the association's own plant in San Antonio and some has been diverted to a cheese plant in Round Rock, Texas. On the latter, the association incurs the cost of transporting the milk from San Antonio to Round Rock in addition to the lower returns from cheese. They testified that at the present time the association is incurring a financial loss of about \$500 a day in the handling of such milk; that such losses cannot long be endured without threatening the solvency and future existence of the association.

It is concluded that milk used to produce American Cheddar cheese should be priced lower than milk used in other Class II products. The producers' proposal for pricing such milk should be adopted and the price for such milk should be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin primary markets ("Cheddars" f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved. This price is identical to that of a provision in the Central West Texas order, and appears to have constituted an appropriate measure of the value of milk used to make Cheddar cheese in that market during the months of flush production.

The evidence of record was concerned mainly with a temporary marketing situation. If a permanent price for milk used in the manufacture of Cheddar cheese is needed, it should be based on more detailed data than are now available relative to costs of manufacture and returns from the sale of cheese in the San Antonio region. By the end of July 1959, it is likely that the temporary marketing problem and the spring flush of milk will have been terminated and there will have been ample opportunity to give the matter further consideration.

## PROPOSED RULE MAKING

For administrative facility, it has been concluded that the cheese price should be made effective through the establishment of a separate classification to be designated as Class II-A. This has necessitated a revision of the allocation and transfer provisions of the order to provide for the new classification. Such changes will in no way affect the classification or pricing of milk used in other products.

No testimony was offered in opposition, either to the proposal for a special cheese price, or to the necessity for omitting the recommended decision and making the amendment effective at the earliest possible date.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto would make such relief ineffective.

It is therefore found that good cause exists for the omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

*Rulings on proposed findings and conclusions.* A brief, including proposed findings and conclusions, was filed by one handler in the market. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

*General findings.* (a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of

pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Marketing agreement and order amending the order, as amended.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of July 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the San Antonio, Texas, marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 26th day of September 1958.

[SEAL]

DON PAARLBERG,  
Assistant Secretary-

*Order Amending the Order Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area*

§ 949.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Change § 949.12 (c) to read:

(c) Class II or Class II-A products disposed of in the form in which received without further processing or packaging by the handler.

2. Delete § 949.22 (j) (2) and substitute therefor the following:

(2) On or before the fifth day of each month the prices of Class II and Class II-A milk for the preceding month computed pursuant to § 949.52 and the butterfat differential for Class II and Class II-A milk computed pursuant to § 949.53; and

3. In § 949.30 (d), after the phrase "Class II" insert the phrase "and Class II-A".

4. At the end of § 949.41 (a) delete the semi-colon and add the following: "or Class II-A milk;"

5. Change § 949.41 (b) (1) to read as follows:

(1) Used to produce any product other than those designated as Class I in paragraph (a) of this section or as Class II-A in paragraph (c) of this section;

6. Add as § 949.41 (c) the following:

(c) Class II-A milk shall be all skim milk and butterfat used to produce Cheddar cheese.

7. Delete § 949.43 (b) and substitute therefor the following:

(b) Any skim milk or butterfat classified as Class II or Class II-A shall be re-

classified if such skim milk or butterfat is later disposed of (whether in original or other form) in another classification.

8. Delete § 949.44 (a) and substitute therefor the following:

(a) As Class I milk, if transferred to the pool plant of another handler, unless utilization of Class II or Class II-A milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II or Class II-A does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II or Class II-A utilization by the transferee handler after the subtraction of other source milk pursuant to § 949.46: *Provided*: That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk first to Class I milk and secondly to Class II milk.

9. In § 949.44 (b) (1), delete the semicolon and add the following: "or Class II-A milk;"

10. At the end of § 949.44 (b) (2) delete the word "and" and add the following: "in which case skim milk and butterfat so transferred or diverted shall be allocated to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the nonpool plant direct from dairy farmers which the market administrator determines constitutes its regular source of supply for Class I milk."

11. Delete § 949.44 (b) (3).

12. In § 949.45, delete the phrase "Class I milk and Class II milk" and substitute therefor the following: "each class of milk."

13. Delete § 949.46 (a) (5) and substitute therefor the following:

(5) Subtract from the pounds of skim milk remaining in each class beginning with the lowest priced class the pounds of skim milk in other source milk which were not subject to the Class I pricing provisions of another order issued pursuant to the Act, less the skim milk subtracted pursuant to subparagraph (4) of this paragraph;

14. Delete § 949.46 (a) (6) and substitute therefor the following:

(6) Subtract from the pounds of skim milk remaining in each class beginning with the lowest class (Class II-A), the pounds of skim milk in other source milk which were subject to the Class I pricing provisions of another order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II-A and Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

15. Delete § 949.46 (c) and substitute therefor the following:

(c) Determine the weighted average butterfat content of Class I, Class II, and Class II-A milk computed pursuant to paragraphs (a) and (b) of this section.

No. 194—5

16. Delete § 949.52 and substitute therefor the following:

§ 949.52 *Class II and Class II-A milk—*  
(a) *Class II milk.* The prices, rounded to the nearest cent, for Class II milk shall be determined pursuant to subparagraph (1) of this paragraph for the months of April, May, and June, and the higher of the prices determined pursuant to subparagraphs (1) and (2) of this paragraph for all other months.

(1) The average of the basic or field prices per hundredweight reported to have been paid for milk of 4.0 percent butterfat content received from farms during the month at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture:

Carnation Co., Sulphur Springs, Tex.  
The Borden Co., Mount Pleasant, Tex.  
Lamar Creamery, Paris, Tex.

(2) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply by 4.4 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(ii) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents, multiply by 8.16.

(b) *Class II-A milk.* From the effective date hereof through July 1959, and subject to the provisions of § 949.53, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin primary markets ("Cheddars" f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved.

17. Delete § 949.53 (b) and substitute therefor the following:

(b) *Class II and Class II-A milk.* Multiply such price for the current month by 0.108.

[F. R. Doc. 58-8143; Filed, Oct. 2, 1958; 8:49 a. m.]

### [ 7 CFR Part 959 ]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the

approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon except Malheur County, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 959.211 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and this part, during the fiscal period beginning July 1, 1958, and ending June 30, 1959, will amount to \$20,275.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 114, as amended, and this part, shall be three-eighths cent (\$0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in said marketing agreement, as amended, and this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 30, 1958.

[SEAL] S. R. SMITH,  
Director,  
Fruit and Vegetable Division.

[F. R. Doc. 58-8172; Filed, Oct. 2, 1958; 8:56 a. m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 176 ]

[Ex parte No. MC-51]

TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE AND FOREIGN COMMERCE

POOLING BY MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

In the matter of an extension of time to file statements.

This rule making proceeding was instituted pursuant to an order, dated June 18, 1958, which was published in the FEDERAL REGISTER on July 4, 1958 (23 F. R. 5133), according to the terms of which order written statements con-

taining data, views, and arguments concerning the matters could be filed with the Secretary on or before October 1, 1958.

Request having been made for additional time to consider and file such statements; and good cause appearing therefor:

*It is ordered*, That the time within which said statements may be filed be,

and it is hereby, extended to and including December 1, 1958.

Dated at Washington, D. C., this 25th day of September A. D. 1958:

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F. R. Doc. 58-8141; Filed, Oct. 2, 1958; 8:48 a. m.]

## NOTICES

### POST OFFICE DEPARTMENT

#### CERTAIN OFFICIALS

#### REDELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS FOR REHABILITATION OF CHICAGO, ILL., MAIN POST OFFICE

The following is the text of Order No. 56695 of the Postmaster General dated September 16, 1958:

Pursuant to authority of paragraph 3 of Delegation of Authority No. 341 of the Administrator of General Services, dated June 6, 1958 (F. R. Doc. 58-4488; 23 F. R. 4321), the authority delegated to the Postmaster General until June 1, 1959, to negotiate a contract or contracts for the rehabilitation of the conveyor system at the main post office, Chicago, Illinois, without advertising pursuant to section 302 (c) (9) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) is hereby redelegated to each of the following:

Assistant Postmaster General, Bureau of Facilities; Director of Supplies, Bureau of Facilities; Chief of Procurement, Bureau of Facilities.

(F. S. 161, as amended, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,  
General Counsel.

[F. R. Doc. 58-8130; Filed, Oct. 2, 1958; 8:46 a. m.]

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Document SFG 26]

#### TOWNSITES OF POINT OF ROCKS AND ARGUS, AND THE EAST AND SOUTH ADDITIONS TO TOWNSITE OF ARGUS, CALIFORNIA

#### SALE OF TOWN LOTS CONTINUED AND AMENDED

SEPTEMBER 26, 1958.

1. *Authority.* In accordance with the regulations contained in Circular 1740, and in 43 CFR Part 255, and pursuant to the authority as provided in Bureau of Land Management Order No. 541 (Part 111-A, section 3.9 (s) dated April 21, 1954, as amended), the Land Office Manager is authorized to take all actions required to accomplish the disposal of said lots.

The unreserved and undisposed of lots in the Townsites of Point of Rocks and

Argus, and in the East and South Addition to the Townsite of Argus, California, will be disposed of under section 2382 to 2386, Revised Statutes (43 U. S. C. 713-717).

The lots to be disposed of by sale are designated on official plats of survey. The Argus Townsite survey plat was accepted November 21, 1942. The survey plats for Point of Rocks and East and South Additions to Argus Townsite were accepted September 21, 1948. Copies of the official plats of survey can be purchased upon request.

2. *Lots, areas and minimum prices.* The lots which will be offered for sale, either individually or as units, and the areas and minimum prices thereof, are shown in the attached schedule.

