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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, the position listed below is excepted from the competitive service under Schedule C.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General*. (1) One special and confidential assistant to the Assistant Postmaster General (Bureau of Transportation)

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 53-4782; Filed, June 1, 1953; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 20]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120) and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) § 76.26 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas

of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 *Notice and quarantine*. (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Township 3; Range 23, in Dale County, in Alabama;

The State of California; Hartford, New Haven, and New London Counties, in Connecticut;

Androscoggin, Cumberland, Kennebec, Somerset, and York Counties, in Maine;

Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, and Worcester Counties in Massachusetts;

Clark County, in Nevada; Atlantic, Bergen, Burlington, Camden, Cape May, Gloucester, Hudson, Hunterdon, Middlesex, Morris, Monmouth, and Ocean Counties, in New Jersey;

Cheektowaga Township, in Erie County, Poughkeepsie Township, in Dutchess County, that part of Clarkstown Township north of New York State Route No. 59 in Rockland County, and Waterloo Township in Seneca County, in New York;

Section 28, in Jackson Township, in Allen County, and Section 15, in Green Township, in Clark County, in Ohio;

Council Grove, Mustang, Oklahoma, and Greeley Townships, in Oklahoma County, in Oklahoma;

Bucks, Butler, Delaware, Lehigh, and York Counties, in Pennsylvania; Kent and Providence Counties, in Rhode Island;

Atascosa and Bexar Counties, in Texas; Sections 31 and 32, Township 4, North Range One West, in Davis County, in Utah; Pierce and Whatcom Counties, in Washington;

Lake Township, in Milwaukee County, in Wisconsin.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in said paragraph (a) of this section and the following additional areas in such States in order to prevent

(Continued on p. 3123)

CONTENTS

	Page
Agriculture Department	
See Animal Industry Bureau; Production and Marketing Administration.	
Animal Industry Bureau	
Rules and regulations:	
Hog cholera, swine plague, and other communicable swine diseases; changes in areas quarantined because of vesicular exanthema.....	3127
Army Department	
Rules and regulations:	
Recruiting and enlistments; recruiting for the Regular Army.....	3132
Atomic Energy Commission	
Proposed rule making:	
Radioisotope distribution.....	3152
Civil Aeronautics Board	
Notices:	
Hearings, etc..	
Continental Air Lines, Inc., and United Air Lines, Inc., interchange of equipment...	3155
Service to Fargo, N. Dak., et al.....	3155
Civil Service Commission	
Rules and regulations:	
Competitive service, exceptions from; Post Office Department.....	3127
Commerce Department	
See International Trade Office.	
Defense Department	
See also Army Department.	
Notification to Department and to General Services Administration of placement of procurement in certain areas (see Defense Mobilization Office).	
Defense Mobilization Office	
Notices:	
Placement of procurement in certain areas; notification to Department of Defense and General Services Administration:	
Fall River, Mass.....	3156
Utica-Rome, N. Y.....	3157



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CFR SUPPLEMENTS

(For use during 1953)

The following Supplements are now available:

Title 7- Parts 210-899 (\$2.25); Title 7- Part 900-end (Revised Book) (\$6.00); Title 21 (\$1.25); Titles 22-23 (\$0.65); Title 26; Parts 80-169 (\$0.40)

Previously announced: Title 3 (\$1.75); Titles 4-5 (\$0.55); Title 7- Parts 1-209 (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 24 (\$0.65); Title 25 (\$0.40); Title 26; Parts 170-182 (\$0.65), Parts 183-299 (\$1.75); Titles 28-29 (\$1.00); Titles 30-31 (\$0.65); Title 39 (\$1.00); Titles 40-42 (\$0.45); Title 49: Parts 1-70 (\$0.50), Parts 71-90 (\$0.45), Parts 91-164 (\$0.40)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission	Page
Notices:	
Texas Star Broadcasting Co. and KTRH Broadcasting Co. (KTRH)	3153
Proposed rule making:	
Amateur radio service; dismissal of proceedings	3153

CONTENTS—Continued

Federal Communications Commission—Continued	Page
Proposed rule making—Continued	
Stations on land and shipboard in the Maritime Service; frequencies available for radio-telephone within certain band	3152
Rules and regulations:	
Construction, marking and lighting of antenna towers and/or their supporting structures; editorial changes	3148
Frequency allocations and radio treaty matters; stations on shipboard in the Maritime Service; miscellaneous amendments	3147
Federal Power Commission	
Notices:	
Hearings, etc.	
Idaho Power Co.	3156
Tennessee Gas Transmission Co.	3156
Winter Electric Light & Power Co.	3156
Federal Trade Commission	
Rules and regulations:	
Ashville Fabrics, Inc., and Lawrence Herman; cease and desist order	3132
General Services Administration	
Notification to Department of Defense and to Administration of placement of procurement in certain areas (see Defense Mobilization Office)	
Interior Department	
See also Land Management Bureau; Reclamation Bureau.	
Notices:	
Commissioner of Reclamation; delegation of authority with respect to sale of acquired or public lands or interests thereon	3155
International Trade Office	
Rules and regulations:	
Export regulations; miscellaneous amendments	3129
Interstate Commerce Commission	
Rules and regulations:	
Car service:	
Free time on freight cars loaded at ports	3147
Free time on unloading box cars at ports	3147
Restrictions on trap and ferry cars	3146
Saturdays to be included in computing demurrage on all freight cars	3146
Explosives and other dangerous articles, transportation by motor vehicle; miscellaneous amendments	3133
Land Management Bureau	
Notices:	
Alaska, small tract classification	3154
Utah; restoration order providing for opening of public lands restored from Strawberry Valley Project	3155

CONTENTS—Continued

Production and Marketing Administration	Page
Proposed rule making:	
Milk handling in Detroit, Mich.	3148
Union Stock Yards Co. of Omaha, petition for modification of rate order	3151
Reclamation Bureau	
Notices:	
Yuma Mesa Division, Gila Irrigation Project, Arizona, annual water rental charges	3155
Securities and Exchange Commission	
Notices:	
Hearings, etc:	
Gulf Power Co.	3157
New England Electric System	3157
Southern Co.	3157
United Gas Corp.	3158
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 5	Page
Chapter I.	
Part 6	3127
Title 7	
Chapter IX.	
Part 924 (proposed)	3148
Title 9	
Chapter I.	
Part 76	3127
Title 10	
Chapter I.	
Part 30 (proposed)	3152
Title 15	
Chapter III:	
Part 368	3120
Part 371	3120
Part 372	3120
Part 373	3120
Part 379	3120
Part 382	3120
Title 16	
Chapter I:	
Part 3	3132
Title 32	
Chapter V.	
Part 571	3132
Chapter VII.	
Part 880 (see Part 571)	3132
Title 47	
Chapter I:	
Part 2	3147
Part 7 (proposed)	3152
Part 8	3147
Proposed rules	3152
Part 12 (proposed)	3153
Part 17	3148
Title 49	
Chapter I.	
Parts 71-75	3133, 3134, 3137, 3138
Parts 77-78	3138, 3130
Part 95 (4 documents)	3146, 3147
Part 197	3145

the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Union County, in New Jersey;
Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. It includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Atlantic and Monmouth Counties, in New Jersey;

Section 28, in Jackson Township, in Allen County, and Section 15, in Green Township, in Clark County, in Ohio;

Sections 31 and 32, Township 4, North Range One, West, in Davis County, in Utah;

Lake Township, in Milwaukee County, in Wisconsin.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR, 1952 Supp., Part 76, Subpart B, as amended, apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Monroe and Wayne Counties, in Michigan;
Suffield Township, in Portage County, and Section 6, Loudon Township, in Seneca County, in Ohio;

Bristol County, in Rhode Island.

This amendment also removes Essex County, in New Jersey, from designation as a quarantined area. Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR, 1952 Supp., Part 76, Subpart B, as amended, apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 28th day of May 1953.

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

[F. R. Doc. 53-4770; Filed, June 1, 1953; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[16th Gen. Rev. of Export Regs., Amdt. 48¹]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS AS APPLIED TO SELECTED U. S. IMPORTS)

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Declaration of destination on selected imports into the United States* is amended to read as follows:

§ 368.1 *Import certificate and delivery verification on selected imports into the United States*—(a) *What this part does.* (1) The United States and a number of foreign countries have undertaken to institute certain procedures to facilitate trade among them in strategic commodities and those in short supply by increasing the effectiveness of their respective controls over international trade in such commodities. These procedures contemplate that, where required by the exporting country with respect to specific transactions, the importer will affirmatively undertake to import into the economy of his country the commodities involved and will not divert, transship, or reexport the commodities to another destination except in accordance with export control regulations of the importing country. Representations to this effect are made by the importer to his government which in turn certifies that such representations have been made.

(2) As a part of its responsibilities in the foreign trade field, including its export control responsibilities, the Department of Commerce has engaged to receive these representations from persons in the United States regarding the intended destination of commodities and to act as certifying agent, by issuing appropriate certificates that such representations have been filed with the Department of Commerce. The making of these representations to the Department of Commerce and the certifying thereof will serve to satisfy the requirements of the foreign country in this respect and will, in addition, substantially assist in effectuating United States export controls. It should be noted, however, that these representations, which prescribe that the commodities will be entered into the United States, do not preclude the temporary unloading of the goods in a

foreign trade zone for subsequent entry into the economy of the United States.

(3) Comparable procedures with respect to exports from the United States are described in § 373.2 of this subchapter.

Note: Arms, ammunition, and implements of war; "source material" and "facilities for the production of fissionable material" Items enumerated in Presidential Proclamation 2776 or any succeeding proclamation covering arms, ammunition, and implements of war, are not governed by the provisions of this part, but a comparable procedure relating to these items is set forth in Munitions Division Bulletin No. 10 issued by the Department of State. Through agreement between the Department of Commerce and the U. S. Atomic Energy Commission, this procedure will apply to commodities classified as "source material," or "facilities for the production of fissionable material," as defined and described in the Atomic Energy Act of 1946, and regulations of the Atomic Energy Commission.

(b) *Import certificate covering imports into United States.* (1) Where a person in the United States is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish an import certificate, such person shall apply for his certification by filling out and executing Form IT-326,² in duplicate (in triplicate for "source material," or "facilities for the production of fissionable material," as defined and described in the Atomic Energy Act of 1946, and regulations of the Atomic Energy Commission). Such form shall be presented to any field office of the Department of Commerce or to the Office of International Trade, Operations Division, Washington, D. C., for certification. (Blank forms are obtainable from the same offices.) The import certificate may be presented for certification, either in person or by mail. The duly certified form will be returned to the United States importer and shall be dispatched by him to the foreign exporter or otherwise disposed of in accordance with the regulations of the exporting country.

(2) In submitting Form IT-326, the United States importer shall fill out and attach a "cross-reference card," Form IT-327,² showing his name and address. Form IT-326 will be returned without action unless accompanied by a cross-reference card.

(3) All statements and representations made in an import certificate and any amendment thereto shall be deemed to be continuing in nature, until such time as the transaction described in the import certificate is completed and the goods are delivered into the economy of the importing country. Any change of fact or intention in regard to the transaction as set forth in the import certificate shall be promptly disclosed to the Department of Commerce by the United States importer. Such disclosure shall be by presentation of an amended import certificate which sets forth all changes of facts or intention, and shall be accompanied by the original import cer-

¹ This amendment was published in Current Export Bulletin No. 703, dated May 21, 1953, with the exception of Part 6.

² Filed as part of original document.

tificate bearing the certification of the Department of Commerce. In those cases where the original import certificate has been transmitted by the United States importer to his foreign exporter, the United States importer must, wherever possible, obtain the original import certificate prior to applying for an amendment of such certificate. Where the original import certificate is unobtainable because the foreign exporter has surrendered it to his government, or for any other valid reason, the United States importer must submit a written statement giving his reason or reasons for failure to submit the original certificate.

(4) All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form IT-826 are hereby incorporated as a part of this part with the same force and effect as if set forth in full in this part.

(c) *Reexportation or transshipment of commodities covered by a U. S. import certificate.* Commodities imported into the United States under the provisions of a United States import certificate, Form IT-826, may not be reexported to any destination under the provisions of General In-Transit License GIT (see § 371.9 of this subchapter) However, all other provisions of Parts 370 to 399, inclusive, of this subchapter applicable to commodities of domestic origin shall apply to the reexportation of commodities of foreign origin shipped to the United States under the provisions of a United States import certificate, Form IT-826.

(d) *Delivery verification on imports into the United States.* A United States importer who is required by the foreign government to obtain a delivery verification shall present Form IT-908,¹ Delivery Verification, in original only to the collector of customs.² The collector of customs will certify delivery verifications, after the importation has been delivered to the importer. Delivery verification forms will be certified by collectors of customs only where the importation is made by a warehouse or consumption entry. Form IT-908 shall be completed by the United States importer in all respects except as to type of customs entry (warehouse or consumption) entry number, date of entry, and certification at the bottom of the form. The commodities described on the form shall be in the same terms as those shown on the related import certificate. The duly certified form shall be despatched by the United States importer to the foreign exporter or otherwise disposed of in accordance with the instructions of the exporting country.

(e) *Penalties for false statements.* The U. S. Code, Title 18 (Crimes and Criminal Procedure) section 1001 formerly section 80, makes it a criminal offense to make a willfully false statement or representation to any depart-

ment or agency of the United States as to any matter within its jurisdiction. Maximum penalties under this provision are \$10,000 fine or imprisonment for 5 years, or both.

This part of the amendment shall become effective as of June 5, 1953.

2. Section 371.9 *General in-transit license GIT is amended in the following particulars:*

a. Note 3, following paragraph (a) *General provisions*, subparagraph (2) *Exception from foreign-origin requirement* is amended to read as follows:

3. Regardless of origin of the in-transit shipment, except those originating in Canada, General License GIT cannot be used to export any commodity if it is on the excepted commodity list as provided in paragraph (c) of this section or if the shipment was imported into the United States under a U. S. import certificate (Form IT-826), in accordance with the procedure described in § 368.1 (b) of this subchapter.

b. Paragraph (c) *Commodities excepted from the provisions of this general license* is amended by designating the text following the headnote as subparagraph (1) and by adding the following subparagraph (2)

(2) Commodities shipped to the United States under the provisions of a United States import certificate (Form IT-826) may not be reexported to any destination under this general license.

c. The note following paragraph (c) remains unchanged.

This part of the amendment shall become effective as of June 5, 1953.

3. Section 372.2 *Applications for licenses*, paragraph (e) *Applications for separate or additional licenses for making partial shipments by mail* is amended to read as follows:

(e) *Applications for licenses to cover shipments by mail.* (1) Only one shipment by mail may be made against a validated license, except as specified in § 379.1 (f) of this subchapter.

(2) Where an exporter, at the time of applying for an export license, expects to make several shipments by parcel post against one order, he may submit one application to obtain separate licenses for each anticipated partial shipment by mail against such an order. The applicant shall indicate, in the commodity description column of the application, the quantity of each partial shipment, and note, across the bottom of the column, "Anticipated Partial Shipments by Mail Against One Order."

This part of the amendment shall become effective as of May 21, 1953.

4a. Section 372.11 *Issuance and use of export licenses*, paragraph (d) *Partial shipments* is amended to read as follows:

(d) *Partial shipments.* Partial shipments may be made against a validated license; however, when the exportation is by mail, only one shipment may be made, unless shipment is made in accordance with the provisions of § 370.1 (f) of this subchapter.

b. The note following paragraph (d) is deleted.

This part of the amendment shall become effective as of May 21, 1953.

5. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery* is amended in the following particulars:

a. Paragraph (a) *Scope*, subparagraph (1) *General*, subdivision (ii) *Countries* is amended by adding "Japan" to read as follows:

(ii) *Countries.* Belgium, Denmark, France, West Germany Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, United Kingdom.

This part of the amendment shall become effective as of July 10, 1953.

b. Paragraph (b) *Definitions* is amended to read as follows:

(b) *Definitions.* As used in this section, the terms "import certificate" and "delivery verification" refer to documents issued by governments of countries listed in paragraph (a) of this section to importers in such countries and are the equivalent documents to the Import Certificate, Form IT-826, and Delivery Verification, Form IT-908, issued to United States importers (see § 368.1 of this subchapter)

This part of the amendment shall become effective as of June 5, 1953.

6. Section 373.71 *Supplement 1. Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. The entries for "Nickel welding rods and wires, Schedule B number 619039" and for "Nickel powders, including nickel-chrome-boron powder, Schedule B number 619159" are amended to read respectively as follows:

Schedule B No.	Commodity
619039	Nickel and nickel alloy welding rods, electrodes and wires.
619159	Nickel powders and flakes, including nickel-chrome-boron.

b. The following submission dates for the Third Quarter, 1953, are added:

Schedule B No.	Commodity	Third quarter 1953
	Commodities other than controlled materials: Nickel and manufactures:	
619039	Nickel and nickel alloy welding rods, electrodes and wires.....	
619159	Nickel powders and flakes, including nickel-chrome-boron.....	
619950	Nickel catalysts; and nickel slugs.....	
654503	Nickel and nickel alloys, and semifabricated forms, except scrap.....	June 16-June 29, 1953.
654519	Nickel thermo bimetal, nickel thermometal and nickel thermostatic metal.....	
664998	Nickel-chrome electric resistance wire: insulated.....	
709885	Magnesium metal powder.....	
619152	Magnesium metal and alloys in crude form and scrap.....	July 1-July 15, 1953.
664547	Magnesium semifabricated forms, n. e. o.....	
664549	Cobalt dental alloys.....	June 16-June 29, 1953.

¹ Filled as part of original document.

² Forms IT-826 and IT-908 may be obtained from all Department of Commerce field offices and from the Office of International Trade, Department of Commerce, Washington 25, D. C. In addition, Form IT-908 may be obtained from the office of collectors of customs.

This part of the amendment shall become effective as of June 1, 1953.

7. Section 379.1 *Presentation for export* is amended in the following particulars:

a. Subparagraph (2) *Filing of validated license at time of first shipment*, of paragraph (a) *Commodities; use of license or other authorization for export shipments* is amended to read as follows:

(2) *Filing of validated license at time of first shipment.* All validated licenses, except project licenses, must be presented to and filed with the collector of customs or postmaster, as the case may be, when the first shipment is cleared for exportation against that license, except as specified in paragraph (f) of this section.

b. Subparagraph (3) *Subsequent shipments from port where validated license filed* of paragraph (a) is amended by deleting therefrom footnote 1 following the first sentence.

c. Paragraph (f) *Shipments via mail* is amended to read as follows:

(f) *Shipments by mail*—(1) *Shipments under validated license.* When making shipment under a validated license, the sender (exporter) shall observe the following procedure:

(i) Enter the complete number of the validated license on the wrapper of the package.

(ii) Present a shipper's export declaration for the shipment to the postmaster, as provided in paragraph (b) of this section.

(iii) Surrender the validated license to the postmaster. In lieu of surrendering the license to the postmaster, the sender may file the license with a collector of customs and present to the collector for authentication a copy of the shipper's export declaration (Form 7525-V) covering each shipment. The authenticated shipper's export declaration shall be surrendered, in addition to the declaration required under paragraph (b) of this section, to the postmaster at the time of mailing.

Shipments by mail against a license on file with a collector of customs may be exported on or before the license expiration date indicated by the collector on the authenticated shipper's export declaration. Where the mail shipment is not made within this period and the validity period of the export license has been extended by amendment in accordance with the provisions of § 380.2 of this subchapter, the exporter shall prepare and present to the collector for authentication a new copy of the shipper's export declaration, clearly marked "Amended," together with the original authenticated copy. The original authenticated declaration will be retained by the collector and the amended copy, if authenticated, will be returned to the exporter for presentation to the postmaster.

(2) *Shipments under general license.* (i) When making shipment under a general license, the sender shall enter the appropriate general license symbol

on the address side of the wrapper of the package, followed by the phrase "Export License Not Required." The general license symbol and the legend will constitute certification to the postmaster and to the Office of International Trade that a validated license is not required for the shipment.

(ii) In accordance with Bureau of Census regulations, a shipper's export declaration must be presented for commercial mail shipments under a general license from one business concern to another business concern, if the value of the shipment is \$25 or more.

(3) *Postal regulations.* All exportations by mail shall also conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc.

d. The note following paragraph (f) remains unchanged.

This part of the amendment shall become effective as of May 21, 1953.