3. *Public sale.* The lots designated for sale will be offered for sale by the Manager, Land Office, Los Angeles, or his representative at public outcry to the highest bidder at the time and place indicated in the attached schedule. The sale will continue from day to day as long as may be necessary until all lots have been offered.

Outstanding preemption claims, under Circular 1740, as indicated on the attached schedule will, upon publication of this notice be adjudicated on their merits.

Improved tracts as shown on the attached schedule will be offered at public sale in the same manner as unimproved tracts. Owners of improvements who do not purchase the lots on which improvements are located will be allowed 6 months from the date of sale within which to remove their improvements, unless they make other arrangements with the purchaser of the lot.

4. *Payment.* No offering will be sold for less than the appraised price. Payment in full must be made on the day of sale, and must be in the form of certified check, bank draft, or money order payable to the Bureau of Land Management.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in California.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by this notice. Any bidder may purchase any number of lots for which he is the successful bidder. No bids will be made in increments of less than \$5.00.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer conducting the sale may deem proper.

8. *Disposal of lots after sale has been closed.* All lots offered on any particular sale date and not sold will, if the sale is adjourned, be re-offered at the next sale date. Lots remaining unsold at close of the sale and lots which have been sold but forfeited for any reason, will be subject to private sale for cash by the Manager, Los Angeles Land Office.

9. *Reservations.* Patents for the lots, when issued, will contain a reservation of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

Lots in the townsite of Argus and in the East and South Additions to Argus which are crossed by the transmission line right-of-way of the Southern Sierras Power Company will be sold subject to the right-of-way. Patents for these lots, when issued, will contain a reservation under the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended, as to the portions of the lots which lie within 20 feet of the center line of the transmission line right-of-way.

All lots in the townsite of Argus, and in the South and East Additions thereto, and all lots in that part of the townsite of Point of Rocks which is situated in the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 4, T. 25 S., R. 43 E., M. D. M., are in Potash Reserve No. 2, California No. 1, approved February 21, 1913, and will be sold with a reservation of the potash and sodium deposits in the lands. Patents for such lots, when issued, will contain a reservation of the potash and sodium in accordance with the provisions of the act of July 17, 1914 (38 Stat. 509, 30 U. S. C. sections 121-123), as amended.

10. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U. S. C. 1860.

Schedule showing Offering No., Block, and Lot numbers, Areas and Appraised Values and Minimum Prices of parcels which will be offered at Public Outcry in accordance with the foregoing notice of procedures:

*Offerings supporting valuable improvements.* Offering numbered 1 through 53, will be offered on November 5, 1958 beginning at 1:00 p. m., local time. Sale is to be held at the Recreation Hall of American Potash and Chemical Corporation, Trona, California.

POINT OF ROCKS

Table with 5 columns: Offering No., Block No., Lot No., Area in square feet, Appraised value and minimum price. Rows 1-22.

ARGUS TOWNSITE

Table with 5 columns: Offering No., Block No., Lot No., Area in square feet, Appraised value and minimum price. Rows 23-31.

SOUTH ADDITION TO ARGUS TOWNSITE

Table with 5 columns: Offering No., Block No., Lot No., Area in square feet, Appraised value and minimum price. Rows 32-50.

EAST ADDITION TO ARGUS TOWNSITE

Table with 5 columns: Offering No., Block No., Lot No., Area in square feet, Appraised value and minimum price. Rows 51-53.

1 Paid (preemption claim).

Offerings which support no improvements. Offering numbered 54 through 387 will be offered on November 10, 1958, beginning at 10:00 a. m., local time. Sale is to be held at Patriotic Hall, 1816 South Figueroa Street, Los Angeles, California.

POINT OF ROCKS TOWNSITE

Table with 5 columns: Offering No., Block No., Lot No., Area in square feet, Appraised value and minimum price. Rows 54-68.

POINT OF ROCKS TOWNSITE—continued

Table with 5 columns: Offering No., Block No., Lot No., Area in square feet, Appraised value and minimum price. Rows 69-175.

POINT OF ROCKS TOWNSITE—continued

Table with 5 columns: Offering No., Block No., Lot No., Area in square feet, Appraised value and minimum price. Rows 176-282.

POINT OF ROCKS TOWNSITE—continued

Offering No.	Block No.	Lot No.	Area in square feet	Appraised value and minimum price
233		12, 13	16, 874	\$200
234	39	1	7, 340	350

ARGUS TOWNSITE

235	49	11	0, 050	\$100
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SOUTH ADDITION TO ARGUS TOWNSITE

236	59	None	7, 023	\$100
237	61	4	7, 513	575
238		7, 8	5, 017	375
239	63	4	7, 000	275
240		7	7, 000	275
241		12	7, 000	250
242		13	7, 000	250
243		14	7, 000	250
244		17	7, 000	275
245	64	3	7, 000	250
246		4	7, 000	200
247		5	7, 000	200
248		6	7, 000	200
249		7	7, 000	200
250		4, 5	14, 000	225
251	65	6, 7	14, 000	200
252		8, 9	14, 000	200
253	66	1, 2	14, 000	175
254		3, 4	14, 000	175
255		5, 6	14, 000	225
256	67	1	7, 000	150
257		2	7, 000	200
258		3	7, 000	200
259		4	7, 000	200
260		5	7, 000	250
261		6	7, 000	250
262		7	7, 000	200
263		8	7, 000	200
264		9	7, 000	200
265		10	7, 000	200
266	70	1	7, 700	275
267		2	7, 700	250
268		3	7, 700	250
269	70	4	7, 700	250
270		5	7, 700	250
271		6	7, 700	275
272	71	1	6, 268	125
273		2	7, 811	150
274		3, 4	9, 142	175
275	72	1, 2	10, 522	200
276		3, 4	10, 723	200
277	73	1	7, 000	275
278		2	7, 000	250
279		3	7, 000	250
280		4	7, 000	250
281		5	10, 522	350
282		6	5, 427	425
283		7	7, 000	550
284	75	1	7, 000	350
285		2	7, 000	325
286		3	7, 000	350
287		4	7, 700	375
288		5	7, 700	450
289		6	7, 700	450
290		7	7, 250	475
291		8	7, 675	275
292		9	7, 700	275
293	75	10	7, 700	275
294		11	7, 700	275
295	76	1	7, 000	250
296		2	7, 000	200
297		3	7, 700	220
298		4	7, 700	220
299		5	7, 700	220
300		6	7, 700	220
301		7	7, 625	275
302		8	7, 537	275
303		9	7, 700	220
304		10	7, 700	220
305		11	7, 700	220
306		12	7, 700	220
307		13	7, 000	200
308		14	7, 000	250
309	77	1, 2	14, 000	225
310		3, 4	15, 400	220
311		5, 6	15, 400	220
312		7	7, 533	125

EAST ADDITION TO ARGUS TOWNSITE

313	50	1	9, 445	\$200
314		2	10, 015	200
315		3	10, 015	200
316	50	4	10, 015	200
317		5	10, 015	200
318		6	10, 015	225
319	51	1	6, 955	250
320		2	7, 000	225
321		3	7, 000	200
322		4	7, 000	150
323		5	7, 000	200
324		6	7, 000	250

EAST ADDITION TO ARGUS TOWNSITE—continued

Offering No.	Block No.	Lot No.	Area in square feet	Appraised value and minimum price
375		1	7, 000	\$250
376	52	3	7, 000	225
377		4	7, 000	225
378		5	7, 000	225
379		6	7, 000	250
380		10	7, 000	275
381	53	1	10, 015	225
382		2	10, 015	200
383		3	10, 015	200
384		4	10, 015	200
385		5	10, 015	200
386		6	8, 909	200
387	54B	None	2, 355	125

NOLAN F. KEIL,  
Manager, Land Office,  
Los Angeles.

[F. R. Doc 58-8078; Filed, Oct. 2, 1958;  
8:45 a. m.]

DEPARTMENT OF HEALTH, EDU-  
CATION, AND WELFARE

Public Health Service

PROMULGATION OF THE "FEDERAL SHARES"  
UNDER THE WATER POLLUTION CONTROL  
ACT, AS AMENDED

Pursuant to section 5 (h) (1) and (2)  
of the Water Pollution Control Act, as  
amended,

And having found that the three most  
recent consecutive years for which satis-  
factory data are available from the De-  
partment of Commerce, as to the per  
capita incomes of States and of the  
Continental United States, are the years  
1955, 1956, and 1957.

The following "Federal Share" per-  
centages for the several States, Alaska,  
Hawaii, Puerto Rico, the District of Co-  
lumbia, and the Virgin Islands, as deter-  
mined pursuant to said act and on the  
basis of said income data, are hereby  
promulgated for two fiscal years in the  
period beginning July 1, 1959:

Alabama	66%
Arizona	57.12
Arkansas	66%
California	37.52
Colorado	51.74
Connecticut	33 1/2
Delaware	33 1/2
District of Columbia	37.83
Florida	55.10
Georgia	64.20
Idaho	59.41
Illinois	39.49
Indiana	49.69
Iowa	57.12
Kansas	55.72
Kentucky	66.04
Louisiana	62.53
Maine	58.30
Maryland	46.82
Massachusetts	43.13
Michigan	44.95
Minnesota	54.48
Mississippi	66%
Missouri	51.74
Montana	52.08
Nebraska	57.23
Nevada	38.88
New Hampshire	54.13
New Jersey	38.34
New Mexico	59.99
New York	37.31
North Carolina	66.43
North Dakota	64.07
Ohio	44.39

Oklahoma	59.71
Oregon	51.31
Pennsylvania	48.39
Rhode Island	49.21
South Carolina	66%
South Dakota	64.94
Tennessee	65.76
Texas	56.05
Utah	58.43
Vermont	58.66
Virginia	58.43
Washington	47.33
West Virginia	63.04
Wisconsin	52.36
Wyoming	50.46
Alaska	50.00
Hawaii	50.00
Puerto Rico	66%
Virgin Islands	66%

Dated: September 26, 1958.