8. § 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Berwin Trading Co., Inc., 15 Park Row, New York 28, N. Y.	4-23-53	Duration	General and validated licenses, all commodities, any destination; also exports to Canada.	19 F. R. 2151, 4-23-53.
Brunet, Serge G., Brunet, Serge G. & Co., Brunet, Fern N., Santa Ana, No. 464, Havana, Cuba.	4-23-53	10-23-53	General and validated licenses, all commodities, any destination; also exports to Canada. (On probation for additional period 10-23-53 to 4-23-54.)	19 F. R. 2023, 5-6-53.
Electrical Agencies (London) Ltd., 15 Percy St., London W. 1, England.	5-1-53	Until further notice.	General and validated licenses, all commodities, any destination; also exports to Canada.	19 F. R. 2003, 5-7-53.
G & L Electrical Supply Co., Ltd., 15 Percy St., London W. 1, England.	5-1-53	do.	do.	19 F. R. 2003, 5-7-53.
Gevitzman, F., 15 Percy St., London W. 1, England.	5-1-53	do.	do.	19 F. R. 2003, 5-7-53.
Guralnik, Rudolph, 30 Church St. and 91 Wall St., New York, N. Y., and 420 Summit Ave., Jersey City, N. J.	4-21-53	6-21-53	General and validated licenses, all commodities, any destination.	19 F. R. 2155, 4-27-53.
Hummel, Fern N., Santa Ana, No. 464, Havana, Cuba.	4-23-53	10-23-53	General and validated licenses, all commodities, any destination; also exports to Canada. (On probation for additional period 10-23-53 to 4-23-54.)	19 F. R. 2023, 5-6-53.
Inex, Agencia Comercial de Meyer, Goldschmidt y Compania, Edificio Western Union, Obispo 331, Havana, D. No. 5, Cuba.	4-23-53	7-23-53	General and validated licenses, all commodities, any destination; also exports to Canada. (On probation for additional period 7-23-53 to 10-27-53.)	19 F. R. 2023, 5-6-53.
Koopman, Jack, Koopman, Jack & Co., Inc., 15 Park Row, New York 28, N. Y.	4-23-53	Duration	General and validated licenses, all commodities, any destination; also exports to Canada.	19 F. R. 2151, 4-23-53.
Norte Americana, Compania, 15 Park Row, New York 28, N. Y.	4-23-53	do.	do.	19 F. R. 2151, 4-23-53.
Royal Industrial Co., 159 Broadway, Room 914, New York, N. Y.	4-23-53	do.	do.	19 F. R. 2151, 4-23-53.
Sarre, Martin, Edificio Western Union, Obispo 331, Havana, D. No. 5, Cuba.	4-23-53	7-23-53	General and validated licenses, all commodities, any destination; also exports to Canada. (On probation for additional period 7-23-53 to 10-27-53.)	19 F. R. 2023, 5-6-53.
Wellson, Irving N., 15 Park Row, New York 28, N. Y.	4-23-53	Duration	General and validated licenses, all commodities, any destination; also exports to Canada.	19 F. R. 2151, 4-23-53.

b. The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
American Industrial Products Co., 111 Broadway, New York, N. Y.	8-8-51	2-9-53	General and validated licenses, Projective L. 1 commodities, any destination; also exports to Canada.	16 F. R. 5007, 8-15-51.
Lee, Henry T. S., 37 Wall St., New York 5, N. Y.	11-12-52	5-12-53	Validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 10470, 11-15-52.
Lee, Richard T. Y., 37 Wall St., New York 5, N. Y.	11-12-52	5-12-53	do.	17 F. R. 10470, 11-15-52.
Li, Sueding, 37 Wall St., New York 5, N. Y.	11-12-52	5-12-53	do.	17 F. R. 10470, 11-15-52.
United Global Corp., 37 Wall St., New York 5, N. Y.	11-12-52	5-12-53	do.	17 F. R. 10470, 11-15-52.
Westhimer, Sidney, 433 East Beach St., Long Beach, N. Y.	5-21-52	5-31-53	General and validated licenses, all commodities, any destination.	17 F. R. 4103, 5-27-52.

This part of the amendment shall become effective as of May 21, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sub. 2023. E. O. 8630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 8919, Jan. 3, 1943, 13 F. R. 59, 3 CFR, 1943 Supp.)

LEONIG K. MACY,
Director

Office of International Trade.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6002]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ASHEVILLE FABRICS, INC., AND LAWRENCE HERMAN

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception.* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition.* Subpart—*Using misleading name—Goods:* § 3.2280 *Composition.* In connection with the offering for sale, sale, and distribution of fabrics in commerce, (1) using the word "worsted" or any other word of similar import, either alone or in conjunction with other words, to designate or describe any product which is not composed entirely of worsted or wool: *Provided, however,* That in the case of a product composed in part of worsted or wool and in part of other fibers, such word may be used as descriptive of the worsted or wool content if there are used in immediate conjunction therewith, in letters of at least equal size and conspicuousness, other words truthfully describing such other constituent fibers; (2) offering for sale or selling products composed in whole or in part of rayon or of acetate, without clearly disclosing thereon or on tags or labels attached thereto, such rayon or acetate content; and (3) supplying to or placing in the hands of others, for use in designating the fiber content of respondent's fabrics or of garments made therefrom, tags, labels, or advertising material which misrepresent the fiber content of such fabrics or garments, or which fail to disclose any rayon or acetate content therein; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Asheville Fabrics, Inc., et al., New York, N. Y., Docket 6002, March 24, 1953]

In the Matter of Asheville Fabrics, Inc., a Corporation, and Lawrence Herman, Individually and as an Officer of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on June 17, 1952, issued and subsequently served its complaint in this proceeding upon the respondents, Asheville Fabrics, Inc., a corporation, and Lawrence Herman, individually and as an officer of said corporation, charging them with the use of unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing of respondents' answer, a hearing was held before a hearing examiner of the Commission theretofore duly designated by it, at which hearing there was incorporated into the record a stipulation as to the facts between counsel supporting the complaint and counsel for respond-

ents, in lieu of all other evidence. On November 13, 1952, the hearing examiner filed his initial decision.

The Commission, having reason to believe that said initial decision did not constitute an adequate disposition of this matter, subsequently placed this case on its own docket for review, and on January 29, 1953, it issued, and thereafter served upon the parties, its order affording the respondents an opportunity to show cause why said initial decision should not be altered in the matter and to the extent shown in a tentative decision of the Commission attached to said order. Respondents having filed no objection in response to the leave to show cause, the proceeding regularly came on for final consideration by the Commission upon the record herein on review and the Commission, having duly considered the matter and being now fully advised in the premises, find that this proceeding is in the interest of the public and makes thus its findings as to the facts,¹ conclusion drawn therefrom,² and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondent Asheville Fabrics, Inc., a corporation, its officers, and respondent Lawrence Herman as an officer of said corporation and their respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "worsted" or any other word of similar import, either alone or in conjunction with other words, to designate or describe any product which is not composed entirely of worsted or wool: *Provided, however* That in the case of a product composed in part of worsted or wool and in part of other fibers, such word may be used as descriptive of the worsted or wool content if there are used in immediate conjunction therewith, in letters of at least equal size and conspicuousness, other words truthfully describing such other constituent fibers.

2. Offering for sale or selling products composed in whole or in part of rayon or of acetate, without clearly disclosing thereon or on tags or labels attached thereto, such rayon or acetate content.

3. Supplying to or placing in the hands of others, for use in designating the fiber content of respondent's fabrics or of garments made therefrom, tags, labels, or advertising material which misrepresent the fiber content of such fabrics or garments, or which fail to disclose any rayon or acetate content therein.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Lawrence Herman in his individual capacity.

It is further ordered, That respondent Asheville Fabrics, Inc., a corporation, and respondent Lawrence Herman as an officer of said corporation shall, within sixty (60) days after service upon them of this order, file with the Commission

¹Filed as part of the original document.

a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 24, 1953.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 63-4783; Filed, June 1, 1953; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 571—RECRUITING AND ENLISTMENTS

RECRUITING FOR REGULAR ARMY

In § 571.2, subparagraph (8) of paragraph (h) is rescinded and the following substituted therefor:

§ 571.2 *Qualifications for enlistment.*

(h) *Classes ineligible for enlistment.*

(8) *Applicants with records of other offenses—(1) Conviction or imprisonment for other than a felony.* Commanding generals of major commands may authorize enlistment of desirable men who have been tried, convicted, and/or imprisoned under sentence of a civil court for other than a felony and who have been unconditionally released from civil control for a minimum period of 6 months. An investigation will be made by qualified personnel (preferably commissioned officers) and will include information concerning the applicant's current character and habits, date unconditionally released from civil control, details regarding the nature of the offense, a statement that the offense for which convicted was not a felony, age at time offense was committed, sentence imposed, his reputation in the community in which he resides, a record of his employment since release from control of the civil authorities, and the recommendation of the investigating officer. The report of investigation, together with letters from at least 3 reputable citizens who are acquainted with the individual, will be forwarded by the recruiting main station commander with his recommendation to the appropriate major commander for final determination. Notation of waivers granted will be made in "Remarks" section of the enlistment record, and a copy of the report of investigation on which waiver is predicated will be attached to the original enlistment record. For prior service men, only those offenses committed subsequent to date of separation from last honorable active military service are considered disqualifying. No waivers will be granted for WAC applicants.

(ii) *Juvenile and youthful offender records.* The fact of adjudication as a youthful offender or juvenile delinquent by a state or disposition by Federal juvenile authorities is not in itself a bar to enlistment, and waivers for the enlistment of applicants with such records may be granted by commanding generals of major commands. This authority may be further delegated to recruiting main station commanders. During

enlistment processing, each applicant will be specifically questioned concerning juvenile and youthful offender records. The policies of the services in this regard will be thoroughly explained to the applicant along with the necessity for accurate statements regardless of what he may have been told by the courts. Applicants will be required to sign a written statement as to whether or not he has a record of juvenile delinquency, or of being a youthful offender. Each applicant will be informed that if he denies any such record and it is discovered subsequent to enlistment, he may be subject to an undesirable discharge for fraudulent enlistment. If he admits such record, enlistment action will be held in abeyance pending a complete investigation of the facts in the case. Civil authorities will be contacted for information as to the actual offenses committed, circumstances in the case, age at time offense was committed, disposition by the courts, actual confinement served and whether any form of civil restraint still exists. The investigation (conducted by qualified personnel, preferably commissioned officers) will include letters from at least 3 reputable citizens who are acquainted with the individual, information concerning applicant's current character and habits, reputation in the community in which he resides, a record of employment since release from control of the civil authorities, any other information deemed relevant to an evaluation of the case, and the recommendation of the investigating officer. Where state authorities decline to furnish information regarding the juvenile or youthful offender records, the enlistment will be held in abeyance and the applicant advised that the burden of obtaining and furnishing the information is upon him. If the offenses committed by the applicant were minor in nature, and civil restraint no longer exists and there is evidence of rehabilitation, during a minimum period of 6 months as a law abiding member of a civil community after all civil restraint has been terminated, applicant will be acceptable for enlistment if otherwise qualified. If the offenses committed by the applicant were serious in nature which disclose him morally unacceptable for military service and unfit to associate with members of the military service, he will be rejected for enlistment. Such rejections will be on moral grounds and not due to the fact that applicant was a youthful offender or a juvenile delinquent. Notation of waivers granted will be made in "Remarks" section of the enlistment record, and a copy of the report of investigation on which waiver is predicated, including the signed statement of the applicant, will be attached to the original enlistment record. Negative statements signed by applicants will also be attached to the original enlistment record. No waiver will be granted for WAC applicants.

(iii) *Minor offenses.* Male applicants with records of minor offenses may be granted waivers for enlistment by recruiting main station commanders, if as a result of an investigation, it is determined that applicant will be an asset to the service and is otherwise qualified. These offenses include minor traffic vio-

lations and single cases of drunkenness, vagrancy, truancy, peace disturbance, etc., for which no type of civil restraint is imposed. Notation of waivers granted will be recorded as prescribed in subdivision (ii) of this subparagraph. No waivers will be granted for WAC applicants.

(iv) *Contracts.* Major commanders will not enter into a contract, implied or otherwise, to effect the enlistment of an individual whose actions have brought such individual into the probative custody of a court and whose subsequent conduct has not been of such worthy caliber as to have caused the court having jurisdiction to release such individual from the unexpired period of probation prior to the time of application for enlistment.

[Ct. SR 615-105-1, May 18, 1953] (R. S. 161; 5 U. S. C. 23)

[SEAL] Wm. E. BERGER,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-4773; Filed, June 1, 1953; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket Nos. 3666, Ex Parte MC-3, Ex Parte MC-13; Order 10]

Subchapter A—General Rules and Regulations

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Subchapter B—Carriers by Motor Vehicles

PART 107—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

MISCELLANEOUS AMENDMENTS

In the matter of regulations for transportation of explosives and other dangerous articles, Docket 3666; in the matter of regulations governing the transportation of explosives and other dangerous articles by motor vehicle, Docket Ex Parte MC-13; in the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Docket Ex Parte MC-3.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of May 1953;

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444) sections 831-835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles;

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended, as follows:

PART 71—GENERAL INFORMATION AND REGULATIONS

Amend § 71.13 paragraph (a) (3) (16 F. R. 5322, June 6, 1951) (49 CFR, 1950 Rev., 1952 Supp., 71.13) to read as follows:

§ 71.13 *Emergency regulations; explosives by rail freight or motor vehicle.* (a) * * *

(3) Shipments of explosive bombs, unfuzed explosive projectiles, and jet thrust units when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs or jet thrust units which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

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. 8263, 8265, 8266, 8267, 8269, 8270, 8271, 8273, Dec. 2, 1950) (49 CFR 72.5, 1950 Rev.) as follows:

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

Article	Classed as—	Exemptions and packing (see code)	Label required if not exempt	Maximum quantity in 1 car to container by rail express
Clamps				
*Alcohol or alcohol, n. e. s.	F. L.	73.118, 73.127	Red	10 gallons.
*Naphtha, solvent.	F. L.	73.118, 73.119	Red	10 gallons.
Photographic flash powder, See Special instructions or Low explosives.				
Trinitrochloroethylene.	Nonf. G.	73.292, 73.293, 73.314	Green	200 pound ls.
*Cement, linoleum, tile, or wallboard, liquid.	F. L.	73.118, 73.132	Red	15 gallons.
*Compounds, tree or wood killing, liquid.	F. L.	73.118, 73.119	Red	10 gallons.
*Compounds, tree or wood killing, liquid.	Pack. B.	73.215, 73.217	Yellow	25 gallons.
*Compounds, tree or wood killing, solid.	Oxy. M.	73.173, 73.154	Yellow	100 pounds.
Cyclohexyltrichloroethane.	Car. L.	No exemption, 73.259	White	10 gallons.
Dimethyl dichloroethane.	F. L.	No exemption, 73.135	Red	10 gallons.
Dodecyltrichloroethane.	Car. L.	No exemption, 73.259	White	10 gallons.
Hexadecyltrichloroethane.	Car. L.	No exemption, 73.259	White	10 gallons.
Methyltrichloroethane.	F. L.	No exemption, 73.135	Red	10 gallons.
Nitrate of soda and potash.	Oxy. M.	73.123, 73.122, 73.153	Yellow	100 pounds.
Octadecyltrichloroethane.	Car. L.	No exemption, 73.259	White	10 gallons.
Propylene oxide.	F. L.	73.118, 73.119	Red	10 gallons.
Trailer or truck body with refrigerating or heating equipment on flat cars.	See §§ 73.120 (c), 73.333.			
Trimethylchloroethane.	F. L.	No exemption, 73.135	Red	10 gallons.

PART 73—SHIPPER

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

1. Amend § 73.28 paragraph (a) (1) (17 F. R. 1558, Feb. 20, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.28) to read as follows:

§ 73.28 *Reused containers.* (a) * * * (1) Retest of carboy packages must have been made by or for shippers, or their authorized agents, as required by applicable provisions of the specifications in Part 78 of this chapter before carboys which are to be offered for transportation are filled.

NOTE 1: Tests not required by shipper who fills and ships or who reships filled carboys for one shipment only carboy packages which have been properly tested by another shipper or a duly authorized agency.

2. Amend entire § 73.30 (15 F. R. 8278, Dec. 2, 1950) (49 CFR 73.30, 1950 Rev.) to read as follows:

§ 73.30 *Loading and placarding of cars by shippers and unloading of cars by consignees.* (a) When shipments of explosives or other dangerous articles are loaded into cars by shippers, or unloaded from cars by the consignee or his duly authorized agent, the applicable provisions of Part 74 of this chapter must be complied with. See § 74.538 of this chapter for loading and storage chart.

3. Amend § 73.31 paragraph (a) table, and Note 1 to paragraph (g) (16 F. R. Sept. 15, 1951, 17 F. R. 9835, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp. 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) * * *

Where these regulations call for specification Nos.—	These specification containers may also be used—
103 ⁴ and 103W ⁴	A. R. A. II ⁴ , III ⁴ and IV ⁴
103A ⁴ and 103A-W ⁴	A. R. A. II ⁴ and III ⁴
103B ⁴ and 103B-W ⁴	A. R. A. II ⁴ and III ⁴ rubber lined.
104 ⁴ and 104W ⁴	A. R. A. IV ⁴
105A300 and 105A300W	A. R. A. V ⁴ and I. O. C. 105 ⁴
106A500 and 106A500X	I. O. C. 27 cylinders mounted on or forming part of a car and classified as multi-unit tank car prior to October 1, 1930. ⁶
106A800 and 106A800X	None.
107A	None.
109	Wooden tanks built and authorized prior to July 1, 1927.
109A	Wooden tanks built and authorized prior to July 1, 1927.

(No change in notes.)

(g) * * *

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems of tank cars, except as provided in Note 2 and except those in chlorine service, now required to be made as prescribed in paragraph (g) of this section, may be waived because of the present emergency and until December 31, 1953, or until further order of the Commission.

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

4. Amend § 73.86 paragraph (a) (15 F. R. 8292, 8293, Dec. 2, 1950) (49 CFR 73.86, 1950 Rev.) to read as follows:

§ 73.86 *Samples of explosives and explosive articles.* (a) New explosives, including fireworks and explosive devices, other than Army, Navy or Air Corps explosive or chemical ammunition of a security classification, must be examined and approved by the Bureau of Explosives as safe for transportation before being offered for shipment, except that a sample of such explosives, fireworks and explosive devices, not to exceed 5 pounds net weight, may be offered for transportation by carriers by rail freight, highway, or water for this examination. Samples of explosives, except liquid nitroglycerin, other than new explosives for laboratory examination not exceeding 5 pounds net weight may be offered for transportation by carriers by rail freight, highway, or water. For the purpose of Parts 71-78 of this chapter a new explosive, including fireworks and explosive devices, is the product of a new factory or an explosive or explosive device of an essentially new composition or character made by any factory.

5. Amend § 73.93 paragraph (a) (6) (17 F. R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.93) to read as follows:

§ 73.93 *Propellant explosives for cannon, small arms, or other devices.* (a) * * *

(6) Spec. 14 or 15A (§ 78.165 or § 78.168 of this chapter) wooden boxes or spec. 23F or 23H (§ 78.214 or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cloth or paper bags, of capacity not exceeding 25 pounds, net weight, each capable of withstanding, when filled to shipping content, at least two drops on end from a height of 4 feet, without breakage or sifting of contents. Outside container not to exceed more than 50 pounds, net weight.

6. Amend § 73.100 entire paragraph (r) (16 F. R. 5323, June 6, 1951) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.100) to read as follows:

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

(r) Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which is designed to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight. (Propelling or expelling charges consisting of a mixture of sulphur, charcoal and saltpeter are not considered as designed to produce audi-

ble effects.) Any new device, not enumerated in this paragraph, must be approved by the Bureau of Explosives before being offered for transportation as Common Fireworks. Common 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. Fireworks, other than common fireworks as defined in this paragraph, and those forbidden for transportation in § 73.51, are classed as Special Fireworks (see § 73.88 (d)).

(1) Roman candles, not exceeding ten balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed $\frac{3}{8}$ inch.

(2) Sky rockets with sticks, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed $\frac{1}{2}$ inch. The rocket sticks must be securely fastened to the tubes.

(3) Helicopter type rockets, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed $\frac{1}{2}$ inch.

(4) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside tube diameter shall not exceed $\frac{3}{4}$ inch.

(5) Cone fountains, total pyrotechnic composition not to exceed fifty grams each in weight.

(6) Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred and forty grams for each complete wheel. The inside tube diameter of driver units shall not exceed $\frac{1}{2}$ inch.

(7) Illuminating torches and colored fire in any form, except items included in subparagraph (12) of this paragraph total pyrotechnic composition not to exceed one hundred grams each in weight.

(8) Sparklers and dipped sticks, total pyrotechnic composition not to exceed one hundred grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed five grams.

(9) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed forty grams each in weight.

(10) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight.

(11) Novelties consisting of two or more devices enumerated in this paragraph, trick matches and cigarette plugs, when approved by the Bureau of Explosives.

(12) Railway fuses, truck flares, hand ship distress signals, smoke candles, smoke signals and smoke pots.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

7. Add paragraph (c) to § 73.120 (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.120, 1950 Rev.) to read as follows:

§ 73.120 *Automobiles, motorcycles, tractors, or other self-propelled vehicles.* * * *

(c) *Truck bodies or trailers on flat cars.* Truck bodies or trailers with automatic heating or refrigerating equipment of the flammable liquid type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from specification packaging, marking, and labeling requirements.

8. Add paragraph (a) (3) and Note 1 to § 73.122 (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.122, 1950 Rev.) to read as follows:

§ 73.122 *Acrolem.* (a) * * *
(3) Spec. 105A500 or 105A500W (§ 78.273 or § 78.288 of this chapter). Tank cars.

NOTE 1: Spec. 105A500 or 105A500W (§ 78.273 or § 78.288 of this chapter) tank cars stenciled 105A300 or 105A300W (§ 78.271 or § 78.286 of this chapter) because of safety valve settings may also be used.

9. Amend § 73.132 heading and introductory text of paragraph (a) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.132, 1950 Rev.) to read as follows:

§ 73.132 *Linoleum cement, pyroxylin cement, rubber cement, tile cement, and wallboard cement.* (a) Linoleum cement, pyroxylin cement, rubber cement, tile cement, and wallboard cement must be packed in specification containers as follows:

10. Amend § 73.135 heading and introductory text of paragraph (a) (17 F. R. 4294, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.135) to read as follows:

§ 73.135 *Dimethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.* (a) Dimethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane must be packed in specification containers as follows:

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

11. Amend § 73.153 paragraph (c) (52) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* * * *

(c) * * *
(52) Thorium metal, powdered. (See § 73.226 (b).)

12. Amend § 73.183 introductory text of paragraph (a) (15 F. R. 8308, Dec. 2, No. 106—2

1950) (49 CFR 73.183, 1950 Rev.) to read as follows:

§ 73.183 *Exemptions for nitrates.* (a) Nitrate of aluminum, nitrate of barium, nitrate of lead, nitrate of potash, nitrate of soda, nitrate of soda and potash, nitrate of strontia, nitro carbo nitrate, nitrate of ammonia, nitrate of ammonia fertilizer, calcium nitrate and guanidine nitrate are exempt from specification packaging and labeling requirements for transportation by rail freight, rail express, highway and by carrier by water when packed as follows:

13. Amend § 73.207 paragraph (e) (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.207, 1950 Rev.) to read as follows:

§ 73.207 *Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.* * * *

(e) Sodium sulfide containing 35 percent or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked, or broken) when packed in steel barrels or drums that are equipped with moisture-tight closures, is not subject to Parts 71-78 of this chapter.

14. Add paragraph (b) to § 73.226 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.226, 1950 Rev.) to read as follows:

§ 73.226 *Thorium metal, powdered.* * * *

(b) Thorium metal powder packed in tightly and securely closed metal cans, cushioned with incombustible material in strong outside wooden or fiberboard boxes, and not exceeding 4 ounces net weight in one outside shipping container, is exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, highway, and carriers by water, except that shipments by water carrier shall be subject to the marking requirements to the extent of showing the name of the contents on the packages.

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

15. Add paragraph (a) (12) and (13) to § 73.245 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

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

(12) Spec. 12B (§ 78.205 of this chapter) Fiberboard boxes with inside containers of polyethylene, or other non-fragile plastic material, not over 1 quart capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

(13) Spec. 1F or 1G (§ 78.10 or § 78.11 of this chapter) Polyethylene carboys in plywood boxes or drums, or wooden boxes.

16. Amend § 73.249 paragraph (a) (8) (18 F. R. 803, Feb. 7, 1953) (49 CFR 73.249, 1950 Rev.) to read as follows:

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

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass inside containers of not over 16 ounces capacity each.

17. Amend § 73.260 paragraph (e) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries.* * * *

(e) Shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from Parts 71-78 and 197 of this chapter: *Provided, however* That such shipments constitute the only commodity being transported in the railroad car or motor vehicle body.

18. Amend § 73.263 paragraph (a) (13) (18 F. R. 804, Feb. 7, 1953) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric acid mixtures, and sodium chlorite solution.* (a) * * *

(13) Spec. 1F or 1G (§ 78.10 or § 78.11 of this chapter). Polyethylene carboys in plywood drums or boxes or wooden boxes.

19. Add paragraph (d) to § 73.265 (15 F. R. 8318, Dec. 2, 1950) (49 CFR 73.265, 1950 Rev.) to read as follows:

§ 73.265 *Hydrofluosilicic acid.* * * *

(d) Hydrofluosilicic acid of not exceeding 32 percent strength may also be shipped when packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other non-fragile plastic material resistant to the lading, not over 1 quart capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

(2) Spec. 1F or 1G (§ 78.10 or § 78.11 of this chapter). Polyethylene carboys in plywood boxes or drums, or wooden boxes.

20. Add paragraph (c) (4) to § 73.266 (15 F. R. 8318, Dec. 2, 1950) (49 CFR § 73.266, 1950 Rev.) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water.* * * *

(c) * * *
(4) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden boxes with inside containers of polyethylene, or other plastic material resistant to the lading, not over 1 pint capacity or 16 ounces by weight each. Inside containers must be securely cushioned with incombustible mineral matter, such as whiting, mineral wool, infusorial earth, asbestos, or sifted ashes.

21. Add Note 1 to paragraph (g) (1) of § 73.272 (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.272, 1950 Rev.) to read as follows:

§ 73.272 *Sulfuric acid.* * * *

(g) * * *
(1) * * *

NOTE 1. Tapered steel plugs, without gaskets, for standard spec. 5A flanges are authorized. Threaded length must not be less than 1½ inches. Major diameter of plug not to exceed 2¼ inches and minor diameter not less than 2⅜ inches.

22. Amend § 73.280 heading and introductory text of paragraph (a) (15 F R. 8322, Dec. 2, 1950) (49 CFR 73.280, 1950 Rev.) to read as follows:

§ 73.280 *Amyl trichlorosilane, butyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.* (a) Amyl trichlorosilane, butyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane must be packed in specification containers as follows:

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

23. Amend § 73.301 paragraph (a) (15 F R. 8324, Dec. 2, 1950) (49 CFR 73.301, 1950 Rev.) to read as follows:

§ 73.301 *General requirements*—(a) *Gases capable of combining chemically.* Cylinders, drums, tanks, tank motor vehicles, tank cars, and other containers must not contain gases capable of combining chemically. Compressed gases must be in metal cylinders unless otherwise specifically provided.

24. Amend § 73.302 introductory text of paragraph (a) and add paragraph (c) (15 F R. 8325, Dec. 2, 1950) (49 CFR 73.302, 1950 Rev.) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) Compressed gases, except poisonous gases as defined by § 73.326 (a), when in accordance with either subparagraphs (1) (2) (3) (4) (5) or (6) of this paragraph, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, highway, and carriers by water, except that shipments by water carrier shall be subject to the marking requirements to the extent of showing the name of the contents on the packages.

(6) Cream in metal containers with soluble or emulsified compressed gas. Containers shall be of such design that they will hold pressure without permanent deformation up to 375 pounds per square inch gauge and shall be equipped with a device designed so as to release pressure without bursting of the container or dangerous projection of its parts at higher pressures. This exemption applies to shipments offered for transportation by refrigerated motor vehicle only.

25. Amend § 73.303 heading, and paragraph (a) (15 F R. 8325, Dec. 2, 1950) (49 CFR 73.303, 1950 Rev.) to read as follows:

§ 73.303 *Truck bodies or trailers on flat cars.* (a) Truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from specification packaging, marking, and labeling requirements.

26. Amend § 73.306 paragraph (a) (1) (16 F R. 9376, Sept. 15, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.306) to read as follows:

§ 73.306 *Liquefied gases, except gas in solution or poisonous gas.* (a) * * *

(1) Spec. 3, 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, and 78.51 of this chapter) 25, 26, 38, or 38, also Spec. 9, 40, or 41, (§ 78.63, § 78.66, or § 78.67 of this chapter) except that mixtures containing carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, class A, B, or C, as defined by this part are not permitted unless otherwise prescribed in this part. (See §§ 73.34 and 73.301 (g).)

27. Add Note 13 to § 73.308 (15 F R. 8327, Dec. 2, 1950) (49 CFR 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) * * *

NOTE 13: Spec. 8 or 8AL cylinders must have filler of at least 80 percent nominal porosity and contain no acetone. The maximum permitted filling density for ICC-8 or 8AL cylinders is 40 percent.

28. Amend § 73.312 paragraph (a) (1) (18 F R. 804, Feb. 7, 1953) (49 CFR 73.312, 1950 Rev.) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) * * *

(1) Spec. 3, 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51 of this chapter), 4B240X¹ (see Appendix A to Subpart C of Part 78 of this chapter), 4B240FLW or 9 (§ 78.54 or § 78.63 of this chapter), 25, 26, 38, or 41 (§ 78.67 of this chapter) Cylinders authorized under § 73.34 (a) to (e) may be used.

(No change in Note 1.)

29. Add the entry "Trifluoroethylene" and amend the entry "Vinyl chloride, inhibited" in paragraph (a) Table and amend Note 12 to paragraph (a) and paragraph (g) to § 73.314 (17 F R. 9838, Nov. 1, 1952) (16 F R. 5326, June 6, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) * * *

Kind of gas	Maximum permitted filling density, note 1	Required type of tank car, Note 2
Trifluoroethylene.....	115	ICC-106A500, 106A500X, note 12.
	120	ICC-105A300, 105A300W.
Vinyl chloride, inhibited (see note 14).....	84	ICC-106A500, 106A500X, note 12.
	87	ICC-105A300, 105A300W.

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monofluorotrichloromethane mixture, or trifluoroethylene; tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, or dichlorodifluoromethane-monofluorotrichloromethane mixture; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

(g) The maximum quantity of any liquefied gas, except crude nitrogen fertilizer solution, fertilizer ammoniating solution containing free ammonia, liquid carbon dioxide, methyl chloride, and vinyl chloride, inhibited, loaded into tanks mounted on one car structure must not exceed 60,000 pounds: *Provided*, That for single-unit tank car tanks having water weight capacities not less than 86,240 pounds nor over 90,640 pounds, lagged with 4 inches of corkboard, equipped with one or more safety valves set to open at a pressure of 225 pounds per square inch, the total discharge capacity of which must be sufficient to prevent building up of pressure in the tank in excess of 225 pounds per square inch, mounted on one car structure, tank jackets stenciled ICC-105A-300 (§ 78.271 of this chapter), if tanks are forge-welded and ICC-105A300W (§ 78.286 of this chapter) if tanks are fusion-welded, and in all other respects constructed and maintained in full compliance with I. C. C. shipping container specification 105A500 or 105A500W (§ 78.273 or § 78.288 of this chapter), the quantity of liquefied chlorine gas or

liquefied sulfur dioxide gas loaded into such tanks must be not more than 110,000 pounds and the quantity of liquefied chlorine gas loaded into such tanks must be at least 107,800 pounds. (See Appendix D to Subpart I of Part 78 of this chapter.)

30. Add the entry "Dichlorodifluoromethane" to paragraph (a) (1) table,

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see note 1)	Percent by volume (see par. (f) of this section)	Type (see note 2)	Minimum design working pressure (p. s. i. g.)
Dichlorodifluoromethane.....	119	See note 7.....	MC-300	20

(h) * * *

Kind of gas:	Permitted gauging device
Dichlorodifluoromethane.....	None

(i) * * *

(2) * * *

Kind of gas:	Minimum start-to-discharge pressure (p. s. i. g.)
Dichlorodifluoromethane.....	250

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

31. Add Note 1 to paragraph (a) (3) to § 73.336 (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.336, 1950 Rev.) to read as follows:

§ 73.336 *Nitrogen dioxide, liquid (nitrogen peroxide, tetroxide)* (a) * * * (3) * * *

NOTE 1: Tanks complying with Spec. 106A500 or 106A500X (§ 78.275 of this chapter) may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

32. Amend § 73.369 paragraph (a) (5) (15 F. R. 8337, Dec. 2, 1950) (49 CFR 73.369, 1950 Rev.) to read as follows:

§ 73.369 *Carbolic acid (phenol) not liquid.* (a) * * * (5) Spec. 12B (§ 78.205 of this chapter) Fiberboard boxes with glass or earthenware inside containers not over 1 quart capacity each, or with metal inside containers not over 1 gallon capacity each. Packages containing glass or earthenware containers must not weigh over 65 pounds gross; packages containing metal cans not over 84 pounds gross as provided in § 78.205-23 of this chapter, 65 pounds for others.

33. Add paragraph (b) (4) to § 73.376 (17 F. R. 7283, Aug. 9, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.376) to read as follows:

§ 73.376 *Aldrin and aldrin mixtures, dry.* * * * (b) * * * (4) Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter) Fiber drums.

SUBPART I—SHIPPING INSTRUCTIONS

34. Amend § 73.432 paragraphs (b) (1) (c) and (d) (15 F. R. 8344, Dec. 2,

paragraph (h) table and paragraph (1) (2) table in § 73.315 (17 F. R. 9830, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.315) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) * * * (1) * * *

1950) (49 CFR 73.432, 1950 Rev.) to read as follows:

§ 73.432 *Tank car shipments.* * * * (b) * * *

(1) Any tank car of ICC-106A or 110A type (see § 78.275, § 78.276 or § 78.293 of this chapter) may be offered for transportation and the loaded unit tanks may be removed from car frame on carrier tracks, provided the shipper has obtained from the delivering carrier and filed with originating carrier, written permission (see Note 2 of this section) for such removal. The consignee must furnish adequately safe mechanical holst, obtained from the carrier if desirable, by which the tanks shall be lifted from the car and deposited directly upon vehicles furnished by the consignee for immediate removal from carrier property or tanks must be lifted by adequately safe mechanical holst from car directly to vessels for further transportation.

(c) Any tank car of other than ICC-106A or 110A type (see § 78.275, § 78.276, or § 78.293 of this chapter) containing anhydrous ammonia, liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may be consigned for delivery and unloading on carrier tracks, if the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car. Such cars may also be consigned for storage on a private track or on a carrier track when designated by the carrier for such storage.

(d) For cars of the ICC-106A or 110A type (see § 78.275, § 78.276 or § 78.293 of this chapter), the tanks must be placed in position and attached to the car structure by the shipper.

PART 74—CARRIERS BY RAIL FREIGHT

1. Amend § 74.501 paragraph (a) (15 F. R. 8344, Dec. 2, 1950) (49 CFR 74.501, 1950 Rev.) to read as follows:

§ 74.501 *Acceptable articles.* (a) Explosives, including samples of explosives and explosive articles not exceeding 5 pounds net weight and other dangerous articles may be accepted and transported, provided they are in proper condition and are certified, for transportation by rail, highway, or water. Articles must be loaded, stayed, and handled in

transit according to regulations applying to service or services used. Methods of manufacture, packing, and storage, in so far as they affect safety in transportation, must be open to inspection by a duly authorized representative of the initial carrier or by the Bureau of Explosives. Shipments of explosives or other dangerous articles not in proper condition for transportation, or loaded or stayed as required, or certified as to proper packing, marking and description as required in Parts 71-78 of this chapter, must not be accepted for transportation or transported.

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

2. Amend § 74.526 paragraph (b) (16 F. R. 5326, June 6, 1951) (49 CFR 1950 Rev., 1952 Supp., 74.526) to read as follows:

§ 74.526 *Loading explosives into cars.* * * *

(b) Shipments of explosive bombs, unfuzed explosive projectiles, and jet thrust units when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs or jet thrust units which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

3. Amend § 74.527 paragraph (c) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.527, 1950 Rev.) to read as follows:

§ 74.527 *Forbidden mixed loading and storage.* * * *

(c) Explosives which under Parts 71-78 of this chapter require certified cars placarded "Explosives" (see § 74.525 (a)) must not be carried in trucks, truck bodies, or trailers, on flat cars.

4. Add paragraph (c) to § 74.529 (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.529, 1950 Rev.) to read as follows:

§ 74.529 *Cars for class B, explosives.* * * *

(c) Explosives, class B, may be carried in tight, closed truck bodies or trailers on flat cars provided such truck bodies or trailers are not equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus. Packages of explosives shall be so braced and stayed as to prevent their movement and so as to prevent injury to them due to movement of other freight during transit. "Dangerous" placards prescribed by § 74.552 must be securely attached to the car or truck body or trailer so as to be visible from both sides and ends of the car.

5. Add paragraph (b) to § 74.530 (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.530, 1950 Rev.) to read as follows:

§ 74.530 *Cars for class C, explosives.* * * *

(b) Explosives, class C, may be carried in tight, closed truck bodies or trailers on flat cars provided such truck bodies or trailers are not equipped with

fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus.

6. Amend § 74.532 heading and introductory text of paragraphs (a) (c) (g) (3) introductory text of paragraph (h) and (h) (2) add paragraph (b) (1) (17 F. R. 1563, Feb. 20, 1952) (15 F. R. 8347, 8348, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 74.532) to read as follows:

§ 74.532 *Loading other dangerous articles.* (a) Shipments must be properly loaded in closed cars, container cars, or in tight, closed truck bodies or trailers on flat cars, except as otherwise provided in Parts 71-78 of this chapter and cars placarded as prescribed, when accepted by carriers.

(b) * * *

(1) Flammable liquids (red label) and flammable gases (red label) must not be loaded in truck bodies or trailers equipped with lighted heaters or any automatic heating or refrigerating apparatus when such truck bodies or trailers are loaded on flat cars.

(c) Packages protected by labels or exempted from labels by § 73.402 (c) and (d) of this chapter must be so loaded that they cannot fall and in such manner that other packages cannot fall onto or slide against them. Packages bearing marking "This Side Up" must be so loaded. Dangerous articles for which red, yellow, green, or white (acid, alkaline caustic liquid, or corrosive liquid) labels are prescribed herein must not be loaded in the same car with explosives named in §§ 73.53 to 73.87 of this chapter. (See loading and storage chart, § 74.538) Packages protected by yellow labels must not be loaded in the same end of a car with packages protected by "Acid," "Alkaline Caustic Liquid," or "Corrosive Liquid" labels.

(g) * * *

(3) Less-than-carload lots of "strike-anywhere" matches should be carefully loaded so that they cannot fall and so that other packages of freight cannot fall on or injure them. Whenever practicable the packages of matches should be placed to facilitate ready removal in case of fire. A smoking box of matches should not be broken open; the fire will cease of itself if air can be kept from it.

(h) Corrosive liquids: Carboys of acids or other corrosive liquids must not be loaded into container cars. They must be so blocked, braced or stayed that they cannot change position during transit when being handled with reasonable care. Carboys of nitric acid must not be loaded into box cars or in truck bodies or trailers on flat cars more than two tiers high, except that completely boxed carboys, specification 1D (§ 78.4 of this chapter), may be loaded three tiers high. Car doors may be cleated in an open position if desired. Flat or stock cars may be used for loading carboys of acids.

(2) Nitric acid, when loaded with other acids or other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank, set

on-edge, should be nailed across the car floor at least 12 inches from the nitric acid carboys and the space between the plank and the carboys of nitric acid should be filled with sand, sifted ashes, or other incombustible absorbent material.

7. Add § 74.533 (15 F. R. 8348, Dec. 2, 1950) (49 CFR 74.533, 1950 Rev.) to read as follows:

§ 74.533 *Truck bodies or trailers on flat cars.* (a) Truck bodies or trailers containing explosives, class B, explosives, class C, or other dangerous articles as provided in Parts 71-78 of this chapter must be so braced and stayed on the flat car that they cannot change position during transit. Packages of explosives and dangerous articles contained therein must be loaded and braced as provided by § 74.532. Placards must be applied when prescribed by §§ 74.541 and 74.542.