[SEAL] L. E. BURNEY,  
Surgeon General.

Approved:

BERTHA S. ADKINS,  
Secretary of Health, Education,  
and Welfare.

Interstate Agencies:

Bi-State Development Agency	43.24
Interstate Commission on the Dela- ware River Basin	41.08
Interstate Commission on the Potomac River Basin	50.98
Interstate Sanitation Commission	36.98
Klamath River Compact Commission	39.03
New England Interstate Water Pollu- tion Control Commission	39.72
Ohio River Valley Water Sanitation Commission	45.44

Dated: September 26, 1958.

[SEAL] L. E. BURNEY,  
Surgeon General.

Approved:

BERTHA S. ADKINS,  
Secretary of Health, Education,  
and Welfare.

[F. R. Doc. 58-8139; Filed, Oct. 2, 1958;  
8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF UNITED STATES GREAT  
LAKES-BORDEAUX/HAMBURG RANGE EAST-  
BOUND AND WESTBOUND CONFERENCES

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the fol-  
lowing described agreements have been  
filed with the Board for approval pur-  
suant to section 15 of the Shipping Act,  
1916 (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 7820-5, between  
the member lines of the United States  
Great Lakes-Bordeaux/Hamburg Range  
Eastbound Conference, modifies the basic  
agreement of that conference (No. 7920,  
as amended), which covers the trade  
eastbound from Great Lakes ports of the  
United States to ports in Continental  
Europe within the Bordeaux/Hamburg  
range; and

(2) Agreement No. 7830-6, between  
the member lines of the United States  
Great Lakes-Bordeaux/Hamburg Range  
Westbound Conference, modifies the basic  
agreement of that conference (No.  
7830, as amended), which covers the  
trade westbound from ports in Continen-  
tal Europe within the Bordeaux/Ham-

burg range to Great Lakes ports of the United States.

The purpose of these modifications is to provide that the obligations of the member lines of the respective conference agreements, to adhere to conference rates, terms and conditions, shall apply to all vessels which they, directly or indirectly, handle or represent in the trade covered by the conference agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 30, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,  
Assistant Secretary.

[F. R. Doc. 58-8160; Filed, Oct. 2, 1958; 8:53 a. m.]

MEMBER LINES OF CALCUTTA/U. S. A.  
CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 6500-11, between the member lines of the Calcutta/U. S. A. Conference, modifies the basic agreement of that conference (No. 6500, as amended), which covers the trade from Calcutta to United States Atlantic ports in the Portland to Hampton Roads range and other United States points and possessions outside this range. The purpose of the modification is to specifically provide that actions taken by telephone polls shall be by unanimous approval of the member lines.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 30, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,  
Assistant Secretary.

[F. R. Doc. 58-8161; Filed, Oct. 2, 1958; 8:53 a. m.]

MEMBER LINES OF INDIA, PAKISTAN, CEYLON & BURMA OUTWARD FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7690-6, between the member lines of The India, Pakistan, Ceylon & Burma Outward Freight Conference, modifies the basic agreement of that conference (No. 7690, as amended), which covers the trade from U. S. Atlantic and Gulf of Mexico ports to ports in India, Pakistan, Ceylon and Burma. The purpose of the modification is (1) to provide for the prepayment of freight and other transportation charges; and (2) to add a new article providing that prepaid charges may be accepted by any member line in freely convertible and readily transferable India Rupees; and that such new article may be amended upon consent of three-quarters of the members entitled to vote at the time the amendment may be made, but no such amendment shall become effective until 60 days after its adoption unless such amendment is adopted by the unanimous consent of the member lines entitled to vote at the time any such amendment may be made.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 29, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,  
Assistant Secretary.

[F. R. Doc. 58-8162; Filed, Oct. 2, 1958; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9881]

EAGLE AIRWAYS (BERMUDA) LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Eagle Airways (Bermuda) Ltd. for an amendment of its foreign air carrier permit so as to authorize it to engage in foreign air transportation with respect to persons, property, and mail between Bermuda, Baltimore, Maryland, Washington, D. C., New York, New York, and the point beyond, Montreal, Province of Quebec, Canada.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 6, 1958, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, 16th

Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 30, 1958.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F. R. Doc. 58-8168; Filed, Oct. 2, 1958; 8:55 a. m.]

[Docket No. 8148 et al.]

WASHINGTON-BALTIMORE ADEQUACY OF SERVICE INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled investigation is assigned to be held on November 6, 1958, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 30, 1958.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F. R. Doc. 58-8169; Filed, Oct. 2, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-16318]

NELSON BUNKER HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1958.

Nelson Bunker Hunt Trust Estate (Hunt) on August 29, 1958, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 28, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 10 to Hunt's FPC Gas Rate Schedule No. 1.

Effective date: October 1, 1958 (effective date is the effective date proposed by Hunt).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised

<sup>1</sup> Supplement No. 9 to Hunt's FPC Gas Rate Schedule No. 1 (Louisiana gathering tax increase), was suspended until August 2, 1958, in Docket No. G-15626, and is now in effect subject to refund.

that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Hunt's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Hunt's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-8145; Filed, Oct. 2, 1958;  
8:50 a. m.]

[Docket No. G-16319]

WILLIAM HERBERT HUNT TRUST ESTATE  
ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGES IN RATES  
SEPTEMBER 26, 1958.

William Herbert Hunt Trust Estate (Hunt) on August 29, 1958, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of

<sup>1</sup>Supplement No. 11 to Hunt's FPC Gas Rate Schedule No. 3 (Louisiana gathering tax increase), was suspended until August 2, 1958, in Docket No. 15624, and is now in effect subject to refund.

natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated August 28, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 12 to Hunt's FPC Gas Rate Schedule No. 3.

Effective date: October 1, 1958 (effective date is the effective date proposed by Hunt).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 12 to Hunt's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I); a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to Hunt's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of

practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-8146; Filed, Oct. 2, 1958;  
8:50 a. m.]

[Docket No. G-16320]

LAMAR HUNT TRUST ESTATE

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1958.

Lamar Hunt Trust Estate (Hunt) on August 29, 1958, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 28, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 10 to Hunt's FPC Gas Rate Schedule No. 1.

Effective date: October 1, 1958 (effective date is the effective date proposed by Hunt).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 10 to Hunt's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regu-

<sup>1</sup>Supplement No. 9 to Hunt's FPC Gas Rate Schedule No. 1 (Louisiana gathering tax increase), was suspended until August 2, 1958, in Docket No. G-15623, and is now in effect subject to refund.

lations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Hunt's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-8147; Filed, Oct. 2, 1958;  
8:50 a. m.]

[Docket No. G-16323]

MURPHY CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1958.

Murphy Corporation, Operator, et al. (Murphy) on August 29, 1958, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, August 27, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 5 to Murphy's FPC Gas Rate Schedule No. 4.

Effective date: October 1, 1958 (effective date is the effective date proposed by Murphy).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act

<sup>1</sup> Supplement No. 4 to Murphy's FPC Gas Rate Schedule No. 4 (Louisiana gathering tax increase), was suspended until August 2, 1958, in Docket No. G-15604, and is now in effect subject to refund.

No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Murphy's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Murphy's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-8148; Filed, Oct. 2, 1958;  
8:50 a. m.]

[Docket No. G-16327]

HUNT OIL Co.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGES IN RATES

SEPTEMBER 26, 1958.

Hunt Oil Company (Hunt) on August 29, 1958, tendered for filing proposed changes in its presently effective rate schedules<sup>1</sup> for sales of natural gas subject to the jurisdiction of the Commis-

<sup>1</sup> Supplement No. 6 to Hunt's FPC Gas Rate Schedule No. 3 and Supplement No. 11 to Hunt's FPC Gas Rate Schedule No. 2 (Louisiana gathering tax increases) were suspended until August 2, 1958, in Docket No. G-15572, and is now in effect subject to refund.

sion. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notice of Changes, dated August 28, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 7 to Hunt's FPC Gas Rate Schedule No. 3. Supplement No. 12 to Hunt's FPC Gas Rate Schedule No. 2.

Effective date: October 1, 1958 (effective date is the effective date proposed by Hunt).

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rates shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 7 to Hunt's FPC Gas Rate Schedule No. 3 and Supplement No. 12 to Hunt's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 7 to Hunt's FPC Gas Rate Schedule No. 3 and Supplement No. 12 to Hunt's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
Acting Secretary.

[F. R. Doc. 58-8149; Filed, Oct. 2, 1958;  
8:50 a. m.]

[Docket No G-2306 etc.]

AMERICAN LOUISIANA PIPE LINE CO.  
ET AL.

ORDER OMITTING INTERMEDIATE DECISION  
PROCEDURE, PROVIDING FOR ORAL ARGU-  
MENT, AND PROVIDING FOR FILING OF  
EXCEPTIONS

SEPTEMBER 26, 1958.

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Michigan Wisconsin Pipe Line Company, Docket Nos. G-2327 and G-9850; Northern Natural Gas Company, Docket Nos. G-2399, G-2460, G-4259, G-4260, G-4261 and G-12241; El Paso Natural Gas Company, Docket No. G-12135; Permian Basin Pipeline Company, Docket No. G-12242; Iron Ranges Natural Gas Company, Docket Nos. G-9648, G-12223 and G-12217; Midwestern Gas Transmission Company, Docket Nos. G-9451, G-9452 and G-9453; Tennessee Gas Transmission Company, Docket Nos. G-9454 and G-11107; Natural Gas Pipeline Company of America, Docket No. G-9966.