(b) Truck bodies or trailers equipped with automatic heating or refrigerating equipment employing any fuel or article classed as a dangerous article in Parts 71-78 of this chapter may be loaded and transported on flat cars if such equipment is of a type approved by the Bureau of Explosives. They must be so braced and stayed on the flat car that they cannot change position during transit.

SUBPART C—PLACARDING ON CARS

8. Add paragraph (h) to § 74.549 (15 F. R. 8351, Dec. 2, 1950) (49 CFR 74.549, 1950 Rev.) to read as follows:

§ 74.549 *Application of placards.*

(h) Placards must be securely applied to both sides and both ends of motor vehicle trailers loaded on flat cars and containing explosives or other dangerous articles for which placards are prescribed for cars containing such articles by §§ 74.541 and 74.542.

SUBPART D—UNLOADING FROM CARS

9. Amend § 74.560 paragraphs (b) (1) and (2) (15 F. R. 8352, Dec. 2, 1950) (49 CFR 74.560, 1950 Rev.) to read as follows:

§ 74.560 *Tank car delivery.*

(1) Any tank car of ICC-106A or 110A type (see § 78.275, § 78.276 or § 78.293 of this chapter) may be delivered and the loaded unit tanks may be removed from car frame on carrier tracks, if, before car is accepted for transportation, the shipper has obtained from the delivering carrier and filed with originating carrier, written permission (see Note 2 to subparagraph (2) of this paragraph) for such removal. The consignee must furnish adequately safe mechanical hoist, obtained from the carrier if desirable, by which the tanks are lifted from the car and deposited directly upon vehicles furnished by the consignee for immediate removal from carrier property or tanks must be lifted by adequately safe mechanical hoist from car directly to vessels for further transportation.

(2) Any tank car of other than ICC-106A or 110A type (see § 78.275, § 78.276

or § 78.293 of this chapter), containing anhydrous ammonia, liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may be delivered and unloaded on carrier tracks, if the lading is piped directly from car to permanent storage tanks of sufficient capacity to receive entire contents of car.

(No change in Notes 1 and 2.)

10. Amend § 74.566 paragraph (b) (15 F. R. 8353, Dec. 2, 1950) (49 CFR 74.566, 1950 Rev.) to read as follows:

§ 74.566 *Cleaning cars.*

(b) After unloading poisons from steel hopper cars, cars must be thoroughly flushed out with water, except that cars used exclusively in this service under the provisions of § 73.368 (a) of this chapter shall not be subject to this requirement.

PART 75—CARRIERS BY RAIL EXPRESS

Amend § 75.651 paragraph (a) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 75.651, 1950 Rev.) to read as follows:

§ 75.651 *Acceptable articles.* (a) Explosives and other dangerous articles, except such as will not be accepted, may be offered for transportation to rail express carriers engaged in interstate or foreign commerce and transported, provided they are in proper condition for transportation and are certified that the regulations in Parts 71-78 of this chapter have been complied with, and provided their method of manufacture, packing and storage, so far as they affect safe transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives. Shipments of explosives or other dangerous articles not in proper condition for transportation, or loaded or stayed as required, or certified as to proper packing, marking and description as required in Parts 71-78 of this chapter must not be accepted for transportation or transported.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. Amend § 77.801 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.801, 1950 Rev.) to read as follows:

§ 77.801 *Scope of regulations in Parts 71-78 of this chapter.* (a) Explosives and other dangerous articles, except such as may not be accepted and transported under Parts 71-78 of this chapter, may be accepted and transported by common and contract carriers by motor vehicle engaged in interstate or foreign commerce, provided they are in proper condition for transportation and are certified as being in compliance with Parts 71-78 of this chapter, and provided the method of manufacture, packing, and storage, so far as they affect safety in transportation, are open to inspection by a duly authorized representative of the

initial carrier or of the Bureau of Explosives. Shipments of explosives or other dangerous articles not in proper condition for transportation, or loaded or stayed as required, or certified as to proper packing, marking and description as required in Parts 71-78 of this chapter, must not be accepted for transportation or transported.

2. Amend § 77.823 paragraph (a) (15 F. R. 8364, Dec. 2, 1950) (49 CFR 77.823, 1950 Rev.) to read as follows:

§ 77.823 *Marking on motor vehicles and trailers other than tank motor vehicles.* (a) Except as otherwise provided in Part 73 of this chapter, every motor vehicle transporting explosives or other dangerous articles must be marked or placarded as follows:

(1) Every motor vehicle transporting any quantity of class A explosives must be marked or placarded "Explosives" on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background.

(2) Every motor vehicle transporting any quantity of class A poisons must be marked or placarded "Poison Gas" on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background.

(3) Every motor vehicle transporting any quantity of radioactive material, class D poison, requiring red radioactive materials label must be marked or placarded "Dangerous-Radioactive Material" on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background.

(4) Every motor vehicle transporting 2,500 pounds-gross weight or more of explosives class B, flammable liquids, flammable solids, oxidizing materials, acids or other corrosive liquids, compressed gases (see Note 1) class B poisons, class C poisons, and class D poisons not requiring red radioactive materials label must be marked or placarded "Dangerous" on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background: *Provided, however* That if such articles are, because of size and kind of containers, exempted from the packaging, marketing, and labeling requirements of Part 73 of this chapter, and provided such exempted commodities do not have a gross weight (contents and containers) exceeding 5,000 pounds, the provisions of this subparagraph shall not be applicable.

Note: Where the words "Compressed Gas" are now painted, stenciled, or otherwise permanently marked on motor vehicles other than cargo tank motor vehicles, it may be so continued until such motor vehicles are repainted, restenciled, or both, and at such time shall be replaced with the word "Dangerous"

(5) Every motor vehicle transporting 5,000 pounds gross weight or more of one or more different classes of dangerous articles set forth in subparagraph (4) of this paragraph, must be marked or placarded "Dangerous" on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background: *Provided, how-*

ever That mixed lading of two or more classes of dangerous articles in the same motor vehicle shall conform to the provisions of § 77.848.

(6) Except as provided in § 74.544 of this chapter, every motor vehicle and trailer, other than cargo tank motor vehicle, containing explosives class B or other dangerous articles and loaded on flat car as part of a joint rail-highway movement must be placarded for rail movement as provided for in § 74.549 of this chapter.

SUBPART E—LOADING AND UNLOADING

3. Amend § 77.840 paragraph (c) (17 F. R. 9839, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 77.840) to read as follows:

§ 77.840 *Compressed gases.* * * *

(c) Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromono-chloroethane, dispersant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane - monofluoro-trichloromethane mixture, or trifluoro-chloroethylene; tanks complying with specification 110A500VY (§ 78.293 of this chapter) containing dichlorodifluoromethane, monochlorodifluoromethane, or dichlorodifluoromethane-mono-fluoro-trichloromethane mixture; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter) containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely checked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1), of this chapter.

4. Add Note 1 to paragraph (c) to § 77.841 (15 F. R. 8367, Dec. 2, 1950) (49 CFR 77.841, 1950 Rev.) to read as follows:

§ 77.841 *Poisons.* * * *
(c) * * *

Note 1. Tank complying with Spec. 106A500 or 106A500X (§ 78.275 of this chapter) containing nitrogen dioxide, liquid nitrogen peroxide, tetroside) may be transported on trucks or semi-trailers only, when securely checked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

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

1. Add paragraph (g) to § 78.1-7 and amend § 78.1-9 introductory text of paragraph (d), and (e) (15 F. R. 8374, Dec. 2, 1950) (49 CFR 78.1-7, 78.1-9, 1950 Rev.) to read as follows:

§ 78.1 *Specification 1A, boxed carboys.* Glass, earthenware, clay, or stoneware.

§ 78.1-7 *Outside containers.* * * *

(g) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

§ 78.1-9 *Tests.* * * *

(d) *When required.* By each manufacturer and shipper who fills and ships new and used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

2. Add paragraph (e) to § 78.3-7 and amend § 78.3-9 introductory text of paragraph (d), and paragraph (e) (15 F. R. 8375, 8376, Dec. 2, 1950) (49 CFR 78.3-7, 78.3-9, 1950 Rev.) to read as follows:

§ 78.3 *Specification 1C; carboys in kegs.* Glass, earthenware, clay, or stoneware.

§ 78.3-7 *Manufacture of kegs.* * * *

(e) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

§ 78.3-9 *Tests.* * * *

(d) *When required.* By each manufacturer and shipper who fills and ships new and used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives separate tests required for:

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

3. Add paragraph (e) to § 78.4-6 and amend § 78.4-3 introductory text of paragraph (d) and paragraph (e) (15 F. R. 8376, Dec. 2, 1950) (49 CFR 78.4-6, 78.4-3, 1950 Rev.) to read as follows:

§ 78.4 *Specification 1D; boxed glass carboys.*

§ 78.4-6 *Outside containers.* * * *

(e) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

§ 78.4-3 *Tests.* * * *

(d) *When required.* By each manufacturer and shipper who fills and ships new and used carboys; during each 6 months of each year, one series each

year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

4. Add paragraph (e) to § 78.5-6 and Amend § 78.5-9 introductory text of paragraph (d) and paragraph (e) (15 F R. 8377, Dec. 2, 1950) (49 CFR 78.5-6, 78.5-9, 1950 Rev.) to read as follows:

§ 78.5 Specification 1X, boxed carboys, 5 to 6 gallon, for export only. Glass, earthenware, clay, or stoneware.

§ 78.5-6 Outside containers. * * *

(e) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

§ 78.5-9 Tests. * * *

(d) *When required.* By each manufacturer and shipper who fills and ships new and used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

5. Add paragraph (b) to § 78.6-6 and amend § 78.6-10 introductory text of paragraph (d) and paragraph (e) (18 F R. 805, Feb. 7, 1953) (49 CFR 78.6-6, 78.6-10, 1950 Rev.) to read as follows:

§ 78.6 Specification 1EX, glass carboys in plywood drums for export only.

§ 78.6-6 Outside containers. * * *

(b) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

§ 78.6-10 Tests. * * *

(d) *When required.* By each manufacturer and shipper who fills and ships new and used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

6. Add paragraph (b) to § 78.7-6 and amend § 78.7-8 introductory text of paragraph (d) and paragraph (e) (16 F R. 11782, Nov. 21, 1951) (49 CFR 1950 Rev., 1952 Supp., 78.7-6, 78.7-8) to read as follows:

§ 78.7 Specification 1E; glass carboys in plywood drums.

§ 78.7-6 Outside containers. * * *

(b) *Cushioning materials.* Cushioning devices or materials must be of such type, or be so secured within the outer container, that the carboy cannot shift in a way that cushioning efficiency is reduced.

§ 78.7-8 Tests. * * *

(d) *When required.* By each manufacturer and shipper who fills and ships new and used carboys; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(e) *Exception.* Tests not required by shipper who fills and ships or reships for one shipment only packages obtained from a manufacturer or shipper who has had tests made.

SUBPART C—SPECIFICATIONS FOR CYLINDERS

7. Add paragraph (b) to § 78.38-20 (15 F R. 8388, Dec. 2, 1950) (49 CFR 78.38-20, 1950 Rev.) to read as follows:

§ 78.38 Specification 3B; seamless steel cylinders.

§ 78.38-20 Marking. * * *

(b) Marking stamped into the side-walls of cylinders having a service pressure of 150 psi is permitted only if all of the following conditions are met:

(1) Wall stress at test pressure shall not exceed 24,000 psi.

(2) Minimum wall thickness shall be not less than 0.090"

(3) Depth of stamping shall be no greater than 15 percent of the minimum wall thickness, but at no time shall it exceed 0.015"

(4) Maximum outside diameter of cylinder shall not exceed 5"

(5) Carbon content of cylinder shall not exceed 0.25 percent. If the carbon content exceeds 0.25 percent, the complete cylinder must be normalized after stamping.

(6) Stamping shall be adjacent to top head.

8. Add § 78.67 (15 F R. 8432, Dec. 2, 1950) (49 CFR 78.67, 1950 Rev.) to read as follows:

§ 78.67 Specification 41, inside containers, non-refillable seamless or welded or brazed steel cylinders.

§ 78.67-1 Compliance. (a) Required in all details.

§ 78.67-2 Type, size, and service pressure—(a) *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of cylinders in this class shall not exceed 1.44 pounds or 40 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized provided that certification is made by the tubing manufacturer that the tubing has been pressure tested to a

fiber stress of 24,000 pounds per square inch as calculated by the formula:

$$P = \frac{24000(D^2 - d^2)}{(1.3D^2 + 0.4d^2)}$$

where

P is the pressure required for pressure testing of tubing by the tubing manufacturer.

(b) *Service pressure.* Service pressure must be 240 pounds per square inch.

§ 78.67-3 Inspection by whom and where. (a) By competent inspector of the manufacturer; or a disinterested inspection agency, chemical analysis and tests, as specified, to be made within limits of the United States.

§ 78.67-4 Duties of inspector (a) Inspect all material and reject any not complying with requirements.

(b) Verify compliance with the requirements of § 78.67-5 of the specification by submitting copy of certified chemical analysis obtained from the steel manufacturer for each heat of steel (ladle analysis acceptable), or if such evidence is lacking, then a sample from each coil or sheet must be analyzed and results submitted.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; select samples for all tests and for check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.67-19) to purchaser, cylinder maker, and the Bureau of Explosives.

§ 78.67-5 Steel. (a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.150 phosphorus, 0.045; sulphur, 0.055.

§ 78.67-6 Identification of material. (a) Required; any suitable method.

§ 78.67-7 Defects. (a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.67-8 Manufacture. (a) By proper appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably reasonably smooth and uniform surface finish required. Seams must be as follows:

(1) Circumferential seams: Except as provided in subparagraph (2) of this paragraph by welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crumpled, swedged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so that the two cylindrical skirt portions telescope one within the other is authorized but must meet the following additional requirements for the skirt

portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

§ 78.67-9 *Wall thickness.* (a) The wall stress at 720 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder shall be 0.032 inch. For the container authorized in § 78.67-8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

(b) Calculation must be made by the formula:

$$S = \frac{720(1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

where

S=wall stress in pounds per square inch;
D=outside diameter in inches;
d=inside diameter in inches.

(c) Calculation for thickness of hemispherical heads of containers authorized in § 78.67-8 (a) (2) must be made by the formula.

$$S = \frac{720D}{4tC}$$

where

t=thickness in inches;
C=0.85 (design factor).

S and D have same significance as in paragraph (b) of this section. The minimum thickness of the head or skirt shall be 0.032 inch. The thickness of the skirt shall not be less than the thickness of the head.

§ 78.67-10 *Heat treatment.* (a) Body and heads must be uniformly and properly heat treated prior to tests.

§ 78.67-11 *Openings in cylinders.* (a) Each opening in cylinder, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing or by welding or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(b) Closure of fitting, boss, or pad, must be adequate to prevent leakage.

§ 78.67-12 *Safety devices.* (a) Devices must be as required by the Interstate Commerce Commission's regulations that apply. (See §§ 73.34 (f) and 73.301 (i) of this chapter.)

§ 78.67-13 *Pressure tests.* (a) Each cylinder produced shall be tested at an

internal pressure¹ of at least 240 pounds per square inch and not exceeding 720 pounds per square inch, held for at least 30 seconds, and shall show no leak or other defect when inspected by suitable means.

(b) Or, each completed container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect.

(c) One out of each 3,000 cylinders or less successively produced per day shall be hydrostatically tested to destruction and must not burst below 1,440 pounds per square inch. Each such 3,000 cylinders or less successively produced per day shall constitute a lot and if the test cylinder shall fail, then the entire lot must be rejected. All cylinders constituting a lot shall be of identical size, design, construction, heat treatment, finish and quality.

§ 78.67-14 *Flattening test.* (a) Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test 1 cylinder taken at random out of each lot of 3,000 or less successively produced per day, after pressure test. This flattening test is required and the test cylinder shall not have cracked when the outer surfaces of the walls are apart not more than a distance of 6 times the thickness of such walls.

§ 78.67-15 *Rejected cylinders.* (a) Reheat treatment authorized for lots failing to meet the requirements of § 78.67-14, such lots of cylinders after this treatment must pass all prescribed tests.

§ 78.67-16 *Repair of brazed and welded seams.* (a) Only repair of brazed seams by brazing and welded seams by welding is authorized, provided such cylinders are retested and pass the tests prescribed in § 78.67-13 (a)

§ 78.67-17 *Marking.* (a) Marking on each cylinder by embossing plainly and permanently on valve end of cylinder before heat-treatment, the marks ICC-41 and registered symbol of manufacturer.

(1) Other marks as prescribed in subparagraph (2) of this paragraph, must be shown on a permanently attached name plate or by printing or decalcomania, provided that such markings are waterproofed and adherent and not easily impaired when subject to water immersion and weathering under service conditions, or are coated over with a water-insoluble transparent lacquer; except that cylinders having brazed lapped circumferential seam may, after having been tested in accordance with §§ 78.67-13 and 78.67-14 of this specification, have marks permanently stamped into metal of this seam, provided that such marks do not exceed 0.015" in depth.

(2) Inspector's official mark; lot number; date of test (such as 5-50 for May 1950), the words "Illegal to refill and transport"

¹Warning: Where air or gas pressure is used for testing, means designed to protect personnel is recommended.

§ 78.67-18 *Size of embossed marks.* (a) At least ¼ inch high.

§ 78.67-19 *Inspector's reports.* (a) Required to be clear, legible, and in following form:

(Place) -----
(Date) -----
Steel gas cylinders
Manufactured for ----- Company
Location at -----
Manufactured by ----- Company
Location at -----
Consigned to ----- Company
Location at -----
Quantity -----
Size ----- inches outside diameter by ----- inches long.
Identification marks embossed on cylinders are:
Specification ICC-41.
Identifying symbols (registered) -----
Other marks on cylinder are:
Lot number -----
Test date -----
Inspector's official mark -----
Illegal to refill and transport -----
These cylinders were made by process of -----

The steel used was identified by heat or analysis numbers as shown on the "Record of Chemical Analysis of Steel for Cylinders" attached hereto.

The steel used was verified as to chemical analysis and record thereof is attached hereto.

All material was inspected and each cylinder was inspected both before and after closing; all accepted material and cylinders were found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

A test cylinder of each lot was measured and had a minimum wall thickness and volumetric capacity as shown in table below:

Date of test	Lot No.	Number in lot	Minimum wall thickness (inches)	Volumetric capacity (cubic inches or pounds of water)
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----

Such threads as were used were inspected and found to be clean cut, of proper length, and correct as to gauge.

One finished cylinder out of each lot was taken at random and burst by interior hydrostatic pressure with the following results:

Date of test	Lot No.	Pressure at which cylinder ruptured (pounds per square inch)
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

Each and every cylinder was subjected to an interior pressure of 240-pounds per square inch or was heated until contents reached a minimum temperature of 130° F. and showed no leak or other defect.

Hydrostatic tests, pressure tests, flattening tests, and other tests, as prescribed in Specification No. ICC-41 were made in the presence of the inspector and all material and cylinders were found to be in compliance with the requirements of that specification.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission's Specification No. 41 except as follows:

Exceptions: _____

 (Signed) _____
 Inspector.

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Size _____ inches outside diameter by _____ inches long.
 Made by _____ Company.
 For _____ Company.

Lot No.	Number in lot	Heat No.	Check analysis No.	Chemical analysis		
				C	P	S

The analyses were made by _____
 (Signed) _____
 Inspector.

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

9. Amend § 78.80-11 paragraph (a) (1) (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.80-11, 1950 Rev.) to read as follows:

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

§ 78.80-11 *Marking.* (a) * * *
 (1) ICC-5. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC-5-304 or ICC-5-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

10. Amend § 78.81-11 paragraph (a) (1) (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.81-11, 1950 Rev.) to read as follows:

§ 78.81 *Specification 5A, steel barrels or drums.*

§ 78.81-11 *Marking.* (a) * * *
 (1) ICC-5A. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC-5A-304 or ICC-5A-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

11. Amend § 78.82-11 paragraph (a) (1) (15 F. R. 8434, Dec. 2, 1950) (49 CFR 78.82-11, 1950 Rev.) to read as follows:

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

§ 78.82-11 *Marking.* (a) * * *
 (1) ICC-5B. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture, (for example, ICC-5B-304 or ICC-5B-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

12. Amend § 78.84-11 paragraph (a) (1) (15 F. R. 8436, Dec. 2, 1950) (49 CFR 78.84-11, 1950 Rev.) to read as follows:

§ 78.84 *Specification 5D; steel barrels or drums, lined.*

§ 78.84-11 *Marking.* (a) * * *
 (1) ICC-5D. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC-5D-304 or ICC-5D-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

13. Amend § 78.87-11 paragraph (a) (1) (15 F. R. 8438, Dec. 2, 1950) (49 CFR 78.87-11, 1950 Rev.) to read as follows:

§ 78.87 *Specification 5H, steel barrels or drums, lead lined.*

§ 78.87-11 *Marking.* (a) * * *
 (1) ICC-5H. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture, (for example, ICC-5H-304 or ICC-5H-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

14. Amend § 78.91-11 paragraph (a) (1) (15 F. R. 8441, Dec. 2, 1950) (49 CFR 78.91-11, 1950 Rev.) to read as follows:

§ 78.91 *Specification 5X, steel drums, aluminum lined.*

§ 78.91-11 *Marking.* (a) * * *
 (1) ICC-5X. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture, (for example, ICC-5X-304 or ICC 5X-304 HT as applicable) shall be shown. These marks shall be understood to cer-

tify that the container complies with all specification requirements.

15. Amend § 78.97-9 paragraph (a) (1) (15 F. R. 8442, Dec. 2, 1950) (49 CFR 78.97-9, 1950 Rev.) to read as follows:

§ 78.97 *Specification 6A, steel barrels or drums.*

§ 78.97-9 *Marking.* (a) * * *
 (1) ICC-6A***, stars to be replaced by the authorized gross weight (for example, ICC-6A880, etc.) In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC-6A880-304 or ICC-6A880-304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

16. Amend § 78.98-9 paragraph (a) (1) (15 F. R. 8443, Dec. 2, 1950) (49 CFR 78.98-9, 1950 Rev.) to read as follows:

§ 78.98 *Specification 6B; steel barrels or drums.*

§ 78.98-9 *Marking.* (a) * * *
 (1) ICC-6B*** stars to be replaced by the authorized gross weight (for example, ICC-6B880, etc.) In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture, (for example, ICC-6B880-304 or ICC-6B880-304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

17. Amend § 78.99-9 paragraph (a) (1) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.99-9, 1950 Rev.) to read as follows:

§ 78.99 *Specification 6C; steel barrels or drums.*

§ 78.99-9 *Marking.* (a) * * *
 (1) ICC-6C*** stars to be replaced by the authorized gross weight (for example, ICC-6C880, etc.) In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC-6C880-304 or ICC-6C880-304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

18. Amend § 78.100-9 paragraph (a) (1) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.100-9, 1950 Rev.) to read as follows:

§ 78.100 *Specification 6J, steel barrels and drums.*

§ 78.100-9 *Marking.* (a) * * *

(1) ICC-6J*** stars to be replaced by the authorized gross weight (for example, ICC-6J880, etc.) In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC-6J880-304 or ICC-6J880-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

19. Amend § 78.101-9 paragraph (a) (1) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.101-9, 1950 Rev.) to read as follows:

§ 78.101 *Specification 6K, steel barrels or drums.*

§ 78.101-9 *Marking.* (a) * * *

(1) ICC-6K480. In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC-6K480-304 or ICC-6K480-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

20. Amend § 78.115-10 paragraph (a) (1) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.115-10, 1950 Rev.) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

§ 78.115-10 *Marking.* (a) * * *

(1) ICC-17C. The letters STC; located just below or above the ICC mark to indicate "single trip container" In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture, (for example, ICC-17C-304 or ICC-17C-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

21. Amend § 78.116-10 paragraph (a) (1) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.116-10, 1950 Rev.) to read as follows:

§ 78.116 *Specification 17E; steel drums.*

§ 78.116-10 *Marking.* (a) * * *

(1) ICC-17E. The letters STC; located just below or above the ICC mark to indicate "single trip container" In addition, when the container is of stain-

less steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture. (for example, ICC-17E-304 or ICC-17E-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

22. Amend § 78.117-11 paragraph (a) (1) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.117-11, 1950 Rev.) to read as follows:

§ 78.117 *Specification 17F; steel drums.*

§ 78.117-11 *Marking.* (a) * * *

(1) ICC-17F. The letters STC; located just below or above the ICC mark to indicate "single trip container" In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC-17F-304 or ICC-17F-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

23. Amend § 78.118-10 paragraph (a) (1) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.118-10, 1950 Rev.) to read as follows:

§ 78.118 *Specification 17H; steel drums.*

§ 78.118-10 *Marking.* (a) * * *

(1) ICC-17H. The letters STC; located just below or above the ICC mark to indicate "single trip container" In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment during manufacture (for example, ICC-17H-304 or ICC-17H-304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

24. Amend § 78.119-10 paragraph (a) (1) (15 F. R. 8451, Dec. 2, 1950) (49 CFR 78.119-10, 1950 Rev.) to read as follows:

§ 78.119 *Specification 17X; steel barrels or drums.*

§ 78.119-10 *Marking.* (a) * * *

(1) ICC-17X. The letters STC; located just below or above the ICC mark to indicate "single trip container" In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress relieving or heat treatment

during manufacture (for example, ICC-17X-304 or ICC-17X-304 HT as applicable), shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

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

25. Add paragraph (d) (1) to § 78.205-11 and amend § 78.205-14 paragraph (a) (15 F. R. 8475, Dec. 2, 1950) (49 CFR 78.205-11, 78.205-14, 1950 Rev.) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205-11 *Joints.* * * *

(d) * * *

(1) For glued lap joint, the sides of box forming joint must lap not less than 1¼" and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

§ 78.205-14 *Flap closures.* (a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps.

26. Add paragraph (d) (1) to § 78.206-11 and amend § 78.206-14 paragraph (a) (15 F. R. 8477, Dec. 2, 1950) (49 CFR 78.206-11, 78.206-14, 1950 Rev.) to read as follows:

§ 78.206 *Specification 12C; fiberboard boxes.*

§ 78.206-11 *Joints.* * * *

(d) * * *

(1) For glued lap joint, the sides of box forming joint must lap not less than 1¼" and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

§ 78.206-14 *Flap closures.* (a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps.

27. Add paragraph (d) (1) to § 78.207-10 and amend § 78.207-13 paragraph (a) (15 F. R. 8478, Dec. 2, 1950) (49 CFR 78.207-10, 78.207-13, 1950 Rev.) to read as follows:

§ 78.207 *Specification 12D; fiberboard boxes.*

§ 78.207-10 *Joints.* * * *

(d) * * *

(1) For glued lap joint, the sides of box forming joint must lap not less than 1¼" and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

§ 78.207-13 *Flap closures.* (a) Fill-in pieces, of the same type fiberboard as used in construction of the container,

are required where it is necessary to prevent an opening between the inner flaps.

* * * * *
 28. Amend § 78.219-5 paragraph (a) (17 F. R. 9840, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.219-5) to read as follows:

§ 78.219 *Specification 23H, fiberboard boxes.*

* * * * *
 § 78.219-5 *Tape.* (a) Pressure sensitive, paper backed. The basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width, or for vertical application as provided by § 78.219-12 tape must be pressure sensitive, filament reinforced. Tape backing shall have a minimum longitudinal tensile strength of 160 pounds per inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength to prevent raveling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F. No solvent or heat shall be necessary to activate the adhesive.

* * * * *
 SUBPART I—SPECIFICATIONS FOR TANK CARS

29. Amend § 78.265 paragraph ICC-6 (b) (15 F. R. 8488, Dec. 2, 1950) (49 CFR 78.265, 1950 Rev.) to read as follows:

§ 78.265 *Specification for tank cars having riveted steel tanks, Class ICC-103.* * * *

ICC-6. (b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, safety valve flange, and bottom outlet nozzle flange must be single or double riveted. The entire dome assembly, dome head, assembly, or dome header assembly, including the nozzles and flanges, as required, may be built up by fusion welding, providing this detail is fabricated and stress relieved in accordance with the requirements prescribed by § 78.280, covering specifications for class ICC-103-W tank cars. Riveted seams and joints must be made metal to metal without interposition of other material, with the exception that the use of two liners not to exceed 1 inch in width and $\frac{1}{16}$ inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 70 percent of the strength of the thinnest plate specified in paragraph ICC-4. The efficiency of single-riveted seams must be at least 45 percent of the strength of the thinnest plate specified in paragraph ICC-4. Use of rivets less than $\frac{5}{16}$ inch nominal diameter not permissible on any part of tank or attachments.

30. Amend § 78.266 paragraph ICC-6 (b) (15 F. R. 8490, Dec. 2, 1950) (49 CFR 78.266, 1950 Rev.) to read as follows:

§ 78.266 *Specification for tank cars having riveted steel tanks, Class ICC-103A.* * * *

ICC-6. (b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, safety vent flange, and bottom washout nozzle flange must be single or double riveted. The entire dome assembly, dome head assembly, or dome header assembly, including the nozzles and flanges, as required, may be built up by fusion welding, providing this detail is fabricated and stress relieved in accordance with the requirements prescribed by § 78.281, covering specifications for class ICC-103-W tank cars. Riveted seams and joints must be made metal to metal without interposition of other material, with the exception that the use of two liners not to exceed 1 inch in width and $\frac{1}{16}$ inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 70 percent of the strength of the thinnest plate specified in paragraph ICC-4. The efficiency of single-riveted seams must be at least 45 percent of the strength of the thinnest plate specified in paragraph ICC-4. Use of rivets less than $\frac{5}{16}$ inch nominal diameter not permissible on any part of tank or attachments.

31. Amend § 78.267 paragraph ICC-6 (b) (15 F. R. 8491, Dec. 2, 1950) (49 CFR 78.267, 1950 Rev.) to read as follows:

§ 78.267 *Specification for tank cars having rubber lined riveted steel tanks, Class ICC-103B.* * * *

ICC-6. (b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, safety vent flange, and sump flange must be single or double riveted. The entire dome assembly, dome head assembly, or dome header assembly, including the nozzles and flanges, as required, may be built up by fusion welding, providing this detail is fabricated and stress relieved in accordance with the requirements prescribed by § 78.282, covering specifications for class ICC-103B-W tank cars. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and $\frac{1}{16}$ inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 70 percent of the strength of the thinnest plate specified in paragraph ICC-4. The efficiency of single-riveted seams must be at least 45 percent of the strength of the thinnest plate specified in paragraph ICC-4. Use of rivets less than $\frac{5}{16}$ inch nominal diameter not permissible on any part of tank or attachments. All rivet heads on inside of tank must be of uniform size, button head or similar shape, and the under surface of heads must be driven tight against shell.

32. Amend § 78.270 paragraph ICC-12 (b) (17 F. R. 7287, Aug. 9, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.270) to read as follows:

§ 78.270 *Specification for tank cars having lagged riveted steel tanks, Class ICC-104A.* * * *

ICC-12. *Venting, loading and discharging, gauging and sampling devices.* * * *

ICC-12. (b) Gauging device, sampling valve, and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

33. Amend § 78.271 paragraph ICC-9 (a) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.271) to read as follows:

§ 78.271 *Specification for tank cars having lagged forged lapwelded steel tanks class ICC-105A300.* * * *

ICC-9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

34. Amend § 78.272 paragraph ICC-9 (a) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.272) to read as follows:

§ 78.272 *Specification for tank cars having lagged forged lapwelded steel tanks Class ICC-105A400.* * * *

ICC-9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

35. Amend § 78.273 paragraph ICC-9 (a) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.273) to read as follows:

§ 78.273 *Specification for tank cars having lagged forged lapwelded steel tanks Class ICC-105A500.* * * *

ICC-9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 500 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

36. Amend § 78.274 paragraph ICC-9 (a) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.274) to read as follows:

§ 78.274 *Specification for tank cars having lagged forged lapwelded steel tanks Class ICC-105A600.* * * *

ICC-9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure of 600 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

37. Amend § 78.285 paragraph ICC-11 (b) (17 F. R. 7287, August 9, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.285) to read as follows:

§ 78.285 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC-104A-W* * * *

ICC-11. *Venting, loading and discharging, gauging and sampling devices.* * * *

ICC-11. (b) Gauging device, sampling valve, and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

38. Amend § 78.286 paragraph ICC-11 (c) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.286) to read as follows:

§ 78.286 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC-105A300-W* * * *

ICC-11. *Venting and loading and discharging valves.* * * *

ICC-11. (c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

39. Amend § 78.287 paragraph ICC-11 (c) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.287) to read as follows:

§ 78.287 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC-105A400-W* * * *

ICC-11. *Venting and loading and discharging valves.* * * *

ICC-11. (c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

40. Amend § 78.288 paragraph ICC-11 (c) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.288) to read as follows:

§ 78.288 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC-105A500-W* * * *

ICC-11. *Venting and loading and discharging valves.* * * *

ICC-11. (c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 500 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

41. Amend § 78.289 paragraph ICC-11 (c) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.289) to read as follows:

§ 78.289 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC-105A600-W* * * *

ICC-11. *Venting and loading and discharging valves.* * * *

ICC-11. (c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 600 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

42. Amend § 78.294 paragraphs ICC-11 (a) and (d) (17 F. R. 7288, August 9, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.294) to read as follows:

§ 78.294 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC-104A-AL-W* * * *

ICC-11. *Venting, loading and discharging, gauging and sampling devices.* (a) Venting, and loading and discharging valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manhole cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

ICC-11. (d) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manhole cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

Amend entire § 197.1 (8 F. R. 6492, May 18, 1943) (49 CFR 197.1) to read as follows:

§ 197.1 *Driving rules*—(a) *Applicability.* Every motor carrier, and its officers, agents, drivers, representatives and employees directly concerned with the transportation of explosives and other dangerous articles shall comply and be conversant with the requirements of this section. This section shall be applicable with respect to motor vehicles transporting:

- (1) Any quantity of class A explosives, class A poison gas, or class D poison requiring a red radioactive materials label.
- (2) 2,500 pounds gross weight (contents and containers) of class B explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, class B poi-

sons, class C poisons, or class D poisons not requiring a red radioactive materials label.

(3) 5,000 pounds or more gross weight (contents and containers) of two or more different classes of dangerous articles set forth in subparagraph (2) of this paragraph.

(4) Cargo tank motor vehicles used for the transportation of dangerous articles, regardless of the amount of dangerous articles being transported, or whether loaded or empty.

(5) Except that paragraphs (b) and (h) of this section shall be applicable without regard to the gross weight of class B explosives being transported.

(6) Except that this section shall not be applicable with respect to motor vehicles transporting those classes of dangerous articles set forth in subparagraph (2) if such articles are, because of size and kind of containers, exempted from the packaging, marking, and labeling requirements of Part 73 of this chapter, provided such exempted commodities do not have a gross weight (contents and containers) exceeding 5,000 pounds.

(b) *Motor vehicles not to be left unattended at any time.* Motor vehicles transporting class A or class B explosives shall not be left unattended at any time during the course of transportation. Nothing contained in this paragraph shall be construed to relieve the driver of any requirement for the protection of any such motor vehicle when disabled or stopped upon any street or highway as provided in Part 192 of this chapter.

(c) *Motor vehicles not to be left unattended on streets or highways.* Motor vehicles transporting dangerous articles other than class A or class B explosives shall not be left unattended upon any public street or highway except when the driver is engaged in performing normal operations incident to his duties as the operator of the vehicle to which he is assigned. Nothing contained in this paragraph shall be construed to relieve the driver of any requirement for the protection of any such motor vehicle when disabled or stopped upon any street or highway as provided in Part 192 of this chapter.

(d) *Avoidance of congested places.* Motor vehicles transporting explosives and other dangerous articles shall be so driven as to avoid, so far as practicable, and, where feasible, by prearrangement of routes, congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, and dangerous crossings.

(e) *Reduce refuelings to minimum.* Except for fuel containers for Diesel engine fuels, the fuel tank or tanks on any motor vehicle in which is to be transported explosives, flammable liquids, flammable compressed gases, or poisonous gases shall be suitably filled prior to the commencement of transportation, and subsequent refilling shall be reduced to the minimum number necessary. If the engine is provided with an electric ignition system, it shall be turned off and the engine stopped during the refueling process; and if with a magneto, it shall be grounded.

(f) *Caution passing fires.* Motor vehicles transporting explosives, flamma-

ble liquids, flammable solids, oxidizing materials or flammable compressed gases shall not be driven past fires of any kind burning on or near the highway or other thoroughfare until after having taken due caution to ascertain that such passing can be made with safety.

(g) *No smoking while driving.* Smoking on or about any motor vehicle loaded with or transporting explosives, flammable liquids, flammable solids, oxidizing materials, or flammable compressed gases, or smoking on or about any tank motor vehicle used for the transportation of the liquids described is forbidden.

(h) *Parking in congested places.* Except where the necessities of the operation make impracticable the application of this paragraph, no motor vehicle transporting any class A or class B explosive shall be parked, even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where persons work, congregate, or assemble.

(i) *Safety matches.* Drivers or anyone else, except passengers on buses, upon a motor vehicle transporting flammable liquids or any tank motor vehicle used for the transportation of such dangerous articles, whether loaded or empty, may carry only matches commonly known as "safety matches."

(j) *Jars, jolts, etc.* Motor vehicles transporting corrosive liquids shall be so driven as to avoid violent jars, jolts, bumps, or sudden accelerations or decelerations in any direction likely to produce shifting or breaking of the contents of the motor vehicle.

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on August 12, 1953, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended 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 it with the Director, Division of Federal Register.

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

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-4716; Filed, June 1, 1953;
8:45 a. m.]

[2d Rev. S. O. 856, Amdt. 5]

PART 95—CAR SERVICE

SATURDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of May A. D. 1953.

Upon further consideration of Second Revised Service Order No. 856 (16 F. R. 3929, 10560; 17 F. R. 896, 3458, 4949, 10737 18 F. R. 2084), and good cause appearing therefor: It is ordered, that:

Section 95.856 *Saturdays to be included in computing demurrage on all freight cars* of Second Revised Service Order No. 856 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., August 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., May 31, 1953.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order 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 it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 370, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-4772; Filed, June 1, 1953;
8:50 a. m.]

[Rev. S. O. 867, Amdt. 10]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of May A. D. 1953.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313, 6573; 16 F. R. 2895, 6184, 12090; 17 F. R. 1857, 4949, 7945, 10737; 18 F. R. 1185) and good cause appearing therefor: It is ordered, that:

Section 95.867 *Restrictions on trap and ferry cars* of Revised Service Order No. 867 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., August 31, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., May 31, 1953.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the

terms of that agreement; and that notice of this order 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 it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-4773; Filed, June 1, 1953; 8:50 a. m.]

[Corr. S. O. 870, Amdt. 9]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED
AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of May A. D. 1953.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065; 16 F. R. 2895, 6843, 10995; 17 F. R. 1857, 4949, 7945, 10737; 18 F. R. 1185) and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports* of Service Order No. 870, be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., August 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., May 31, 1953.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order 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 it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-4774; Filed, June 1, 1953; 8:50 a. m.]

[Corr. S. O. 871, Amdt. 10]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its

office in Washington, D. C., on the 26th day of May, A. D. 1953.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066; 16 F. R. 2895, 6843, 10750, 10995; 17 F. R. 1858, 4949, 7946, 10737; 18 F. R. 1185) and good cause appearing therefor: It is ordered, that:

Section 95.871 *Free time on unloading box cars at ports* of Service Order No. 871 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., August 31, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., May 31, 1953.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order 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 it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-4775; Filed, June 1, 1953; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10241]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 2 and Part 8 of the Commission's rules and regulations concerning the allocation and assignment of frequencies in the bands 4177-4187 kc, 6265.5-6280.5 kc, 8354-8374 kc, 12531-12561 kc, 16708-16748 kc and 22220-22270 kc; and in the matter of amendment of Part 8 of the Commission's rules and regulations concerning the inauguration of use of ship telegraph calling frequencies between 4 and 23 Mc as provided by the Geneva (1951) Agreement; Docket No. 10241.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of May 1953;

The Commission having under consideration its proposal in the above entitled matter;

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in Docket No. 10241, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on August 2, 1952 (17 F. R. 7097) and the period provided for filing the comments has now expired; and

It further appearing, that the only comment filed in this matter was by the National Federation of American Shipping, Inc., that such comment objected to the proposal, if the intention of the Commission was to require all ship stations to utilize the Atlantic City Ship Telegraph Calling Bands effective June 3, 1953, due to the time required to make such changes on ships; and

It further appearing, that the Commission has, subsequent to the receipt of the comment by the National Federation of American Shipping, determined, on the basis of conferences during September, 1952, with the Federation and the maritime radio companies, that the proposed June 3, 1953, date could be met provided that the ships were not required to meet the pertinent technical requirements of the Atlantic City Radio Regulations as of that date, and provided that action in Docket 10209 relating to the ship-station frequency assignment plan could be completed sufficiently far in advance of the June 3d date; and

It further appearing, that the Commission completed action upon and finalized Docket 10209 on November 10, 1952, and has provided that the pertinent technical requirements of the Atlantic City Radio Regulations need not come into effect until June 3, 1954, and, therefore, upon the assumption that ship transmitters which have not been fitted for crystal control on the new frequencies by June 3, 1953, will be capable of operating within the Atlantic City calling bands using master oscillator tuning, it would be feasible to have the frequency changes with respect to the calling bands, specified in this Order, become effective on June 3, 1953; and

It further appearing, that information has recently been received from the International Telecommunication Union indicating that in lieu of the date, June 3, 1953, the Atlantic City calling bands will be brought into worldwide use on September 1, 1953, and the use of the Cairo calling frequencies for calling purposes will be discontinued not later than October 1, 1953; and

It further appearing, that, although the proposed rule making in Docket 10241 by its terms related only to Part 2 rules amendments and did not refer to corresponding rule changes in Part 8 of the rules, an opportunity to comment on the subject of the inauguration of the Atlantic City high frequency ship telegraph calling frequencies has been provided in connection with Docket No. 10251, and

It further appearing, that in view of the foregoing compliance with the public notice and procedure provided by section 4 (a) of the Administrative Procedure Act, to effect the Part 8 rule amend-

ments herein ordered, would be unnecessary and

It further appearing, that the proposed amendments are issued pursuant to the authority of sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective 0001 G. m. t. September 1, 1953, Part 2 of the Commission's rules and regulations is amended as set forth below.