On September 15, 1958, Midwestern Gas Transmission Company (Midwestern) and Tennessee Gas Transmission Company (Tennessee) jointly filed a motion requesting (1) that the Commission, pursuant to § 1.30 (c) of its rules of practice and procedure, omit the intermediate decision procedure in those dockets in the above-entitled proceedings in which a presiding examiner's decision has not been issued, and (2) order oral argument at the earliest possible date on all of the applications in the above-entitled proceedings, including both those on which the intermediate decision procedure is requested to be omitted and those on which an examiner's decision has been issued. The companies also requested that the time for filing answers or objections to their motion be shortened to seven days from the date of the filing thereof.

Separate and apart from this motion, the problem of the long pendency of these proceedings has been a matter of concern to the Commission. In considering this problem, we are not now determining what party, if any, should receive certificate authority. In the public interest, however, we must appraise the consequences of further delay in final Commission action in relation to its effects on the proposals before us.

Midwestern and Tennessee state that the purpose of their motion is to enable the Commission to adopt procedures permitting it to render a decision herein on or before November 1, 1958, at which time, if a certificate has not then issued to Midwestern, the price of the gas Midwestern proposes to buy from Trans-Canada Pipe Lines Limited will automatically go up, with a possible increase

in costs over the life of the contract of as much as \$18,000,000. In addition, the companies take the position that omission is necessary to enable the service proposed by Midwestern in time for the 1959-1960 heating season, in the event a certificate is issued.

By a letter notice issued September 16, 1958, by the Acting Secretary of the Commission, all parties were requested to file replies to Midwestern and Tennessee's motion within seven days. Some twenty-three replies were filed. Twenty of the replies support or concur in the omission of the intermediate decision procedure, one favors it conditionally, one is noncommittal, and only one unqualifiedly opposes omission. The parties favoring omission include the State of Wisconsin and Wisconsin Public Service Commission, the State of Minnesota, the Attorney General of Indiana and the Indiana Public Service Commission, the Illinois Commerce Commission, the Michigan Public Service Commission, the City of Duluth, Minnesota, and many distribution companies and communities in the areas proposed to be served in these proceedings.

The only party which unqualifiedly opposes omission of the intermediate decision procedure is the National Coal Association, et al., interveners in the case representing certain competing fuel interests, certain railroads, and others.

In support of their motion to omit, Midwestern and Tennessee set forth that under a letter agreement of May 13, 1957, between Midwestern and Trans-Canada, the price Midwestern would pay Trans-Canada for gas will automatically be increased by an additional one cent per Mcf if Midwestern does not receive a certificate on or before November 1, 1958. Initially, Midwestern would receive 204,000 Mcf per day from Trans-Canada pursuant to a precedent agreement executed August 11, 1955, between Trans-Canada and Tennessee, assigned to Midwestern.<sup>1</sup> Midwestern's proposed estimated purchases from Trans-Canada would be 72,680,000 Mcf in the fifth year of service. Thus, according to the companies, assuming Midwestern's project were authorized, if a certificate is not issued on or before November 1, 1958, the cost of gas purchased by Midwestern from Trans-Canada would increase by an additional \$726,800 a year, or over \$18,000,000 over the 25-year term of Midwestern's contract with Trans-Canada.

In addition, Midwestern and Tennessee take the position that, assuming the Midwestern project is certificated, in order for Midwestern to make gas available to the markets it proposes to serve by the 1959-1960 heating season, construction must be commenced in the spring of 1959. The companies point out

<sup>1</sup> Options by Trans-Canada and Midwestern to terminate this precedent agreement on the failure of either party to obtain the requisite governmental authorizations have already been extended twice, without any change in the price to be paid by Midwestern to Trans-Canada. However, Tennessee and Midwestern would already be required to pay an increase of 2 cents per Mcf for this gas under a provision so requiring, since no certificate issued before November 1, 1957.

that substantial and time-consuming preconstruction activities must precede the actual laying of the pipe, including securing and preparing rights-of-way, letting contracts, obtaining financing, and the like; and they take the position that in the event Midwestern does secure a certificate, it is unlikely that sufficient time will remain within which to construct the facilities necessary for service in the 1959-1960 heating season, unless the intermediate decision procedure is omitted. In their view, the almost five weeks now remaining before November 1, 1958, are adequate for oral argument and final decision by the Commission of this case.

In our judgment, the facts of this case fully justify omitting the intermediate decision procedure. It is our considered opinion that, to paraphrase the Administrative Procedure Act and the Commission's rules, the due and timely execution of the Commission's functions under section 7 (e) of the Natural Gas Act imperatively and unavoidably requires the omission of the intermediate decision procedure in this case, and we so find. Accordingly, we conclude that the motion of Midwestern and Tennessee for omission should be granted. Likewise, we conclude that oral argument should be had in this case on October 9, 1958, as hereinafter more fully set forth.

The facts disclose that applications by several different pipeline companies to render natural-gas service to populous and important markets in the north-central and midwestern regions of the United States which seek large volumes of gas have been pending in these proceedings for several years. The initial project of Northern Natural Gas Company (Northern) in docket No. G-2399 to extend its pipeline from a point near St. Paul, Minnesota, to Duluth, Minnesota and Superior, Wisconsin, to render new service to the latter cities and other communities en route, was filed on March 29, 1954, over four and one-half years ago. At the present time, Northern proposes to increase its capacity to serve these and other markets by nearly 150,000 Mcf per day.

The issues which underlie in part the applications of American Louisiana Pipe Line Company (American Louisiana) and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) in docket Nos. G-2306, G-2327 and G-9850, covering service to existing and new markets in Wisconsin and Michigan in the volume of nearly 50,000 Mcf per day, date back to our opinion No. 291 and accompanying order issued May 7, 1956, and earlier.

Likewise, the applications of Midwestern in docket Nos. G-9451, G-9452, and G-9453, and of Tennessee in docket No. G-9454, which are in part competitive with the proposed projects of Northern and Michigan Wisconsin, were filed with the Commission on October 10, 1955, almost three years ago. Midwestern requests authority to construct and operate a new pipeline system to interconnect with the existing pipeline system of Tennessee on the south and Trans-Canada Pipe Lines Limited (Trans-Canada) on the north. Midwestern proposes to serve some 400,000 Mcf per day of nat-

ural gas to some 125 communities now without natural-gas service in the States of Minnesota, Wisconsin, western Michigan, eastern North Dakota, and two customers in the Chicago-Gary area in Illinois and Indiana.<sup>2</sup>

The facts further disclose that competitive filings by the various applicants, numerous procedural actions, and protracted hearings have greatly prolonged the course of these proceedings and delayed the resolution of the question whether any of the service proposed herein is required by the public convenience and necessity. Initially, hearing was commenced on Midwestern's applications in the spring of 1956. Subsequently, the competitive applications of Northern, Natural, and Michigan Wisconsin, and other related applications, were consolidated with those of Midwestern and Tennessee for a comparative hearing beginning May 14, 1957. This comparative hearing concluded on January 31, 1958.

In addition, the presiding examiner undertook to issue separate initial decisions on the major individual projects. Although he has proceeded diligently, having issued five initial decisions to date,<sup>3</sup> some eight months have elapsed since the hearings concluded, and important phases of the case still remain to be decided, including Midwestern's entire proposal in its dockets Nos. G-9451, G-9452 and G-9453, and other matters.

The fact that in substantial part the delays encountered were unavoidable by reason of competitive filings and the necessity for compliance with legal requirements of a comparative hearing does not reduce the importance of expeditious final decision on these matters.

In addition to the above circumstances, in our judgment the facts relied on by Tennessee and Midwestern, summarized above, are cogent and weighty. The period of time now remaining before November 1, 1958, is not sufficient to permit the further initial decisions by the presiding examiner necessary to dispose of the issues which remain in this case, to permit exceptions thereto, and to permit thereafter a final decision by the Commission. Without attempting in any manner to pass on the merits, if Midwestern were to secure a certificate after November 1, 1958, the consequence of

<sup>2</sup> Natural Gas Pipeline Company of America, the principal pipeline supplier of natural gas to the Chicago area, originally proposed a 485,000 Mcf per day expansion project in these proceedings. Now, however, the company has filed an amendment to its certificate application which would eliminate all authorizations requested except facilities for increasing its system's capacity by 35,000 Mcf per day.

<sup>3</sup> The five initial decisions issued by the presiding examiner are: (1) a decision on April 9, 1958, in Northern's docket Nos. G-4259, G-4260, and G-4261, El Paso Natural Gas Company docket No. G-12135, and Permian Basin Pipeline Company docket No. G-12242; (2) a decision on June 9, 1958, in Tennessee's docket No. G-11107; (3) a decision June 30, 1958, in Northern's docket No. G-2460; (4) a decision August 15, 1958, in Natural's docket No. G-9966; and (5) a decision September 10, 1958, in Michigan Wisconsin's docket Nos. G-9850 and G-2327 and American Louisiana's docket No. G-2306.

such a delay would be to expose the consumers Midwestern would serve to additional substantial costs for gas purchased from Trans-Canada. On the other hand, if an unfavorable decision were issued subsequent to November 1, 1958, the Commission would be subject to criticism that by inaction, the economic feasibility of Midwestern's proposals had been adversely affected thereby. In our view, the imperative importance of a final decision as expeditiously as the law permits is fully supported by the facts in this case. It is further attested by the practically unanimous support of the parties—public authorities and the representatives of States and State commissions and private companies alike—which have addressed themselves to this motion.<sup>4</sup>

It should be noted that, in concluding to omit the intermediate decision procedure, we cannot and do not undertake at this time to decide any of the issues pertaining to the merits of these proceedings. In our final decision herein, we shall consider and pass on all the applications filed in these proceedings, including the matters on which the presiding examiner may have rendered initial decisions, as well as exceptions thereto. Our sole, present concern is to devise reasonable procedures which will, in the interest of the public and as permitted by law, enable the timely exercise of our functions in such manner as to assure that whatever authorizations are issued in this case, if any, will be issued in sufficient time to forestall any further, imminent price increase and to prevent any further, unnecessary delay in disposing of the 20 applications.

However, the National Coal Association et al. (the coal interveners), virtually alone of the parties in this proceeding, object to the omission of the intermediate decision procedure. They argue in substance that the facts do not support the finding required by the statute to justify omission; that the record is too large and the issues too complex to permit decision by November 1, 1958; that the integrity of the administrative process would be violated by omitting the presiding examiner's decision on the remaining issues; and that omission would in some unspecified way be improper and a denial of right in view of the fact that the presiding examiner has already issued initial decisions dealing with some of the issues, but has not considered the

<sup>4</sup> Michigan Wisconsin, noting in its reply to the motion to omit that it had itself more than five months ago advocated omission of the intermediate decision procedure, states that it does not object to the procedure requested by Midwestern and Tennessee if the Commission can by such action reach a final decision on all the issues prior to November 1, 1958.

Northern in its reply to the motion to omit likewise points out that it requested the Commission to omit the intermediate decision procedure on April 11, 1958. The company states that if the Commission omits the intermediate decision procedure, it is ready forthwith to participate in oral argument before the Commission on the pertinent issues. However, Northern opposes reducing the time for filing exceptions to any decision of the presiding examiner which may be issued prior to the Commission's action on the motion of Midwestern and Tennessee.

issues raised by the coal interveners' presentation, among other matters.

As to the claim that the facts do not justify omission, our judgment, confirmed by the judgment of most of the parties public and private alike, is that they do. Respecting the argument that the record is too large and the case too complex for us to decide in time, during the many months these proceedings have been in progress the Commission has been in close contact with the case, as our numerous orders herein testify. The record has not only been available to us as made, it also was certified to us by the examiner with his initial decision issued on April 9, 1958, in docket Nos. G-4259, et al., herein. In addition, we have received all the briefs and other filings which are part of this record, and the presiding examiner's initial decisions and exceptions thereto are before us.<sup>5</sup> The public interests involved justify a strenuous effort to meet the November 1 deadline.

We agree to the desirability of an initial decision by the presiding examiner generally. When the hearings in this case concluded last January, the November 1 price increase provision was in contemplation but it was assumed that the intermediate decision procedure would have been completed by then. Unfortunately this did not happen. However, in appropriate cases where we thought it justified, we have ordered omission of the intermediate decision procedure, and our judgments on the facts have been sustained by the courts.<sup>6</sup> We think this is such a case.

Nor is there any injury or denial of right to the coal interveners or any other party. Every party has already been accorded a full and complete hearing and ample time within which to submit main and reply briefs and will be provided further opportunity to argue orally; and all the issues presented on all the applications will be considered by the Commission. The coal interests in their exceptions to the presiding examiner's initial decision issued June 9, 1958, in docket No. G-11107, imply that they intended to file fuller exceptions to this particular decision subsequently on the examiner's handing down his last initial decision. In their reply to the motion to omit, they do not specifically allege error in this regard, nor could they, since, as indicated above, on the record they have made and their presentation in their briefs, we are enabled to decide the issues on their case even in the absence of the fullest possible statement of exceptions to the examiner's decision in docket No. G-11107. However, to avoid any possible asserted claim of procedural error, we shall permit the

<sup>5</sup> Since the presiding examiner's initial decision is a part of the record under section 8 (b) of the Administrative Procedure Act, we have the benefit of initial decisions on some issues, even though in our final decision we must pass on these matters as well as those respecting which there is no initial decision.

<sup>6</sup> See, e. g., opinion No. 301 in *Matters of Houston, Texas Gas & Oil Corporation*, 16 F. P. C. 118, 120, aff'd *Florida Economic Advisory Council v. F. P. C.*, 251 F. 2d 643 (CAD, 1957), cert. den., 26 L. W. 3336.

coal interveners to file such further exceptions to the presiding examiner's initial decision issued June 9, 1958, in docket No. G-11107, as they see fit, within 10 days of the date of issuance of this order. We are aware of no other party having made a similar implication. In any event, we shall extend this further filing privilege to all parties herein.

To the coal interveners' suggestion that the motion to omit was made too long after the conclusion of the hearing under § 1.30 (c) (3) of our rules of practice and procedure, the time requirement contained therein is a procedural incident prescribed by the Commission to facilitate orderly practice and does not bind the Commission to rigid and unvarying adherence where a departure would serve the public interest without injury or prejudice to any party. As the Court of Appeals for the Fifth Circuit said in *Sun Oil Co. v. F. P. C.*, Nos. 16020, et al., May 9, 1958 (slip op., p. 13), "In a particular case an administrative agency may relax or modify its procedural rules and its action in so doing will not be subjected to interference in the absence of a showing of injury or substantial prejudice."<sup>7</sup>

We conclude that the intermediate decision procedure should be omitted on all matters and issues with respect to which the presiding examiner has not issued or does not hereinafter issue an initial decision.

The Commission further finds:

(1) The due and timely execution of the Commission's functions imperatively and unavoidably requires that the intermediate decision procedure be omitted on all the matters and issues in these proceedings with respect to which the presiding examiner has not issued and does not hereafter issue an initial decision. Likewise, the public interest requires that a comparative consideration be given the matters and issues presented in the several dockets in these proceedings and that final decision be issued by the Commission no later than November 1, 1958.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that oral argument be had before the Commission on the matters and issues presented in all the dockets in these proceedings as hereinafter ordered.

(3) The National Coal Association, et al., should be permitted to file such further exceptions to the initial decision of the presiding examiner issued June 9, 1958, in docket No. G-11107 herein, as is seen fit, such exceptions to be filed within 10 days of the date of issuance of this order; and any other party so desiring should be permitted to do likewise.

The Commission orders:

(A) In accordance with section 8 (a) of the Administrative Procedure Act, § 1.30 of the Commission's rules of practice and procedure, and other pertinent

<sup>7</sup> Section 1.30 (c) (2) of the Commission's rules also provides that in an initial licensing proceeding—this case—the Commission with or without request or motion therefor, may render the decision where due and timely execution of its functions imperatively and unavoidably so requires.

provisions of law, the intermediate decision procedure is hereby omitted on the matters and issues presented in these proceedings with respect to which the presiding examiner has not issued and does not hereafter issue an initial decision, for a comparative consideration of and final decision by the Commission on the matters and issues presented in all the dockets herein.

(B) Oral argument shall be had before the Commission on October 9, 1958, commencing at 10:00 a. m., e. d. s. t., in a Hearing Room on the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters and issues presented in all the dockets in these proceedings.

(C) Those parties to these proceedings which intend to participate in the oral argument shall notify the Secretary of the Commission or or before October 6, 1958, of such intention and the time required for presentation of their argument.

(D) The National Coal Association, et al., shall file such further exceptions to the initial decision of the presiding examiner issued June 9, 1958, in Tennessee's docket No. G-11107 as it sees fit, within 10 days of the date of issuance of this order; and any other party so desiring shall do likewise.

By the Commission (Commissioner Kline dissenting.<sup>8</sup>)

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-8150; Filed, Oct. 2, 1958; 8:51 a. m.]

[Docket No. G-5766 etc.]

CONTINENTAL OIL CO.

NOTICE OF APPLICATIONS, CONSOLIDATION AND DATE OF HEARING

SEPTEMBER 29, 1958.

In the matter of Continental Oil Company, Docket Nos. G-5766, G-5767, G-5780 through G-5787, G-5789 through G-5794, G-5797, G-5798, G-5803, G-5804, G-5807 through G-5832, G-5835, G-5836, G-5841 through G-5856, G-5869 through G-5874, G-5885, G-5886, G-5895 through G-5898, G-5901, G-5903 through G-5911, G-6335, G-6336, G-6338, G-6340, G-6341, G-6343 through G-6345, G-6347, G-6584 through G-6587, G-6592, G-6948.

Take notice that Continental Oil Company (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, has filed applications in the above listed dockets for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing service as hereinafter described and/or seeking a determination of jurisdictional status as to certain service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the applications which are on file with the Commission and open to public inspection.

<sup>8</sup> Dissenting opinion filed as part of the original document.

Applicant produces natural gas from various fields and sells natural gas to various purchasers for transportation in interstate commerce for resale as indicated in the following tabulation.

Certain of these sales appear to fall into the category of "percentage sales" as defined in § 154.91 of the Commission's regulations. Applications for certificates for such sales are subject to dismissal in accordance with the provisions of said regulations.

Certain of these applications have been previously set for hearing but were postponed at Applicant's request.

Docket No.; Field; Purchaser; and Continental's Related Gas Rate Schedule

G-5766, G-5767;<sup>2</sup> Langlie Mattix and Cooper Jal Fields, Lea County, N. Mex.; El Paso Natural Gas Co.; 7.