It is further ordered, That effective October 1, 1953, Part 8 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 22, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

1. In § 2.104 (a) (3) (iii) footnote 2 is amended by the addition of the following frequency bands:

4177-4187 kc
6265.5-6280.5 kc
8354-8374 kc
12531-12561 kc
16708-16748 kc

2. Section 8.321 (a) is amended as follows:

a. Subparagraph (1) is amended to read as follows:

(1) Each of the specific frequencies in kilocycles hereinafter designated in this subparagraph may be authorized as an assigned frequency for use by ship stations (public or limited) employing telegraphy by means of amplitude modulation in accordance with the provisions of paragraph (b) of this section and Subpart E of this part.

143 calling 154
152 155
153 156

157	8300
158	8320
410 ¹	8330
425	12360
444 ¹	12375
448 (region 2 only)	12390
454	12420
468	12440
480 ¹	12450
500 calling and distress	12460
	12480
4140	16480
4150	16500
4160 ¹	16520
4165 ¹	16530
6210 ¹	16560
6220	16575
6230	16590
8240	16600
8250	16605
8260	16640
8280	16660

b. Footnote 1b is deleted.

c. Subparagraphs 4 and 5 are deleted.

3. Section 8.322 (b) is amended to read as follows:

(b) The frequency 8364 kc is designated as the assigned frequency for the use of survival craft equipped to transmit on frequencies within the band 4,000 kc to 23,000 kc and desiring to establish with stations of the maritime mobile service, communications relating to search and rescue.

4. Section 8.323 (c) is amended to read as follows:

(c) Each of the specific frequencies between 4 Mc and 23 Mc designated in table 1-b of Appendix 3 to this part may be authorized in accordance with Appendix 3 as an assigned calling frequency for use by public or limited ship stations or, where specifically so indicated by Appendix 3, by aircraft stations for establishing communication with stations of the maritime mobile service.

5. Section 8.323 (d) is deleted.

6. Section 8.324 (e) is deleted.

[F. R. Doc. 53-4764; Filed, June 1, 1953; 8:48 a. m.]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA TOWERS AND/OR THEIR SUPPORTING STRUCTURES

EDITORIAL CHANGES

In the matter of amendment of § 17.2 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission desires to make certain editorial changes in § 17.2 of its rules and regulations to delete the reference to personal airports.

In view of the fact that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendments may become effective immediately and

The amendments adopted herein are issued pursuant to authority contained in sections 4 (l) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 21st day of May 1953, that, effective immediately, § 17.2 (c) (2) of the Commission's rules and regulations is revised by the deletion of the words "and for personal airports, 200 feet and 2,200 feet," from this section.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: May 21, 1953.

FEDERAL COMMUNICATIONS,
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 53-4763; Filed, June 1, 1953; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 924]

[Docket No. AO-225-A3]

HANDLING OF MILK IN THE DETROIT, MICHIGAN, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

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),

notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, amending the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and

to the order, as amended, were formulated, was conducted at Detroit, Michigan, on February 20, 1953, pursuant to notice thereof which was issued on February 12, 1953 (18 F. R. 910)

The material issues considered on the record of the hearing are concerned with changes in the Class II pricing provisions which would (1) increase the amount and extend the time of the butter-powder credit, (2) modify the prorating of the butter-powder credit to butterfat and skim milk, and (3) provide transportation credits on Class II milk moved for manufacture.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

No change should be made in the provisions of the order relating to the Class II milk price except that the factor for

prorating the proportion of the butter-powder credit which is applied to skim milk should be changed from 0.36 to 0.406.

There were three proposals for changing the method of pricing Class II milk. Two were concerned only with the pricing of such Class II milk as is manufactured into butter and nonfat dry milk solids. One proposal would extend the butter-powder credit to all months of the year instead of being limited to May, June, and July, and would change the provisions for the allocation of milk transferred to a nonhandler plant for manufacture into butter and powder. This proposal was modified at the hearing by recommending that the make allowance be increased to 80 cents and leaving the allocation provision unchanged. A second proposal was that the factor for prorating the butter-powder credit be modified to make the credit more fully effective. The third proposal, applicable to all Class II milk, was that there be a transportation allowance of 8 cents per hundredweight on the Class II milk which must be moved from 0 to 5 miles, with an additional cent per hundredweight for each additional 8 miles which such milk must be moved for manufacturing purposes.

The major portion of the hearing was spent in consideration of the first proposal, involving the pricing of milk used in the manufacture of butter and nonfat dry milk solids. The order now provides that butterfat or skim milk manufactured into these products during May, June or July is eligible for a credit which is based upon the amount, if any, by which a butter-powder formula with a 67-cent make allowance is lower than the local plant pay price which determines the price for other Class II utilization. A further restriction on this "butter-powder credit" is that in the event that butterfat or skim is transferred to a nonhandler plant it must first be allocated to any use in such plant other than butter and powder.

Three aspects of this problem will be reviewed in the following paragraphs, the order of their consideration being (1) the proper amount of make allowance on milk manufactured into butter and powder, (2) the months during which a butter-powder credit should be effective and (3) the allocation to utilization of milk transferred to a nonhandler plant.

(1) "Make" allowance. The proponent's principal evidence in support of an 80-cent make allowance was his cost experience during 1952 at a large plant devoted almost exclusively to the manufacture of butter and nonfat dry milk solids from whole milk. Thus, the proponent's case was predicated upon the costs incurred in the manufacture of butter and solids in a comparatively large-scale, efficient plant. It was testified that the average cost per hundredweight of manufacturing whole milk into butter and powder during 1952 at this plant was 84.1 cents per hundred pounds. It was stated that this 84.1-cent figure was not entirely comparable with the 67-cent make allowance now provided in the order because only spray process nonfat solids were produced at this plant,

whereas the butter-powder formula contained in the order is based upon an average of prices for spray and roller process powder, f. o. b. plants in the Chicago area. It was further disclosed that the 84.1-cent cost included the cost of transporting and selling the finished products. The basic formula price includes such costs only to the extent that the butter price quotation relates to butter delivered to Chicago; no transportation or selling is included in the quotations for nonfat solids. To the extent that the proponent's cost figure included any transportation or sales costs on powder, or greater transportation and sales costs than are normally incurred by creameries selling butter at Chicago, the cost figure is not strictly comparable with the 67-cent make allowance deducted from the basic butter-powder formula. A plant located in Michigan and shipping mainly to eastern markets will incur larger transportation costs but it is to be presumed that it will also sell at higher prices, f. o. b. eastern destinations, than a plant selling its butter on a Chicago basis and its powder on a basis of delivery f. o. b. plant. In fact, creameries in Wisconsin and Minnesota may, for considerable periods of time, receive sizeable premiums over the Chicago quotations. The yields of butter and powder obtained from a hundredweight of milk constitute a further important difference between the proponent's cost data and the make allowance included in the order price. The 67-cent make allowance provided by the order is predicated upon a yield of 1.20 pounds of butter per pound of butterfat contained in the milk and a powder yield of 8.2 pounds. The proponent cited a yield of 1.235 pounds of butter per pound of fat as being normal. Such a yield would result in 4.3225 pounds of butter per hundredweight of 3.5 milk instead of the 4.2 pounds assumed in the order formula. At the support levels in effect at the time of the hearing, the extra butter was worth 8.3 cents. If the order formula were redesigned to recognize the higher yield actually obtainable, the 67-cent make allowance now provided would be equivalent to a "make" of 75.3 cents on the basis of this one factor alone.

It appears that the prices actually paid for milk by a sizeable group of specialized butter-powder plants over a period of years afford a more representative basis for establishing the make allowance than does the cost experience of one plant for one year, even if such costs could be adjusted to a basis strictly comparable with the butter-powder formula contained in the order. The Wisconsin State Department of Agriculture and the Federal-State Crop Reporting Service, in cooperation with agencies of the United States Department of Agriculture, regularly publish such a price series for specialized creameries in Wisconsin. A description of the price series is contained in Special Bulletin No. 6, "Wisconsin Farm Milk Prices By Markets", by C. D. Caparoon, issued in May 1951 by the cooperating agencies. The price data described in that bulletin are issued monthly in the release of the Bureau of Agricultural Economics,

United States Department of Agriculture, "Milk Prices Paid by Creameries and Cheese Factories" This release shows the average price paid, the average test of the milk, and an average price per pound of butterfat which can be used to compute the price payable for 3.5 milk.

In order to permit as close a comparison as possible to the make allowance provided by the order, the prices paid by Wisconsin creameries for 3.5 milk can be subtracted from the basic butter-powder formula price, exclusive of any make allowance. The resulting difference measures the gross margin which would be available to Wisconsin creameries for converting a hundredweight of 3.5 milk into butter and powder if they experienced the yields and market prices contained in the Detroit formula.

During 1948 the monthly gross margins so computed ranged from a low of 28 cents per hundredweight in July to a high of 69 cents in December with an average of 51 cents, in 1949 from a low of 51 cents in February to a high of 65 cents in April with an average of 59 cents, in 1950 from a low of 41 cents in December to a high of 65 cents in June with an average of 55 cents, in 1951 from a low of 26 cents in March to a high of 66 cents in December with an average of 46 cents, and in 1952 from a low of 52 cents in December to a high of 85 cents in February with an average of 64 cents.

The variation in these data show that the short-run margins are strongly affected by competitive forces, rather than being equal at all times to the average cost of manufacture. One period of sharply reduced margins occurred in July, August and September 1948. During these months prices paid for milk by condenseries and cheese factories in Wisconsin were unusually high in relation to the market prices of butter and nonfat solids. This competition resulted in the payment of higher prices by creameries in relation to the market values of butter and nonfat solids than would normally be paid. A similar situation occurred in late 1950 and early 1951 when cheese factories and condenseries again bid strongly for milk supplies and raised creamery pay prices to the point where the manufacturing margins were sharply reduced. This evidence of lower margins in 1951 is corroborated by the proponent's testimony that his firm incurred a deficit on that year's operations.

The margin available to creameries as manufacturing make allowance averaged 51 cents per hundredweight in 1948. This compares with an average cost figure of 56 cents which was cited at the hearing and refers to the study, "The Pricing of Surplus Milk in the Chicago Market," by Robert W. March, Production and Marketing Administration, United States Department of Agriculture, November 1949. March's average cost is based upon a study of plants which produced principally butter and roller process nonfat dry milk solids. Part of the difference between the 51-cent margin and the 56-cent average cost is explainable by the fact that the Wisconsin plants had different yields and

received varying premiums over the price of 92-score butter at Chicago for their products, but part of the difference may also reflect losses on operation resulting particularly from the low margins during July, August and September.

The proponent further supported his 84.1-cent cost figure by testifying that 1952 costs were 50 percent greater than in 1948. It is apparent, however, that the margin available to Wisconsin plants in 1952 was only 25 percent greater than in 1948, and it would seem that if cost rates were 50 percent higher in 1952, they may have been offset by greater efficiencies and possibly by larger volumes.

It will be noted from the data on margins that the make allowance at Wisconsin plants, as computed from the butter-powder formula contained in the Detroit order, averaged only 64 cents in 1952 and was substantially lower during the preceding four years. Creameries in Michigan (other than those directly affected by the order) compete directly in the national market with Wisconsin plants; any higher costs they may incur in the form of higher wage rates or other factors obviously must be offset by their closer proximity to the larger consuming markets in the east, or the Michigan plants could not survive in competition with the Wisconsin creameries. There appear to be no circumstances in this market which require that handlers under the order who manufacture butter and powder in quantity should have larger make allowances than those which are available competitively to non-handler creameries. It is concluded that the 67-cent make allowance currently provided by the order is reasonable in terms of the whole complex of factors which must be considered.

The proponent raised a question of equity as between the inspected shippers who are producers under the order and who deliver milk to the Detroit receiving plant as compared with those dairy farmers who supply milk of manufacturing quality to the manufacturing plant which is adjacent to the fluid milk receiving station. The position of various types of suppliers in the market provides some clue to this equity problem. Several receiving station-manufacturing plant combinations of a type essentially similar to the proponent's have joined the market since the order became effective, thereby indicating that in their judgment the prices required to be paid to the inspected producers under the order are not considered a serious disadvantage to the manufacturing shippers. Also, within the past year the proponent testified that the number of inspected producers shipping to the plant at which the cost data indicated he was taking a loss increased by more than 100. Thirdly, the producers' association whose members supply the major portion of the fluid milk for the market has not refused to accept excess milk from any handler receiving milk from those members, at the Class II price. This association has in fact accepted such milk at the Class II price from handlers not supplied by its members.

(2) *Effective months.* The proponent requested that the butter-powder credit

be allowed during all 12 months of the year, rather than being confined to the months of May, June, and July.

These three, however, are the months in which supplies are usually at a peak in relation to Class I sales in the market. This is reflected in the normal utilization percentages which are basic to the supply-demand adjustment in the Class I pricing provisions of the order. The fact that in 1952 there was a higher utilization percentage in August than in July, primarily as a result of weather conditions, does not change the normal expectations about seasons to come. In these months of peak excess of supplies over market requirements, past experience in the market indicates that large quantities of milk must be manufactured into butter and nonfat solids. Condenseries and cheese factories are commonly operating at or near capacity on milk from their regular patrons at such times, and their ability to take additional supplies at favorable prices is limited. Butter and powder facilities are more readily provided to handle such a seasonal excess than many other types of dairy processing equipment, and the products are more readily storable, so butter and powder provide a logical outlet for the peak flush of milk.

Two distinctly different procedures have been adopted in the Detroit area to deal with the handling of Class II milk. One operation, previously described, is to handle the excess of inspected milk in plants which also receive milk from uninspected dairy farmers. The other method is to operate a butter-powder plant only during the flush months, and rely upon the marketing of excess supplies to other plants during the greater part of the year. The producers' association which relies mainly on the latter operation (though it, too, has a year-around manufacturing operation combining inspected and uninspected milk) must market Class II milk in all months of the year in approximately the same proportion as any other handler, and some of the milk goes to the plants having combined operations. The significant fact is that this Association, based on its evaluation of the competitive situation, has continued to follow the practice of operating butter-powder facilities only during a few flush months and marketing the Class II milk to other manufacturers in most months of the year.

Any extension of butter-powder pricing to all months of the year would involve the assumption that these products must regularly absorb large quantities of Class II milk which cannot be marketed to better advantage. Logically, also, any year-around butter-powder price should apply at all times to butterfat and skim milk so utilized, regardless of whether such price is below or above the local plant price applicable to other Class II utilization. At the same time, it would be illogical to price milk for other Class II utilization at less than the butter-powder price. Since the Detroit order became effective in September, 1951, there have been three months, January and February, 1952, and February 1953, in which the butter-powder price with a 67-cent make allowance was higher than

the pay price at local plants; the marketing problems encountered in early 1952 were a principal factor in the removal (effective November 1, 1952) from the Class II pricing provisions of the butter-powder alternative.

It is therefore concluded that the butter-powder credit should continue to apply only in the months of April, May, and June.

(3) *Allocation of transferred milk.* The proponent testified that if the make allowance were adequate, the matter of equity as between those producers whose milk is priced under the order and the dairy farmers whose milk is not so priced under the present allocation provisions would not be a problem to his firm. From the previous discussion of the level and timing of the make allowance, it will be clear that these aspects of the special butter-powder pricing provision are considered appropriate.

Aside from the position of a particular firm, producer milk transferred to a non-handler plant must be allocated first to any use other than the manufacture of butter and nonfat dry milk solids at such plant in order to be sure that only such producer milk as cannot be utilized in other ways is manufactured into butter and powder. It is concluded that no change should be made in the allocation requirements applicable to milk transferred to a nonhandler plant for the manufacture of butter and powder.

The second proposal considered at the hearing related to the prorating of the butter-powder credit to the butterfat and skim milk components. The credit is first determined at a rate per hundredweight of milk containing 3.5 percent butterfat. The credit must then be prorated to butterfat and skim milk. One of the handlers pointed out that the decimal factors used to pro-rate the butter-powder credit to butterfat and skim milk, respectively, do not account for 100 percent of the total credit computed on the basis of a hundredweight of milk containing 3.5 percent butterfat. He suggested a method of prorating which would achieve exactly twice the credit per hundredweight on skim milk as per pound of butterfat, after allowing for the fact that there are only 96.5 pounds of skim milk in a hundredweight of 3.5 milk. It was further proposed that an adjustment be made in recognition of the fact that only 91.25 pounds of skim milk remains for manufacture into nonfat dry milk solids after the separation of 40 percent cream, for churning purposes, from a hundredweight of 3.5 milk. The order allows the credit strictly on the basis of the manufacture of butterfat or skim milk into butter or powder, and the testimony implies that the buttermilk from the churn is not available for drying. The prorating of credit to the fat and skim components is not so precise that it need be carried out to 2 decimal places or maintained in exactly the ratio of twice the credit per hundredweight of skim as per pound of fat. The original basis for the prorate was, in fact, that the skim milk credit would be approximately twice as large in proportion to the total value of the skim milk at order prices as would the fat credit, and the proportion of the credit which was orig-

inally assigned to skim milk did not account for so large a share. It is concluded that the prorating should account for the full amount of the butter-powder credit, and this should be accomplished by multiplying the credit per hundred-weight of 3.5 milk by .18 to determine the amount of credit per pound of butterfat and by .406 to determine the credit per hundredweight of skim milk. Thus, 63 percent of any given credit per hundred-weight of 3.5 milk will accrue to the butterfat content (18 percent of 3.5 pounds) and 37 percent to the available skim milk content (40.6 percent of 91.25 pounds).

The third proposal was that a transportation credit be allowed on all Class II milk moved from a handler's plant to another plant for processing. There are two fundamental objections to this type of transportation allowance. One is that it would alter the position of those handlers who have provided manufacturing facilities adjacent to their fluid milk receiving stations or have otherwise arranged to avoid transporting such milk, as compared with a handler who finds it necessary to transport milk for manufacturing. The second reason is that such allowance encourages the excessive transportation of milk at the expense of producers. If a transportation allowance could be accurately established at the exact cost of transporting milk, it would be to a handler's financial interest to ship to any distant plant paying even a few cents more than some local or nearby outlet, since the extra hauling charge would result in a correspondingly lower price payable by the handler to producers for Class II skim milk. The producer's returns would be reduced by the extra costs of the longer haul. No transportation credit should be allowed.

General findings. (a) The proposed marketing agreement and the order 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 price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order 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 proposed order 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.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that

such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order as amended. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. In § 924.52 delete the figure "0.30", which appears at the end of the section, and substitute therefor the figure "0.406"

Filed at Washington, D. C., this 27th day of May 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-4771; Filed, June 1, 1953; 8:50 a. m.]

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OREGON (LTD.)

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 101 et seq.), an order was issued in this proceeding on August 21, 1952 (11 A. D. 703), continuing in effect to and including September 15, 1954, the order of September 10, 1951 (10 A. D. 1178) which authorized the respondent to put into effect and assess the current schedule of rates and charges.