G-5780;<sup>2</sup> G-5781; Hobbs Field, Lea County, N. Mex.; Phillips Petroleum Co.; 14.<sup>1</sup>

G-5782,<sup>2</sup> G-5783; Hobbs Field, Lea County, N. Mex.; Phillips Petroleum Co.; 15.<sup>1</sup>

G-5784,<sup>2</sup> G-5785; Panhandle Field, Gray County, Tex.; Phillips Petroleum Co.; 16.<sup>1</sup>

G-5786,<sup>2</sup> G-5787; Fullerton Field, Andrews County, Tex.; Phillips Petroleum Co., et al.; 17.<sup>1</sup>

G-5789,<sup>2</sup> G-5790; Goldsmith Field, Ector County, Tex.; Phillips Petroleum Co.; 18.<sup>1</sup>

G-5791,<sup>2</sup> G-5792; Goldsmith Field, Ector County, Tex.; Phillips Petroleum Co.; 19.<sup>1</sup>

G-5793,<sup>2</sup> G-5794; Vacuum Field, Lea County, N. Mex.; Phillips Petroleum Co.; 20.<sup>1</sup>

G-5797,<sup>2</sup> G-5798; Camp Field, Carter County, Okla.; Skelly Oil Co.; 22.<sup>1</sup>

G-5803,<sup>2</sup> G-5804; Keystone Field, Winkler County, Tex.; Sid Richardson Gasoline Co.; 25.<sup>1</sup>

G-5807,<sup>2</sup> G-5808; TXL Field, Ector County, Tex.; Shell Oil Co.; 27.<sup>1</sup>

G-5809,<sup>2</sup> G-5810; TXL Field, Ector County, Tex.; Shell Oil Co.; 28.<sup>1</sup>

G-5811,<sup>2</sup> G-5812; TXL Field, Ector County, Tex.; Shell Oil Co.; 29.<sup>1</sup>

G-5813,<sup>2</sup> G-5814; Wasson Field, Yoakum County, Tex.; Shell Oil Co.; 30.<sup>1</sup>

G-5815,<sup>2</sup> G-5816; Wasson Field, Gaines & Yoakum Counties, Tex.; Shell Oil Co.; 31.<sup>1</sup>

G-5817,<sup>2</sup> G-5818; Wasson Field, Gaines County, Tex.; Shell Oil Co.; 32.<sup>1</sup>

G-5819,<sup>2</sup> G-5820; Wasson Field, Gaines County, Tex.; Shell Oil Co.; 33.<sup>1</sup>

G-5821,<sup>2</sup> G-5822; Penrose Skelly, Drinkard, Arrowhead, Brunson, Wantz-Abo, Hare, and Terry-Blineberry Fields, Lea County, N. Mex.; Skelly Oil Co.; 34.<sup>1</sup>

G-5823,<sup>2</sup> G-5824; Drinkard Field, Hare Field, Lea County, N. Mex.; Skelly Oil Co.; 35.<sup>1</sup>

G-5825,<sup>2</sup> G-5826; Brunson Pool, Lea County, N. Mex.; Skelly Oil Co.; 36.<sup>1</sup>

G-5827,<sup>2</sup> G-5828; Hastings Field, Brazoria County, Tex.; Pan American Petroleum Corp.; 75.<sup>1</sup>

G-5829,<sup>2</sup> G-5830; Arrowhead Field, Brunson Field, Drinkard Field, Hare Field, Wantz-Abo Field, Lea County, N. Mex.; Skelly Oil Co.; 37.<sup>1</sup>

G-5831,<sup>2</sup> G-5832; Camp Field, Carter County, Okla.; Skelly Oil Co.; 38.<sup>1</sup>

G-5835,<sup>2</sup> G-5836; Slaughter Field, Cochran County, Tex.; Pan American Petroleum Corp., et al.; 40.<sup>1</sup>

<sup>1</sup> The contract filed as a rate schedule indicates the sale falls into the category of a "percentage sale" as defined in § 154.91 of the Commission's regulations. Thus the related certificate application is subject to dismissal and the contract subject to being rejected as a rate schedule under said regulation.

<sup>2</sup> The application in these dockets consists of a prayer for a declaratory order determining the question of Commission jurisdiction over the sale involved.

G-5841,<sup>2</sup> G-5842; Carson-Hutchinson Field, Hutchinson County, Tex.; Shamrock Oil and Gas Corp.; 46.

G-5843,<sup>2</sup> G-5844; Bayou Field, Carter County, Okla.; Shell Oil Co.; 47.<sup>1</sup>

G-5845,<sup>2</sup> G-5846; Bayou Field, Carter County, Okla.; Shell Oil Co.; 48.<sup>1</sup>

G-5847,<sup>2</sup> G-5848; Bayou Field, Carter County, Okla.; Shell Oil Co.; 49.<sup>1</sup>

G-5849,<sup>2</sup> G-5850; Camp Field, Carter and Stevens Counties, Okla.; Skelly Oil Co.; 50.<sup>1</sup>

G-5851,<sup>2</sup> G-5852; Camp Field, Carter County, Okla.; Skelly Oil Co.; 51.<sup>1</sup>

G-5853,<sup>2</sup> G-5854; Camp Field, Carter County, Okla.; Skelly Oil Co.; 52.<sup>1</sup>

G-5855,<sup>2</sup> G-5856; Camp Field, Carter County, Okla.; Skelly Oil Co.; 53.<sup>1</sup>

G-5869,<sup>2</sup> G-5870; Bayou Field, Carter County, Okla.; Shell Oil Co.; 61.<sup>1</sup>

G-5871,<sup>2</sup> G-5872; Bayou Field, Carter County, Okla.; Shell Oil Co.; 62.<sup>1</sup>

G-5873,<sup>2</sup> G-5874; Bayou Field, Carter County, Okla.; Shell Oil Co.; 63.<sup>1</sup>

G-5885,<sup>2</sup> G-5886; Camp Field, Carter County, Okla.; Skelly Oil Co.; 69.<sup>1</sup>

G-5895,<sup>2</sup> G-5896; West Panhandle Field, Moore & Hutchinson Counties, Tex.; Shamrock Oil & Gas Corp.; 86.<sup>1</sup>

G-5897,<sup>2</sup> G-5898; Wiener (Colby) Field, Winkler County, Tex.; C. V. Lyman; 87.

G-5901; Abbeville Field, Vermillion Parish, La.; United Gas Pipeline Co.; 98.

G-5903; St. Charles, Blackjack & St. Charles Bay Fields, Aransas County, Tex., San Antonio Bay Field, Calhoun County, Tex., Mission Valley Field, Victoria County, Tex.; Transcontinental Gas Pipe Line Corp.; 105.

G-5904,<sup>2</sup> G-5905; Woodlawn Field, Harrison County, Tex.; Mississippi River Fuel Corp.; 107.

G-5906,<sup>2</sup> G-5907; Salt Wells Unit Area, Sweetwater County, Wyo.; Mountain Fuel Supply Co.; 108.

G-5908,<sup>2</sup> G-5909; Hugoton Field, Finney County, Kans.; Kansas Nebraska Natural Gas Co., Inc.; 112.

G-5910,<sup>2</sup> G-5911; Meyersville Field, De Witt and Victoria Counties, Tex.; Texas Eastern Transmission Corp.; 114.

G-6335; Sholem Alechem Field, Carter County, Okla.; Signal Oil and Gas Co.; 41.<sup>1</sup>

G-6336; Monument, Monument-Blinbry, and Monument-Paddock Fields, Lea County, N. Mex.; El Paso Natural Gas Co.; 42.

G-6338; Milroy Field, Stephens County, Okla.; Fox Gasoline Co.; 55.<sup>1</sup>

G-6340; Sholem Alechem Field, Carter County, Okla.; Fox Gasoline Co.; 70.<sup>1</sup>

G-6341; Meyersville Field, DeWitt County, Tex.; Texas Eastern Transmission Corp.; 84.

G-6343; Welner (Upper Yates) and Emperor Fields, Winkler County, Tex.; C. V. Lyman; 88.

G-6344; Katie Field, Garvin County, Okla.; Lone Star Gas Co.; 89.

G-6345; Katie Field, Garvin County, Okla.; Lone Star Gas Co.; 90.

G-6347; East Mayes Field, Chambers County, Tex.; Texas Gas Corp.; 94.

G-6584;<sup>2</sup> Woodlawn Field, Harrison County, Tex.; Midstates Oil Corp.; 119.<sup>3</sup>

G-6585; Milroy Field, Stephens County, Okla.; Fox Gasoline Co.; 72.<sup>1</sup>

G-6586; Milroy Field, Stephens County, Okla.; Fox Gasoline Co.; 73.<sup>1</sup>

G-6587; Wheeler Field, Carter County, Okla.; Fox Gasoline Co.; 74.<sup>1</sup>

G-6592; Fowler Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.

G-6948; Woodlawn Field, Harrison County, Tex.; Mississippi River Fuel Corp.; 113.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

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 on October 30, 1958 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before October 23, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-8151; Filed, Oct. 2, 1958;  
8:51 a. m.]

[Docket Nos. G-12421, G-12502]

BEL OIL CORP. ET AL. AND TEXAS GAS  
TRANSMISSION CORP.

NOTICE OF APPLICATIONS AND DATE  
OF HEARING

SEPTEMBER 26, 1958.

In the matters of Bel Oil Corporation, Operator, et al., Docket No. G-12421; Texas Gas Transmission Corporation, Docket No. G-12502.

Take notice that on May 1, 1957, Texas Gas Transmission Corporation (Texas Gas) filed in Docket No. G-12502 an application, as supplemented on June 26, 1957, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing:

(1) Construction and operation of approximately 0.43 mile of 4½ inch O. D. pipeline to extend from a point of connection with the existing facilities of Texas Gas in the North Elton Field, Allen Parish, Louisiana, to the outlet of the existing gasoline plant of Bel Oil Corporation (Bel) in the North Elton Field, together with a meter station at the outlet of said plant, and

(2) Construction of approximately 5.22 miles of 4½ inch O. D. pipeline to extend from the inlet of said gasoline plant to a point in the Oberlin Field, Allen Parish, Louisiana, all as more fully

set forth in the application, exhibits and supplement, which are on file with the Commission and open to public inspection.

The above facilities will enable Texas Gas to purchase and receive natural gas produced in the North Elton and Oberlin Fields by Bel, Operator, et al. The estimated total cost of said facilities is \$132,234, to be financed from cash on hand.

Item (2) above will be leased by Texas Gas to Bel at an annual rental of \$100, and will be operated and maintained by Bel, pursuant to a lease agreement dated May 13, 1957.

On April 15, 1957, Bel, Operator, et al., filed in Docket No. G-12421 an application, as supplemented on the same date, for a certificate of public convenience and necessity covering the aforementioned sale of natural gas from the North Elton and Oberlin Fields, to be made pursuant to a gas sales contract dated April 9, 1957, executed by and between Texas Gas and Bel, et al.

Bel is filing on its own behalf and as operator for Albert B. Fay and Ernest B. Fay, non-operating co-owners of the acreage involved herein, both of whom, together with Bel, are signatory seller parties to the same gas sales contract.

Bel's facilities consist of a gasoline absorption plant and customary lease equipment.

A further supplement filed by Bel on May 23, 1958, to its application in Docket No. G-12421 submits an amendatory letter agreement dated May 7, 1958, to the basic contract between Texas Gas and Bel, dedicating additional acreage to said contract and increasing the daily contract delivery rate to a total of 14,000 Mcf.

Bel's application and supplements are also on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

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 on October 29, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 15, 1958. Failure of any party to appear

See footnotes 1 and 2 on page 7684.

<sup>3</sup> The contract filed as a rate schedule indicates that Continental Oil Company is a non-signatory party as defined in § 154.91 of the Commission's regulations. The contract was rejected for filing as Rate Schedule No. 119 by letter dated November 30, 1955, and the certificate application is also subject to dismissal under said rules.

at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-8152; Filed, Oct. 2, 1958;  
8:51 a. m.]

[Docket No. G-12139]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

SEPTEMBER 29, 1958.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation with its principal office in Shreveport, Louisiana, filed on March 4, 1957, an application, with supplement thereon April 8, 1957, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the continued operation of certain facilities not previously authorized, which said facilities constitute integral parts of its existing system and which are operated for the transportation of natural gas in interstate commerce, subject to the jurisdiction of this Commission, all as more fully described in the said application, as supplemented, on file with the Commission and open to public inspection.

The facilities above referred to consist of taps, lateral pipelines and appurtenances, which were installed at an aggregate total cost of \$718,245.66. The lateral pipelines extend from points of connection with Applicant's main transmission pipelines at various points in Wharton, Newton, Harrison, Lavaca, Harris and Gregg Counties, Texas; and Caddo Parish, Louisiana to the various gas fields therein as identified in the application where gas is being purchased from various independent producers who have been duly authorized and certificated by the Commission to sell and deliver natural gas for resale for ultimate public consumption by the Applicant.

The natural gas purchased as aforesaid is commingled with other gas in the Applicant's interstate transmission pipelines and sold to the existing customers of the Applicant.

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 on October 27, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised,

it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-8153; Filed, Oct. 2, 1958;  
8:51 a. m.]

[Docket Nos. G-12850, G-15217]

SINCLAIR OIL & GAS CO. AND UNION OIL  
COMPANY OF CALIFORNIA

NOTICE OF APPLICATIONS AND DATE OF  
HEARING

SEPTEMBER 29, 1958

In the matters of Sinclair Oil & Gas Company, Docket No. G-12850; and Union Oil Company of California, Docket No. G-15217.

Take notice that on July 5, 1957, Sinclair Oil & Gas Company (Sinclair) filed an application, supplemented July 8, 1957 and April 11, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Northern Natural Gas Company (Northern) for resale for ultimate public consumption, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open to public inspection. Sinclair as owner and operator of certain leaseholds produces part of the gas from the Farnsworth and West Waka Fields, Ochiltree County, Texas, and the balance of the volume to be sold is to be purchased and received from the Union Oil Company of California (Union Oil) which is produced from acreages held by Union Oil under certain leases aggregating approximately 1,284 acres located in the same county in Texas as Sinclair's leasehold above stated.

On June 2, 1958, Union Oil Company of California, filed an application pursuant to section 7 of the Natural Gas Act for certificate of public convenience and necessity authorizing the sale of natural gas produced by it from the acreage above described to Sinclair under terms of five agreements, each dated May 10, 1957. The five agreements contain similar terms which provide for a price of 5.5 cents per Mcf of the gas delivered to Sinclair, and 50 percent of any price increase received by Sinclair for the gas resold to Northern. The sales agreement between Sinclair and Northern dated May 9, 1957, provides for an initial price of 16.0 cents per Mcf at 14.65 psia and a schedule of periodic increases.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

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 on October 29, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 17, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 58-8154; Filed, Oct. 2, 1958;  
8:52 a. m.]

[Docket No. G-16333]

PHILLIPS PETROLEUM CO. ET AL.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1958.

Phillips Petroleum Company (Operator) et al. on August 27, 1958, tendered for filing a proposed change in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: Contract, dated June 18, 1958.  
Notice of Change, dated August 25, 1958.  
Purchaser: Lone Star Gas Company.  
Rate schedule designation: Phillips FPC Gas Rate Schedule No. 323.<sup>1</sup> Supplement No. 1 to Phillips' FPC Gas Rate Schedule No. 323.  
Effective dates: October 1, 1958. (effective date is the date proposed by Phillips).

In support of the proposed rate increase Phillips states that Exhibit No. 324 in Docket No. G-1148 shows that Phillips should receive 18.5 cents per Mcf for this gas in order to recover its cost plus a fair return. Phillips further states that the rate here proposed is less than the reasonable market price in the area.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, un-

<sup>1</sup>Supersedes Phillips Petroleum Company (Operator) et al. FPC Gas Rate Schedule No. 70.

duly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Phillips FPC Gas Rate Schedule No. 323 and Supplement No. 1 to Phillips' FPC Gas Rate Schedule No. 323 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Phillips' FPC Gas Rate Schedule No. 323 and Supplement No. 1 to Phillips' FPC Gas Rate Schedule No. 323.

(B) Pending such hearing and decision thereon, Phillips' FPC Gas Rate Schedule No. 323 and Supplement No. 1 thereto are each hereby suspended and the use thereof deferred until March 1, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule nor the supplement hereby suspended shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.<sup>2</sup>

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-8155; Filed, Oct. 2, 1958;  
8:52 a. m.]

[Docket No. G-16334]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGES IN RATES

SEPTEMBER 26, 1958.

Gulf Oil Corporation (Gulf) on August 28, 1958, tendered for filing proposed changes in its presently effective rate schedules<sup>1</sup> for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.  
Purchaser: Arkansas Louisiana Gas Company.

<sup>1</sup> Rates are presently in effect subject to refund in Docket No. G-15831.

<sup>2</sup> Commissioner Hussey dissenting as to the suspension of Supplement No. 1 to Phillips' FPC Gas Rate Schedule No. 323.

Rate schedule designation: Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 81. Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 82.

Effective date: October 1, 1958 (effective date is the date proposed by Gulf).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1959 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 81 and Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 82, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 81, and Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 82.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-8156; Filed, Oct. 2, 1958;  
8:52 a. m.]

[Docket No. G-16335]

SUPERIOR OIL CO.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1958.

The Superior Oil Company (Superior) on August 28, 1958, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 25, 1958.

Purchaser: Trunkline Gas Company.  
Rate schedule designation: Supplement No. 16 to Superior's FPC Gas Rate Schedule No. 3.

Effective date: October 1, 1958 (effective date is that proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 16 to Superior's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 16 to Superior's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

<sup>1</sup> Rate in effect subject to refund in Docket No. G-15554.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-8157; Filed, Oct. 2, 1958;  
8:52 a. m.]

[Docket No. G-16336]

UNION PRODUCING CO.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1958.

Union Producing Company (Union) on August 29, 1958, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 22, 1958.

Purchaser: Southwest Gas Producing Company, Inc.

Rate schedule designation: Supplement No. 8 to Union's FPC Gas Rate Schedule No. 200.

Effective date: October 1, 1958 (effective date is the effective date proposed by Union).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to

<sup>1</sup>Supplement No. 7 to Union's FPC Gas Rate Schedule No. 200 (Louisiana gathering tax increase), was suspended until August 2, 1958, in Docket No. G-15549, and is now in effect subject to refund.

Union's FPC Gas Rate Schedule No. 200 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Union's FPC Gas Rate Schedule No. 200.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-8158; Filed, Oct. 2, 1958;  
8:52 a. m.]

[Docket No. G-16338]

MONSANTO CHEMICAL CO.

ORDER FOR HEARING AND SUSPENDING  
PROPOSED CHANGE IN RATES

SEPTEMBER 26, 1958.

Monsanto Chemical Company (Monsanto) on August 29, 1958, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.  
Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 5 to Monsanto's FPC Gas Rate Schedule No. 3.

Effective date: October 30, 1958 (effective date is the effective date proposed by Monsanto).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Stat-

<sup>1</sup>Supplement No. 4 to Monsanto's FPC Gas Rate Schedule No. 3 (Louisiana gathering tax increase), was suspended until August 2, 1958, in Docket No. G-15737, and is now in effect subject to refund.

utes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the possibility of the additional tax being invalidated and only such tax increment of the proposed increased rate shall be subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Monsanto's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 5 to Monsanto's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 31, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,  
*Acting Secretary.*

[F. R. Doc. 58-8159; Filed, Oct. 2, 1958;  
8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1938]

GEORGIA-PACIFIC CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 29, 1958.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Georgia-Pacific Corporation, common stock; File No. 7-1938.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule

X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before October 14, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 58-8135; Filed, Oct. 2, 1958;  
8:47 a. m.]