On May 18, 1953, respondent filed a petition requesting authority to modify its current schedule of rates and charges by putting into effect as soon as possible certain increases in the present yardage charges.

The present and proposed rates are set forth below.

YARDAGE CHARGES

	Present rates	Proposed rates
(a) All livestock received, and (b) all livestock reweighed or resold:		
Cattle (except bulls 700 pounds or over).....	Per head \$0.83	Per head \$0.83
Bulls (minimum 700 pounds).....	1.25	1.25
Calves (maximum 400 pounds).....	.45	.45
Hogs.....	.23	.31
Sheep or goats.....	.17	.18
Horses or mules.....	.69	.69

EXCEPTIONS

(a) Yardage will not be assessed against livestock handled for the railroads, unloaded for feed, water, and rest, unless such stock changes ownership.

(b) Yardage will not be assessed against livestock forwarded to another terminal market or returned to point of origin, provided the livestock has not changed ownership or been weighed.

(c) Livestock, not sold on this market, forwarded other than to "point of origin" or "another terminal market" (one weighing permitted) will be assessed the following yardage charges:

	Present rates	Proposed rates
Cattle (except bulls 700 pounds or over).....	Per head \$0.49	Per head \$0.44
Bulls (minimum 700 pounds).....	.62	.62
Calves.....	.23	.25
Hogs.....	.14	.16
Sheep or goats.....	.69	.69

(d) Yardage charges on slaughter livestock consigned direct to packers will be at the following rates, provided packers accept delivery of stock at unloading chutes and remove stock from premises as soon as weighed:

	Present rates	Proposed rates
Cattle (except bulls 700 pounds or over).....	Per head \$0.49	Per head \$0.44
Bulls (minimum 700 pounds).....	.62	.62
Calves.....	.23	.25
Hogs.....	.14	.16
Sheep or goats.....	.69	.69

(e) Livestock resold or reweighed, other than through a commission firm, in these yards for local delivery will be assessed the following yardage charges:

	Present rates	Proposed rates
Cattle.....	Per head \$0.25	Per head \$0.25
Calves.....	.15	.15
Hogs.....	.69	.69
Sheep or goats.....	.65	.65

(f) Livestock resold or reweighed, other than through a commission firm, in these yards for shipment off the market, the following charges will apply:

	Present rates	Proposed rates
Cattle.....	Per head \$0.12	Per head \$0.12
Calves.....	.63	.63
Hogs.....	.69	.69
Sheep or goats.....	.63	.63
Horses or mules.....	.12	.12

The proposed rates, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. It appears, therefore, that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of May 1953.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 53-4787; Filed, June 1, 1953; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

RADIOISOTOPE DISTRIBUTION

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1946 as amended (Pub. Law 585, 79th Cong.; 60 Stat. 755 ff) and to section 4 (a) of the Administrative Procedure Act of 1946 as amended (Pub. Law 404, 79th Cong.) notice is hereby given that an amendment to Title 10, Chapter I, Part 30, Code of Federal Regulations, entitled "Radioisotope Distribution" will be issued by the Atomic Energy Commission, to be effective July 1, 1953.

It is proposed that this amendment will read substantially as follows:

Title 10, Chapter I, Part 30, Code of Federal Regulations, entitled "Radioisotope Distribution" is hereby amended in the following respect effective July 1, 1953:

Section 30.90, reading as follows, is added:

§ 30.90 *Appeals.* (a) Review of orders under this regulation of the Director, shall be by appeal to the General Manager. Any such order may be appealed by serving a written notice of appeal by registered mail upon the General Manager, U. S. Atomic Energy Commission, Washington 25, D. C., within thirty days from the receipt of notice of such order. A copy of such notice shall be sent to the Director, Isotopes Division, U. S. Atomic Energy Commission, Oak Ridge Operations Office, P. O. Box "E" Oak Ridge, Tennessee. Service of a notice of appeal pursuant to this section shall stay the order of the Director unless the Director provides in said order that it shall be effective notwithstanding service of a notice of appeal upon the ground that the public health, safety or interest so requires.

(b) (1) Within ten days after receipt of the copy of the notice of appeal, the Director shall forward to the General Manager the record of the matter under appeal, together with a statement of the grounds of his decision. A copy of such statement shall be sent to the appellant.

(2) Within ten days after receipt of such copy of the statement of the Director, the appellant shall submit to the General Manager a statement of the grounds of the appeal, together with such affidavits and other written materials as the appellant wishes to be considered in connection with the appeal. The appellant shall furnish a copy of said statement and any written material submitted in connection therewith to the Director.

(3) The General Manager may request the Director or the appellant, or both, to submit further information.

(4) The General Manager may, or upon the timely filing by the appellant of a written request for hearing with the General Manager, shall, direct that a hearing be held. Such request for hearing may be filed within the time allowed for appellant to file the statement of the grounds of the appeal or, if the General

Manager requests appellant to submit further information, within the time allowed by the General Manager for such submission, whichever is later.

(c) The General Manager may appoint a board or other designee to make recommendations or, if a hearing is to be held as provided in paragraph (b) (4) to conduct the hearing and make recommendations. If a board or other designee is appointed to conduct a hearing, such board or other designee shall at the conclusion thereof submit to the General Manager a transcript of the proceedings before it. Copies of the recommendations of a board or other designee shall be sent to the parties. Written exceptions to such recommendations may be filed with the General Manager within a reasonable time to be specified therefor by said board or other designee.

(d) The General Manager shall review the entire record and decide the appeal.

(e) The General Manager may authorize the Deputy General Manager to carry out any function of the General Manager provided for in this section. Any decision made by the Deputy General Manager so authorized by the General Manager shall have the same force and effect as if made by the General Manager.

Interested parties are to be given an opportunity to submit their views and other relevant information with respect to the proposed amendment in writing to the United States Atomic Energy Commission, Division of Research, at Nineteenth Street and Constitution Avenue NW., Washington 25, D. C., within thirty (30) days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated at Washington, D. C., this 27th day of May 1953.

WALTER J. WILLIAMS,
Deputy General Manager

[F. R. Doc. 53-4752; Filed, June 1, 1953;
8:45 a. m.]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Parts 7, 8]

[Docket No. 10377]

STATIONS ON LAND AND SHIPBOARD IN THE
MARITIME SERVICE

FREQUENCIES AVAILABLE FOR RADIOTELEPHONE WITHIN CERTAIN BAND

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations, and aircraft stations on currently assignable frequencies for telephony within the band 4000 kc to 18000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket No. 10377.

1. On May 6, 1953, the Commission adopted a Report and Order in the above designated docket finalizing a plan of assignment for all areas other than the

Mississippi River and connecting inland waters (except the Great Lakes) which would be used as a basis for carrying out the maritime mobile radiotelephone portion of the Geneva Agreement (1951) in the frequency bands between 400 kc and 18000 kc. However, the effective dates of deletion of existing frequencies and availability of new frequencies were to be made the subject of later proceedings. On May 15, 1953, the Commission issued a First Further Notice of Proposed Rule Making in this docket which specified such dates for the Great Lakes area. The instant notice of proposed rule making specifies such dates for other areas under the above-referred to plan and with respect to most of the remaining frequencies involved in the plan. Details of this Second Further Notice of Proposed Rule Making are set forth below. The notice is issued under the authority recited in the original notice of proposed rule making in this docket.

2. This proposal is issued because it is now deemed feasible to propose specific availability and deletion dates for the frequencies listed as set forth below and also because several of the frequencies proposed to be deleted are directly related to the execution of certain international clearance projects. Thus, the ship frequencies 4412.5 kc and 4422.5 kc and the coast frequencies 4177.5 kc, 8660 kc, and 12840 kc must be deleted in order to prepare for the inauguration of the new Atlantic City ship telegraph calling bands. Similarly, the ship frequency 13260 kc is proposed to be deleted in order to permit the inauguration of use of the Aeronautical Mobile (R) frequency assignment of 13264.5 kc.

3. The deletion and availability dates involved in this proposal have been carefully selected so as to provide, insofar as possible, continuity of service in all bands and in all ports. Therefore, a considerable overlap period of use on old and new frequencies would ensue, in most instances, if these dates are finalized as proposed.

4. Any interested person who is of the opinion that the amendments proposed herein should not be adopted and any person desiring to support this proposal may file with the Commission, on or before June 19, 1953, a written statement or brief setting forth his comments. Replies to such comments may be filed within 10 days from the last date for filing the original comment. Fifteen copies of all such comments shall be furnished. The Commission will consider all comments received before taking final action in this matter.

Adopted: May 20, 1953.

Released: May 22, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

A. The following frequencies in kilocycles currently available to ship stations as assignable carrier frequencies for telephony would be deleted as of the dates and in the areas indicated:

Frequency	Dates of deletion	Areas
4,412.5	July 15, 1953	All.
4,422.5	do	All except Great Lakes.
6,650	do	All.
6,660	Nov. 1, 1953	All except Great Lakes.
6,670	July 15, 1953	All.
8,810	Oct. 1, 1953	All.
8,820	Jan. 15, 1954	All except Great Lakes.
8,850	Oct. 1, 1953	All.
13,200	July 15, 1953	All.
13,210	Oct. 1, 1953	All.
13,230	do	All.
13,245	do	All.
13,260	July 15, 1953	All.
13,275	Oct. 1, 1953	All.
17,600	do	All.
17,620	do	All.
17,640	do	All.
17,660	do	All.
17,680	July 15, 1953	All.

B. The following frequencies in kilocycles currently available to coast stations as assignable carrier frequencies for telephony would be deleted as of the dates and in the areas indicated:

Frequency	Date of deletion	Areas
4,177.5	July 15, 1953	All.
4,272.5	do	All.
4,282.5	do	All except Great Lakes.
6,460	do	All.
6,470	do	All except Great Lakes.
6,480	do	All.
8,540	do	All.
8,585	do	All except Great Lakes.
8,660	do	All.
12,810	Oct. 1, 1953	All.
12,840	July 15, 1953	All.
17,080	do	All.
17,090	Oct. 1, 1953	All.
17,100	July 15, 1953	All.
17,120	Oct. 1, 1953	All.

C. The following frequencies in kilocycles would become available for assignment to public coast stations for telephony and to public ship stations for telephone communication with these coast stations on the dates and in the areas indicated:

Frequency		Location	Date
Coast	Ship		
4,420.7	-----	Territory of Hawaii	July 15, 1953
4,400.9	4,057.7	New York	Do.
-----	4,037	San Francisco	Do.
8,811.5	-----	New York	Do.
8,768.9	-----	do	Do.
13,196	12,353.8	-----	Do.
13,187.5	12,357.3	-----	Do.
13,180.6	-----	San Francisco	Do.
13,172.9	-----	Territory of Hawaii	Do.
17,317.5	-----	New York	Do.
17,350.0	16,423.8	-----	Do.
17,340.6	-----	San Francisco	Do.
-----	16,471.9	Territory of Hawaii	Do.

[F. R. Doc. 53-4761; Filed, June 1, 1953; 8:48 a. m.]

[47 CFR Part 12]

[Docket No. 10049]

AMATEUR RADIO SERVICE
DISMISSAL OF PROCEEDINGS

In the matter of amendment of § 12.81 of Part 12, rules governing Amateur Radio Service; Docket No. 10040.

At a session of the Federal Communications Commission held in its offices in

Washington, D. C., on the 20th day of May 1953;

The Commission having under consideration its notice of proposed rule making in the above entitled matter wherein it was proposed to amend § 12.81 of Part 12 by deleting so much of that section as provides for any exception to the practice of assigning amateur radio station call signs systematically-

It appearing, that the foregoing proposal was duly published in the FEDERAL REGISTER (16 F. R. 89) and written comment was received from interested parties;

It further appearing, that the written comment submitted in respect to the foregoing proposed amendment unanimously opposed adoption of the amendment, and, in view of this expressed opposition, the Commission is reluctant, at this time, to eliminate a procedure generally favored by the amateurs;

It is ordered, This 20th day of May 1953, that the notice of proposed rule making in the foregoing matter is withdrawn and the proceedings in Docket No. 10040 are hereby dismissed.

Released: May 22, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4762; Filed, June 1, 1953; 8:48 a. m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket Nos. 8258, 8753]

TEXAS STAR BROADCASTING CO. AND KTRH
BROADCASTING CO. (KTRH)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; KTRH Broadcasting Company (KTRH) Houston, Texas, Docket No. 8753, File No. BP-6525; for construction permits.

1. By a memorandum opinion and order of November 5, 1952, released November 6, 1952 (17 F. R. 10580), the Commission designated for further hearing the application of Texas Star Broadcasting Company (hereinafter sometimes referred to as Texas Star) for a new standard broadcast station in Dallas, Texas. This application had previously been granted on January 27, 1950 (5 Pike & Fischer, R. R. 144) in a consolidated proceeding in which the mutually exclusive application of KTRH Broadcasting Company for a change in the daytime directional antenna system of station KTRH, Houston, Texas, was denied. Democrat Printing Company,

the licensee of station KSEO, Durant, Oklahoma, was an intervenor in that proceeding. It alleged objectionable adjacent channel interference from the Texas Star proposal. Following the original grant of the Texas Star application, Democrat Printing Company appealed to the United States Court of Appeals for the District of Columbia Circuit. KTRH Broadcasting Company (hereinafter sometimes referred to as KTRH) did not join in that appeal or take a separate appeal from the denial of its application. On June 12, 1952 the Court handed down its decision, reversing the Commission's grant to Texas Star and remanding the matter to the Commission for further proceedings in accordance with its opinion. Democrat Printing Company v. Federal Communications Commission, 202 F. 2d 298.

2. The opinion released on November 6, 1952 discussed the points of error found by the Court and designated the Texas Star application for further hearing on the following issues in the light of the Court's opinion:

a. To determine the type and character of program service rendered by Station KSEO, Durant, Oklahoma, to the area in which KSEO would receive objectionable interference from the proposed operation of Texas Star Broadcasting Company.

b. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations relating to "blanket area" interference and, if not, whether the public interest warrants a departure from such standards.

c. To determine, on the basis of the above issues and the record heretofore had in these proceedings, whether a grant of the above-entitled application is in the public interest.

3. The Commission now has before it petitions filed by KTRH and Democrat Printing Company, requesting further relief in connection with this hearing. KTRH seeks to become a party to the hearing and thus to have further comparative consideration of its application. No timely opposition has been filed to its petition.¹ Democrat Printing Company seeks enlargement of the designated hearing issues and inclusion in the issues of all of the issues tried at the former

¹The KTRH petition was filed on November 28, 1952. Texas Star opposed this petition in a document received on December 17, 1952, beyond the 10-day period provided by § 1.730 of the Commission's rules and regulations, and unaccompanied by any request for an extension of time. KTRH filed a reply to this opposition on December 23, 1952.

NOTICES

hearing. Texas Star filed an opposition to this petition.

4. The KTRH petition argues, in substance, that KTRH has not had a valid final decision on its application, since it was not found to be unqualified but was rejected on comparative grounds only in a decision which was reversed upon appeal. We are also referred to the power of courts to decree reversal of a judgment as to non-appealing parties, see, e. g., *In re Barnett*, 124 F. 2d 1005 (C. A. 2) *Hardwick v. Kansas City Gas Co.*, 195 S. W 2d 504. We believe that the Commission has discretionary authority to reinstate the KTRH application, and give it further comparative consideration with that of Texas Star. See section 4 (j) Communications Act of 1934, as amended; *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 134; *Fly v. Heitmeyer*, 309 U. S. 146. It is true that KTRH's application has been denied after a full hearing, that KTRH did not appeal, and that the Court's decision did not touch upon that part of the Commission's decision preferring Texas Star to KTRH. It nevertheless is also true that the grant to Texas Star, which was the only impediment to a grant to KTRH, has been reversed. In view of this reversal and the additional issues required by the Court's opinion to be considered at a further hearing, a grant to Texas Star may or may not occur. It would therefore be contrary to the public interest to exclude any further consideration of the KTRH application. While it might well be possible to give KTRH further consideration only in the event Texas Star should now be found disqualified, we believe that the public interest requires reconsideration of both applications upon a comparative basis, taking into account, in weighing the comparative merits of the Texas Star and KTRH proposals the interference to KSEO from the Texas Star operation. This procedure will permit a final decision which will take into account the evidence to be adduced under the issues designated in our November 5, 1952 memorandum opinion and order, as well as the evidence adduced at the prior hearing, and its bearing upon the relative merits of both applicants.

5. Both Democrat Printing Company and KTRH seek a de novo hearing.² Neither party has made any affirmative allegation of a change in matters relevant and material to a decision. Absent such an allegation, and in light of the heavy workload of the examiner staff of this Commission, which necessarily delays hearing proceedings, we feel con-

² Democrat Printing Company phrases this request in terms of events subsequent to the previous hearing which may be pertinent to the original issues.

In view of its supporting argument that the original record must be reopened to permit proof of existing facts relevant thereto because resolution of the original issues calls for consideration of facts subject to change by their very nature, we interpret the request to be one for de novo proof on all the original issues.

strained to deny the requests for a de novo hearing.³

6. Democrat Printing Company further requests (a) the inclusion of "such additional issues as are necessary to determine whether or not a grant of the [Texas Star] application may properly be made in the light of the requirements of subsections (a) and (b) of section 307 of the Communications Act of 1934, as amended;" (b) the inclusion of such additional issues as are necessary in the light of the Court's opinion; (c) the inclusion of an issue to determine the effect which a grant to Texas Star would have upon KSEO "financially and otherwise to operate in the public interest;" (d) the inclusion of an issue to determine whether the need for the proposed service [of Texas Star] outweighs the need for the service of KSEO which will be lost. The issues requested in item (a) relating to whether a grant is in the public interest and considerations of a fair, efficient and equitable distribution of service, are already comprehended by the original issues in this proceeding. A determination of these issues will be made upon the basis of the evidence adduced at the original hearing. Items (b) and (d) are also superfluous, since they are comprehended by the presently designated issues. In item (c), Democrat Printing Company has requested an issue on financial injury to it from the Texas Star proposal. We discussed this question in our opinion of November 5, 1952, and referred to the fact that no allegation of financial injury has been made in this proceeding. Whatever the circumstances, if any, under which an issue as to financial injury might be appropriately considered, it is plain that such an issue should not be introduced into the present proceeding at its present stage. Democrat Printing Company had ample opportunity in the proceedings already had to have alleged that the proposed operations of Texas Star would have a destructive economic effect upon KSEO. It has not at any time made such an allegation. As we have pointed out above, the further hearing herein is not a de novo proceeding, but is being held for the purpose of receiving new evidence on the issues required by the

³ Section 402 (h) of the Communications Act, added by the Communications Act Amendments, 1952, effective July 16, 1952, requires effectuation of the Court's order after a reversal "upon the basis of the proceedings already had, and the record upon which the appeal was heard and determined." It is inapplicable here since section 19 (2) of the Communications Act Amendments, 1952, makes section 402 changes inapplicable to cases then pending. The Court's mandate herein was not received until July 30, 1952, and the appeal was, therefore, pending on July 16, 1952, the date section 402 (h) took effect. We believe, however, that the policy of the section may properly be given effect where no injustice results.

"We do not interpret the Court's opinion as requiring that such an issue be included here. Indeed, the Court stated that the Commission might be justified in concluding that "the public is not likely to suffer if the evidence is not sufficiently strong to prevent the appellant from forgetting it at the proper time in [its] own behalf."

Court's opinion and reconsidering the complete record to arrive at a determination which will reflect that record.

7. Both KTRH and Democrat Printing Company have requested oral argument. However, the written pleadings have adequately presented the matters raised, and no useful purpose would be served by oral argument.

8. Accordingly, *It is ordered*, That the denial of the above-entitled application of KTRH Broadcasting Company be, and it is hereby, set aside; and

9. *It is further ordered*, That the above-entitled application of KTRH Broadcasting Company be, and it is hereby, designated for further hearing in a consolidated proceeding with the application of Texas Star Broadcasting Company which was designated for further hearing in our memorandum opinion and order adopted November 5, 1952; and

10. *It is further ordered*, That the hearing issues set forth in the Memorandum Opinion and Order adopted on November 5, 1952 be, and they are hereby, amended to apply to the consolidated proceeding and to read as follows:

a. To determine the type and character of program service rendered by Station KSEO, Durant, Oklahoma, to the area in which KSEO would receive objectionable interference from the proposed operation of Texas Star Broadcasting Company.

b. To determine whether the installation and operation of the station proposed by Texas Star Broadcasting Company would be in compliance with the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations relating to "blanket area" interference and, if not, whether the public interest warrants a departure from such standards.

c. To determine, on the basis of the additional evidence to be adduced under the above issues, and the hearing record heretofore made in these proceedings, which, if either, of the above-entitled applications should be granted; and

11. *It is further ordered*, That the petitions filed herein by KTRH Broadcasting Company and Democrat Printing Company, on November 28, 1952 and December 3, 1952, respectively are, to the extent that they are not granted by the above actions, denied.