[File No. 7-1937]

DEERE & Co.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 29, 1958.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Deere & Company (Delaware) Common Stock; File No. 7-1937.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before October 14, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 58-8136; Filed, Oct. 2, 1958;  
8:48 a. m.]

[File No. 30-152]

STANDARD SHARES, INC.

ORDER GRANTING APPLICATION

SEPTEMBER 23, 1958.

Standard Shares, Inc., a registered holding company, having filed an application and amendments thereto under section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") for an order declaring that it has ceased to be a holding company and that upon the taking effect of such order its registration as such shall cease to be in effect;

The Commission having this day issued its Findings and Opinion finding and declaring the Standard Shares, Inc., is not a holding company as defined by the act; on the basis of said Findings and Opinion:

*It is ordered*, That said application of Standard Shares, Inc., be, and it hereby is, granted, and that this order shall become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 58-8134; Filed, Oct. 2, 1958;  
8:47 a. m.]

[File No. 70-3731]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF PROPOSED SUPPLEMENTAL BANK BORROWINGS BY PARENT COMPANY, AND LOAN OF SAID FUNDS TO SUBSIDIARIES

SEPTEMBER 26, 1958.

In the matter of Consolidated Natural Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation, The Peoples Natural Gas Company; File No. 70-3731.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly-owned subsidiaries Hope Natural Gas Company ("Hope"), New York State Natural Gas Corporation ("New York Natural"), and the Peoples Natural Gas Company ("Peoples") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6 (b), 9 (a), 10, and 12 (f) thereof and Rule 45 thereunder as applicable to the proposed transactions, which are summarized as follows:

In order to provide the major part of additional funds required by said subsidiary companies, Consolidated proposes to borrow on one or more dates during 1958 up to \$5,000,000 from one or more banks on notes having a maturity of not more than one year and at the prime interest rate for commercial loans of The Chase Manhattan Bank in effect on the date of the first borrowing, with a prepayment privilege upon ten days' notice, without premium.

Consolidated proposes to loan, and the subsidiary companies propose to borrow, from time to time as required, at the prime interest rate obtained by Consolidated on its related loan for this purpose, on notes maturing at a date prior

to the maturity date of Consolidated's one year bank loan, and not more than one year from the date of the first short-term note so issued by said subsidiary, up to the following amounts during 1958:

Hope	\$2,000,000
New York Natural	3,500,000
Peoples	1,000,000
Total	6,500,000

Consolidated states that this additional financing supplements its 1958 financing program heretofore approved by the Commission (Holding Company Act Release Nos. 13750 and 13801), and that the need for same results principally from a larger increase in inventories of gas in underground storage than had been anticipated, and a reduction in the amount of cash generated internally by Consolidated and said subsidiary companies.

No fees or commissions will be incurred in connection with the financing. It is stated that the Public Service Commission of West Virginia has jurisdiction over the short-term borrowings proposed to be made by Hope.

Notice is further given that any interested person may, not later than October 16, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 58-8137; Filed, Oct. 2, 1958;  
8:48 a. m.]

## FEDERAL RESERVE SYSTEM

FIRSTAMERICA CORP.

NOTICE OF APPLICATION FOR APPROVAL OF ACQUISITION OF VOTING SHARES OF BANK AND ORDER FOR HEARING THEREON

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3 (a) of the Bank Holding Company Act of 1956 (12 U. S. C. 1842), by Firstamerica Corporation, San Francisco, California, for the prior approval by the Board of the acquisition by that corporation of direct ownership of 80 percent or more of the voting shares of California Bank, Los Angeles, California.

It appearing to the Board of Governors that it is appropriate in the public in-

terest that a hearing be held with respect to this application:

*It is hereby ordered.* That pursuant to section 7 (a) of the Board's Regulation Y (12 CFR 22.7 (a)), promulgated under the Bank Holding Company Act of 1956, a public hearing with respect to this application be held commencing October 27, 1958, at 10 a. m., in the hearing-room at the offices of the Federal Reserve Bank of San Francisco, 400 Sansome Street, in the city and county of San Francisco, State of California, before a duly selected hearing officer, such hearing to be conducted in accordance with the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing officer to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties.

*It is further ordered.* That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

1. The financial history and condition of the company and the banks concerned;
2. The prospects of said company and banks;
3. The character of their management;
4. The convenience, needs, and welfare of the communities and the area concerned;
5. Whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

*It is further ordered.* That any person desiring to give testimony in this proceeding should file with the Secretary of the Board on or before October 17, 1958, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing officer for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing officer's decision in due course.

Dated: September 29, 1958.

By order of the Board of Governors.

KENNETH A. KENYON,  
Assistant Secretary.

[F. R. Doc. 58-8165; Filed, Oct. 2, 1958;  
8:54 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 32]

MOTOR CARRIER TRANSFER PROCEEDINGS  
SEPTEMBER 30, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), 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 61320. By order of September 24, 1958, the Transfer Board approved the transfer to Kenneth Bastin and Carlus B. LaFavers, a partnership, doing business as Short Way Lines, Somerset, Ky., of Certificate No. MC 107237, issued November 26, 1956, to Ruford Lewis, doing business as Short Way Lines, Somerset, Ky., authorizing the transportation of passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, over regular routes, between the Tennessee-Kentucky State line and Albany, Ky.; between Sparta, Tenn., and the Tennessee-Kentucky State line; between Somerset, Ky., and junction Kentucky Highways 80 and 910; between Somerset, Ky., and Burnside, Ky.; between Liberty, Ky., and Phil, Ky.; between junction Kentucky Highway 80 and unnumbered highway, and junction Kentucky Highway 35 and unnumbered highway; between Liberty, Ky., and Bardstown, Ky.; between Bardstown, Ky., and Louisville, Ky.; and between Albany, Ky., and Burnside, Ky. Smith and Blackburn, 211 West Mt. Vernon Street, Somerset, Ky., for applicants.

No. MC-FC 61386. By order of September 26, 1958, the Transfer Board approved the transfer to Albert James Bibeau, Balsam Lake, Wis., of Certificate No. MC 63116, issued January 25, 1952, to Donald Majeske, Balsam Lake, Wis., authorizing the transportation of general commodities, excluding household goods and other specified commodities, over irregular routes, between St. Paul, Minneapolis, South St. Paul, and Newport, Minn., on the one hand, and, on the other, points in the Towns of Milltown, Georgetown, Balsam Lake, and Apple River, Polk County, Wis. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC-FC 61407. By order of September 26, 1958, the Transfer Board approved the transfer to Nathan Marcus, doing business as Marcus Transportation, 667 Sixth Avenue, New York, N. Y., of Permit No. MC 47642, issued August 4, 1949, to Nathan Marcus and David Marcus, a partnership, doing business as Marcus Transportation, 667 Sixth Avenue, New York, N. Y., authorizing the transportation of: Synthetic resins and materials and supplies incidental to or used in, the manufacture of synthetic resin products, between New York, N. Y., and Fords, N. J.

No. MC-FC 61449. By order of September 24, 1958, the Transfer Board ap-

proved the transfer to Bob Jenkins Truck Line, Inc., Charles City, Iowa, of Certificate No. MC 116205, issued January 3, 1958 to Robert L. Jenkins, doing business as Bob Jenkins Truck Line, authorizing the transportation of agricultural tractors and parts thereof, from Charles City, Iowa, to points in Alabama, Georgia, Louisiana, and Texas. The Transfer Board also approved the substitution of Bob Jenkins Truck Line, Inc., as applicant in Docket No. MC 116205 Sub 3. Keith S. Noah, 204½ North Main Street, Charles City, Iowa, for applicants.

No. MC-FC 61468. By order of September 26, 1958, the Transfer Board approved the transfer to Harold Waggoner & Company, a corporation, Granite City, Ill., of permits Nos. MC 115873 and MC 115873 Sub 2, issued August 2, 1957, and March 26, 1957, respectively to Harold Waggoner, doing business as Harold Waggoner and Co., Granite City, Ill., authorizing the transportation of: Liquid chemicals as described in the Maxwell Co. Extension—Addyston, 63 M. C. C. 677, in bulk, in tank vehicles (except liquid chemicals as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209), from St. Louis, Mo., and East St. Louis, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Mississippi, New York, Ohio, Oklahoma, Tennessee, and Texas; and acids, and chemicals as described in the Maxwell Co., Extension—Addyston, 63 M. C. C. 677, in bulk, in tank vehicles, from St. Louis, Mo., and East St. Louis, Ill., to points in Maryland. Delmar Koebel, 406 Missouri Avenue, East St. Louis, Ill., for applicants.

No. MC-FC 61567. By order of September 26, 1958, the Transfer Board approved the transfer to Atlantic City-Phila. Express, Inc., Camden, New Jersey, a portion of a certificate in No. MC 36897, issued March 25, 1952, to Trenton Transport, Inc., Fallsington, Pennsylvania, authorizing the transportation of general commodities, excluding household goods and specified commodities, over a regular route, between Ardmore, Pa., and Atlantic City, N. J., serving the intermediate point of Philadelphia, Pa. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., (P. O. Box 317, Bala Cynwyd, Pa.), for applicants.

No. MC-FC 61572. By order of September 24, 1958, the Transfer Board approved the transfer to Claude Flynn, Mills, Pennsylvania, of a certificate in No. MC 20587, issued November 21, 1941, to Allison J. Tormey, doing business as A. J. Formey, Ulysses, Pennsylvania, authorizing the transportation of lime, fertilizers, building materials, and machinery, livestock, and feed, between Ulysses, Pa., and points within 25 miles of Ulysses, on the one hand, and, on the other, Buffalo and Batavia, N. Y.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 58-8142; Filed, Oct. 2, 1958;  
8:48 a. m.]