Adopted: May 21, 1953.

Released: May 26, 1953.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

T. J. SLOWIE,

Secretary.

[F R. Doc. 53-4765; Filed, June 1, 1953; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 73

MAY 5, 1953.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1,

Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625) I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1953 (52 Stat. 609, 43 U.S. C. sec. 682a) as amended, the following described public lands in the Anchorage, Alaska, Land District:

ANCHORAGE AREA
SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Section 26: S $\frac{1}{2}$ SW $\frac{1}{4}$.

Containing approximately 80 acres.

HOMER AREA
SEWARD MERIDIAN

T. 6 S., R. 13 W.,
Section 14: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 15: NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$.

Containing approximately 280 acres.

KENAI AREA
SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Section 31. Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$.

Containing approximately 154 acres.

Subject to valid existing rights and the provisions of existing withdrawals, this order shall not become effective to permit the initiation of any rights or any disposition under the public land laws until it is so provided by an order to be issued by the Chief, Division of Land Planning, Bureau of Land Management, Region VII, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, with a 91-day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279) as amended.

L. T. MAIN,
Acting Chief,
Division of Land Planning.

[F. R. Doc. 53-4760; Filed, June 1, 1953;
8:47 a. m.]

UTAH

RESTORATION ORDER NO. 5 (R-IV) PROVIDED FOR OPENING OF PUBLIC LANDS RESTORED FROM STRAWBERRY VALLEY PROJECT

MAY 25, 1953.

Pursuant to an order of the Bureau of Reclamation dated May 20, 1952, and in accordance with section 2.22 of Order No. 427 of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for reclamation purposes in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), under Departmental Orders of February 29, 1912, May 2, 1914, and January 6, 1923, are hereby opened to mineral location, entry, and patenting, as provided by the act of April 23, 1932 (47 Stat. 136), provided that such revocation shall

not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described, and subject to the following stipulations:

(1) Locator or applicant agrees that it will carry on all of its operations on the above-described lands in such a manner as will in no way impair or interfere with the operation and maintenance of works of the Strawberry Valley Project.

(2) Locator or applicant further agrees to save the United States, the Strawberry Water Users Association, and their assigns harmless from all damages or claims for damages directly or indirectly caused by any impairment or interference with the works of the Strawberry Valley Project by operations of applicant.

SALT LAKE MERIDIAN

T. 9 S., R. 1 E.,
Sec. 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Those portions of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying above or eastwardly of a line parallel to and 75 feet to the right or eastwardly from the following-described centerline of what is known as Lateral 34 of the Strawberry Highline Canal, Strawberry Valley Project, Utah, more particularly described as follows:

Beginning at a point on the south boundary of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 22, T. 9 S., R. 1 E., which point lies 1,314.2 feet North and 542.1 feet West from the South quarter corner of said section 22;

Thence North 23°12' West 31.4 feet; thence along a curve to the left with a radius of 240 feet for an arc distance of 82 feet; thence North 42°46' West 337 feet; thence along a curve to the left having a radius of 4,000 feet for an arc distance of 258.3 feet; thence North 46°28' West 422 feet, more or less, to a point on the west boundary of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 22, T. 9 S., R. 1 E., Salt Lake Base and Meridian.

The above areas aggregate approximately 30.1 acres.

These lands are chiefly valuable for the mining of limestone and dolomite.

H. BYRON MARK,
Regional Administrator.

[F. R. Doc. 53-4781; Filed, June 1, 1953;
8:51 a. m.]

Bureau of Reclamation

[Pub. Notice 10, Amdt.]

YUMA MESA DIVISION, GILA IRRIGATION PROJECT, ARIZONA

ANNUAL WATER RENTAL CHARGES

MAY 11, 1953.

Subdivisions (a) (i) and (a) (iii) of Paragraph 2 of Public Notice No. 10, entitled Public Notice of Annual Water Rental Charges, issued December 31, 1952, for the Yuma Mesa Division, Gila Irrigation Project, Arizona, is hereby amended as of January 1, 1953, to read as follows:

(a) (i) For lands irrigated hereunder by gravity before July 1, 1953, and under irrigation prior to July 1, 1952, the minimum charge shall be \$9.90 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 9 acre-feet of water per acre. Addi-

tional water will be furnished at the rate of \$1.40 per acre-foot.

(a) (iii) For lands irrigated hereunder by sprinkler the minimum charge shall be \$5.50 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 5 acre-feet of water per acre. Additional water will be furnished at the rate of \$1.40 per acre-foot.

W. H. TAYLOR,
Acting Regional Director.

[F. R. Doc. 53-4753; Filed, June 1, 1953;
8:45 a. m.]

Office of the Secretary

[Order 2018, Amdt. 3]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO SALE OF ACQUIRED OR PUBLIC LANDS OR INTERESTS THEREIN

MAY 26, 1953.

Paragraph (f) of section 1 of Order No. 2018 (10 F. R. 259) as revised in Order No. 2377 (13 F. R. 1038) is hereby revised to read as follows:

(f) To effect the sale of acquired or public lands or interests therein under the act of February 2, 1911 (35 Stat. 895) the Columbia Basin Project Act (57 Stat. 14) and the Gila Reauthorization Act (61 Stat. 628) and, in connection therewith, to execute in the name of the Secretary the requisite deeds of conveyance.

(16 U. S. C. 490z-11; sec. 2, Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

DOUGLAS MCKAY,
Secretary of the Interior

[F. R. Doc. 53-4778; Filed, June 1, 1953;
8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4052 et al.]

SERVICE TO FARGO, N. DAK., ET AL.

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 proceeding is assigned to be held on June 11, 1953, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 28, 1953.

[SEAL] FRANCIS W BROWN,
Chief Examiner.

[F. R. Doc. 53-4785; Filed, June 1, 1953;
8:52 a. m.]

[Docket No. 5823]

CONTINENTAL AIR LINES, INC., AND UNITED AIR LINES, INC., INTERCHANGE OF EQUIPMENT

NOTICE OF ORAL ARGUMENT

In the matter of the application of Continental Air Lines, Inc. and United

Air Lines, Inc. for approval by the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of an agreement relating to the interchange of equipment.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 9, 1953 at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 28, 1953.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F R. Doc. 53-4784; Filed, June 1, 1953;
8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2052]

TENNESSEE GAS TRANSMISSION CO.
ORDER FIXING DATE OF HEARING AND
SPECIFYING PROCEDURE

On August 15, 1952, Tennessee Gas Transmission Company (Tennessee) filed with the Commission proposed rate schedules consisting of tariff sheets contained in Third Revised Volume No. 1 and First Revised Volume No. 2 of its FPC Gas Tariff, designed to supersede Second Revised Volume No. 1 and Original Volume No. 2 of said tariff, to become effective September 15, 1952, whereby Tennessee proposed a system-wide rate increase for the sale for resale and transportation of natural gas in interstate commerce.

On September 12, 1952, pending a hearing and the Commission's decision upon the question of the lawfulness of the rates proposed by Tennessee the Commission issued an order suspending the aforementioned proposed tariff sheets until February 15, 1953, and until such further time thereafter as such proposed tariff sheets might be made effective in the manner prescribed by the Natural Gas Act.

On February 11, 1953, Tennessee filed a motion requesting that the changes of rates go into effect on February 15, 1953. By order issued February 27, 1953, the change of rates was permitted to become effective on February 15, 1953, under bond and subject to refund, in accordance with the terms of the order issued that date.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act and good cause exists to hold a public hearing in this proceeding at the time and place hereinafter designated.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that the procedure hereinafter prescribed shall be followed at the hearing in order to conduct this proceeding with reasonable dispatch.

The Commission orders:

(A) A public hearing be held commencing on June 10, 1953, at 10 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, General Accounting Office Building, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in Third Revised Volume No. 1 and First Revised Volume No. 2 of FPC Gas Tariff, filed by Tennessee.

(B) At the hearing the burden of proof to justify the proposed increase and changes in tariff provisions, as provided by section 4 (e) of the Natural Gas Act, shall be upon Tennessee.

(C) At the hearing Tennessee shall go forward first and shall present its complete case-in-chief before cross-examination is undertaken. Upon completion of Tennessee's case-in-chief, other parties to the proceeding may proceed with such cross-examination as they may wish to conduct at that time and, upon completion of such cross-examination, upon request of any of the parties thereto, the hearing shall be recessed by the Presiding Examiner subject to further order of the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 26, 1953.

Issued: May 27, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 53-4755; Filed, June 1, 1953;
8:46 a. m.]

[Projects Nos. 1971, 2132 and 2133]

IDAHO POWER Co.

ORDER FIXING HEARING ON APPLICATIONS
FOR LICENSES AND CONSOLIDATING PROCEEDINGS

On May 15, 1953, Idaho Power Company (Applicant) of Boise, Idaho, filed applications for licenses under the Federal Power Act for proposed hydroelectric developments on the Snake River, Idaho, one known as the Brownlee development designated as Project No. 2133, and the other known as the Hells Canyon development designated as Project No. 2132.

The above-designated proposed projects together with Applicant's proposed Oxbow development on the Snake River, designated as Project No. 1971, would, if constructed, develop a continuous stretch of the river for about 95 miles above the proposed Hells Canyon site.

Because of widespread public interest in Applicant's proposal to construct the Oxbow project (No. 1971) the Commission by order dated May 13, 1952, set the matter down for public hearing which was convened in Baker, Oregon, and recessed for further hearing in Wash-

ington, D. C., to be reconvened on July 7, 1953.

In view of the fact that Projects Nos. 2132 and 2133 would develop the stretches of the Snake River immediately above and below the proposed Oxbow project, no less widespread public interest is anticipated in these projects. Moreover, studies of Project No. 1971 per force have embraced proposed developments at the sites of Projects Nos. 2132 and 2133.

The Commission finds: In the circumstances recited herein, it is appropriate and in the public interest that the proceedings involving Projects Nos. 1971, 2132 and 2133 be consolidated for the purpose of a public hearing thereon as hereinafter provided.

The Commission orders: The proceedings upon applications for licenses for Projects Nos. 2132 and 2133 be and they are hereby consolidated with the proceeding in the matter of Project No. 1971 for the purpose of a public hearing thereon, presently scheduled to be held on July 7, 1953 commencing at 10:00 a. m., e. d. s. t., at the Commission's Hearing Room, General Accounting Office Building, 441 G Street NW., Washington, D. C., respecting the matters involved and issues presented in the proceedings involving Projects Nos. 1971, 2132 and 2133.

Adopted: May 26, 1953.

Issued: May 27, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 53-4756; Filed, June 1, 1953;
8:46 a. m.]

[Project No. 2064]

WINTER ELECTRIC LIGHT & POWER Co.
NOTICE OF FINDINGS AND ORDER
MAY 27, 1953.

Notice is hereby given that on April 21, 1953, the Federal Power Commission issued its order adopted April 14, 1953, amending license (Major) and denying request for oral argument in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 53-4764; Filed, June 1, 1953;
8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 11, Revocation]

PLACEMENT OF PROCUREMENT IN THE FALL
RIVER, MASS., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE
AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Fall River, Massachusetts, is no longer classified as a Group IV surplus labor area, and is now a Group III area.

Therefore, in accordance with the standards established by the Secretary of Labor under section III paragraph 2 of Defense Manpower Policy 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 11 is revoked.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 53-4839; Filed, June 1, 1953;
10:36 a. m.]

[Defense Manpower Policy No. 4, Notification
27, Revocation]

PLACEMENT OF PROCUREMENT IN THE
UTICA-ROME, NEW YORK, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE
AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Utica-Rome, New York, is no longer classified as a Group IV surplus labor area, and is now a Group III area. Therefore, in accordance with the standards established by the Secretary of Labor under section III paragraph 2 of Defense Manpower Policy 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 27 is revoked.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMMING,
Director

[F. R. Doc. 53-4840; Filed, June 1, 1953;
10:36 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File No. 70-3011]

SOUTHERN CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION
OVER FEES AND EXPENSES OF COM-
PANY COUNSEL

MAY 25, 1953.

The Southern Company ("Southern"), a registered holding company, having filed an application-declaration and amendments thereto, proposing, among other things, to offer to its stockholders rights to subscribe for the purchase of 1,004,869 additional shares of its \$5 par value common stock on the basis of one additional share for each 17 shares of common stock now held, and also proposing to offer to underwriters such shares as are not subscribed for by its

stockholders and any shares acquired by Southern for stabilization purposes, pursuant to the competitive bidding requirements of Rule U-50, at the subscription price to be determined by Southern, the underwriters' bids to specify an aggregate amount of compensation to be paid for their commitments; and

The Commission by order dated March 30, 1953, having granted and permitted to become effective the application-declaration, as amended, subject to reservations of jurisdiction with respect to the proposed subscription price, the results of the competitive bidding, and the fees and expenses to be incurred in connection with the proposed transactions; and

The Commission by order dated April 16, 1953, having released jurisdiction over the above-stated matters with the exception of the proposed fees and expenses of company counsel;

It appearing that the proposed fee of Winthrop, Stimson, Putnam & Roberts, counsel for Southern, is \$10,000, and that the expenses of said firm, other than expenses incurred in connection with qualification under securities or blue sky laws which expenses have heretofore been authorized, are estimated at not more than \$200, and it appearing to the Commission that the aforesaid fees and expenses are not unreasonable and that it is appropriate that the jurisdiction heretofore reserved over said fees and expenses be released:

It is ordered, That the jurisdiction heretofore reserved over the fees and expenses of counsel for Southern be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-4734; Filed, May 23, 1953;
8:47 a. m.]

[File No. 70-3035]

GULF POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF
PRINCIPAL AMOUNT OF FIRST MORTGAGE
BONDS AT COMPETITIVE BIDDING

MAY 26, 1953.

Gulf Power Company ("Gulf"), a public utility subsidiary of The Southern Company, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, with respect to the following transactions:

Gulf proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$7,000,000 principal amount of First Mortgage Bonds, — Percent Series, due 1983. The bonds will be issued under and secured by Gulf's present Indenture, dated as of September 1, 1941, as last supplemented on July 1, 1952, and to be further supplemented by a Supplemental Indenture to be dated as of June 1, 1953. The interest rate and the price to the company for the bonds will be determined by competitive bidding, except that the invitation for bids

will specify that the price to the company shall not be less than 100 percent nor more than 102¾ percent of the principal amount.

The company proposes to use the proceeds from the sale of the bonds to provide a portion of the funds required for improvements, extensions and additions to its utility plant and to repay \$4,000,000 of short-term bank loans heretofore incurred for such purposes. The company's total expenditures for property additions are estimated at \$3,595,000 for the year 1953 and \$3,180,000 for the year 1954.

The proposed issuance and sale of the bonds have been approved by The Florida Railroad and Public Utilities Commission, the State Commission of the State in which Gulf is doing business. Gulf requests that the Commission's order herein become effective upon its issuance.

Due notice having been given of the filing of the declaration and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith without the imposition of conditions, other than those specified below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed sale of bonds by Gulf shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

(2) That jurisdiction be, and hereby is, reserved with respect to the payment of all fees and expenses, including fees and expenses of counsel for the underwriters, incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-4733; Filed, May 23, 1953;
8:46 a. m.]

[File No. 70-3046]

NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE AND SALE OF
COMMON STOCK PURSUANT TO A RIGHTS
OFFERING

MAY 26, 1953.

New England Electric System ("NEES") a registered holding company, having filed with this Commission

a declaration, pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-42 and U-50 promulgated thereunder with respect to the following proposed transactions:

NEES proposes to issue and sell 828,516 additional shares of its common stock of \$1 par value. The shares are to be offered to the common stockholders of NEES for subscription during a period of not less than fourteen nor more than seventeen days on the basis of one share for each 10 shares held on the record date, which will be the effective date of the registration statement filed with this Commission in connection with such issue and sale. If the number of Common Shares held of record by any shareholder is not evenly divisible by ten, the warrant such shareholder will receive will entitle him to subscribe for one additional Common Share in excess of the whole number of additional Common Shares to which he would otherwise be entitled. Accordingly if said proposed 828,516 shares are insufficient to satisfy this right, NEES proposes to issue such number of additional shares as may be necessary. The subscription price per share is to be determined by the company. The rights to subscribe are to be evidenced by subscription warrants. No fractional shares are to be issued. However, in lieu of rights for fractional shares, a stockholder will be entitled to subscribe for one additional share in excess of the whole number to which he would otherwise be entitled.

NEES proposes, if considered necessary or desirable, to stabilize the price of its common stock for the purpose of facilitating the offering and distribution of the additional shares of common stock by the purchase of not in excess of 41,426 shares of its common stock during the three business days preceding and on the day on which bids are opened, up to the time a bid is accepted or all bids are rejected.

The above described offering is to be underwritten and the company proposes to select the underwriters through competitive bidding pursuant to Rule U-50. At least 42 hours prior to the time for the submission and opening of bids, NEES will advise the prospective bidders of the subscription price per share. The underwriters will be required to purchase at the subscription price any unsubscribed shares and the stock, if any, acquired by the company through stabilizing operations and will be required to specify the aggregate amount of compensation for their commitments and obligations in this connection.

The net proceeds to be derived from the proposed sale of the additional shares of common stock will be added to the general funds of the company and applied in furtherance of the construction programs of its subsidiaries either through advances or the purchase of additional shares of their common stocks issued for the purpose of permanently financing construction expenditures. It

is stated that if temporary short-term borrowings are required by NEES prior to the receipt of proceeds from the sale of the additional shares of common stock such short-term borrowings would be paid from the proceeds when received.

NEES has retained the services of The First Boston Corporation as financial adviser in connection with the proposed issue and sale of common stock and related matters, and the fee for such services is estimated at \$20,000 and the out-of-pocket expenses are estimated not to exceed \$3,500. Total expenses of the issuance and distribution of the additional shares of common stock are estimated at \$150,000, including \$20,000 for incidental services to be performed at cost by New England Power Service Company, an affiliated service company.

It is represented that no State commission, or any other Federal commission has jurisdiction over the proposed transactions. Declarant requests that the Commission's order herein become effective upon issuance.

Said declaration having been filed on April 20, 1953, and the last amendment thereto having been filed on May 4, 1953, and notice of the filing of said declaration having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having requested a hearing with respect to said declaration, as amended, within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the proposed transactions that all applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are required thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective forthwith, subject to the reservation of jurisdiction hereinafter specified:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject, however, to the provisions of Rule U-24 and to the condition that the proposed issuance and sale of common shares shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a part of this proceeding and a further order of this Commission shall have been issued in the light of the record, as so completed, for which purpose jurisdiction is hereby reserved and subject further to a reservation of jurisdiction with respect to all fees and expenses in connection with the proposed transactions.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-4757; Filed, June 1, 1953; 8:46 a. m.]

[File No. 70-3059]

UNITED GAS CORP.

ORDER REGARDING INCREASE IN AUTHORIZED COMMON STOCK

MAY 27, 1953.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof with respect to the proposed transactions which are summarized as follows:

United proposes to amend its Certificate of Incorporation so as to increase its authorized common stock from 12,000,000 shares with a par value of \$10 per share, of which 11,718,632 shares are outstanding, to 15,000,000 shares with a par value of \$10 per share. The amendment will require the approval of the holders of the majority of the shares of outstanding common stock of United. The Company intends to submit the proposed amendment to its stockholders at the annual meeting to be held on June 17, 1953, and will solicit proxies with respect thereto.

In connection with the issuance and sale of \$60,000,000 principal amount of debentures by United in October 1952, the Company estimated that it would be required to raise \$50,000,000 during 1953, principally for construction purposes, which it was contemplated would be raised through the issuance and sale of additional debentures and common stock. The declaration states that while no definite program of financing has been formulated as to the number of shares of common stock or debentures to be issued and sold, the proposed amendment to United's Certificate of Incorporation is a necessary step to the carrying out of any such program contemplating the issuance and sale of common stock.

Said declaration having been filed on May 1, 1953, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-4759; Filed, June 1, 1953; 8:47 a. m.]