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TITLE 3—THE PRESIDENT PROCLAMATION 3170

PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1957
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS on April 14, 1890, the American Republics founded a bureau for inter-American cooperation which now, as the Pan American Union, is an organ and the general secretariat of the Organization of American States; and

WHEREAS the twenty-one Republics of the Western Hemisphere will celebrate April 14, 1957, the sixty-seventh anniversary of that historic action, as Pan American Day, at the end of a week of commemorative ceremonies; and

WHEREAS the American Republics continue to work together harmoniously in furtherance of their mutual objective of making the Organization of American States an increasingly effective instrument of Hemispheric solidarity; and

WHEREAS they also continue steadfast in their common determination to maintain their freedom and safeguard their peace through active participation in this Organization, which embodies our inter-American system of cooperation:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Sunday, April 14, 1957, as Pan American Day, and the period from April 8 to April 14, 1957, as Pan American Week; and I invite the Governors of the States, Territories, and possessions of the United States of America and the Governor of the Commonwealth of Puerto Rico to issue similar proclamations.

I also urge all our citizens and all interested organizations to join in appropriate observance of Pan American Day and Pan American Week, in testimony of the steadfast friendship which unites the people of the United States with the people of the other American Republics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of February in the year of our Lord nineteen hundred [SEAL] and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-1525; Filed, Feb. 25, 1957; 4:41 p. m.]

EXECUTIVE ORDER 10700

FURTHER PROVIDING FOR THE OPERATIONS COORDINATING BOARD

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) In order to assist in the effective coordination among certain agencies of certain functions relating to the national security and to provide for the integrated implementation of national security policies by the said agencies, there is hereby established within the structure of the National Security Council the Operations Coordinating Board, hereinafter referred to as the Board, which shall report to the National Security Council.

(b) The Board shall have as members the following: (1) the Under Secretary of State, who shall represent the Secretary of State, (2) the Deputy Secretary of Defense, who shall represent the Secretary of Defense, (3) the Director of Central Intelligence, (4) the Director of the United States Information Agency, (5) the Director of the International Cooperation Administration, and (6) one or more representatives of the President to be designated by the President. The Board shall have a chairman and a vice chairman, each of whom shall be designated by the President from among its members. Each head of agency referred to in items 1 to 5, inclusive, in this subsection may provide for an alternate

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 17 (\$0.60)

Title 26, Parts 170-182 (\$0.35)

Previously announced: Title 3, 1956 Supp. (\$0.40); Title 7, Parts 900-959 (\$0.50); Title 18 (\$0.50); Title 21 (\$0.50); Title 26, Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 183-299 (\$0.30).

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

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member who shall serve as a member of the Board in lieu of the regular member representing the agency concerned whenever such regular member is, for reasons beyond his control, unable to attend any meeting of the Board.

(c) The head of any agency (other than any agency represented under section 1 (b) hereof) to which the President from time to time assigns responsibilities for the implementation of national security policies shall assign a representative to serve on the Board when the Board is dealing with subjects bearing directly upon the responsibilities of such head. Each such representative shall be an Under Secretary or corresponding official. Each such head may provide for an alternate representative of his agency who shall attend any meeting of the Board, requiring representation of such agency, in lieu of the representative when the latter is, for reasons beyond his control, unable to attend.

(d) Any alternate member of the Board serving under section 1 (b) of this order, and any representative or alternate representative serving under section 1 (c) of this order, shall, while so serving, have in all respects the same status on the Board as the members of the Board provided for in section 1 (b) hereof.

SEC. 2. The President having approved any national security policy after receiving the advice of the National Security Council thereon, the Board shall (1) whenever the President shall hereafter so direct, advise with the agencies concerned as to (a) their detailed operational planning responsibilities respecting such policy, (b) the coordination of the interdepartmental aspects of the detailed operational plans developed by the agencies to carry out such policy, (c) the timely and coordinated execution of such policy and plans, and (d) the execution of each security action or project so that it shall make its full contribution to the attainment of national

security objectives and to the particular climate of opinion the United States is seeking to achieve in the world, and (2) initiate new proposals for action within the framework of national security policies in response to opportunity and changes in the situation. The Board shall perform such other advisory functions as the President may assign to it and shall from time to time make reports to the National Security Council with respect to the carrying out of this order.

SEC. 3. Subject to the provisions of section 101 (c) of the National Security Act of 1947, as amended (50 U. S. C. 402 (c)):

(a) (1) The Board shall have, within the staff of the National Security Council, such staff as may be necessary to assist the Board in the performance of its functions, (2) the said staff of the Board shall be headed by an Executive Officer of the Board, and (3) employees of agencies may, consonant with law, be detailed to the aforesaid staff of the Board.

(b) Members of the staff of the Operations Coordinating Board provided for in Executive Order No. 10483, as amended, who are immediately prior to the taking effect of this order receiving compensation directly out of funds available to the said Board shall be transferred to the staff of the Board referred to in paragraph (a) of this section as of the effective date of this order. The said transfers shall be accomplished in consonance with applicable law, including the last proviso of section 12 of the Veterans Preference Act of 1944, as amended (5 U. S. C. 861).

(c) Appropriate arrangements may be made for the detail to the staff of the Board referred to in paragraph (a) of this section of employees of agencies who are immediately prior to the taking effect of the provisions of this order detailed to the staff of the Operations Coordinating Board provided for in Executive Order No. 10483, as amended.

SEC. 4. As used herein, the word "agency" may be construed to mean any instrumentality of the executive branch of the Government, including any executive department.

SEC. 5. Nothing in this order shall be construed either to confer upon the Board any function with respect to internal security or to abrogate or restrict in any manner any function vested by law in, or assigned pursuant to law to, any agency or head of agency (including the Office of Defense Mobilization and the Director of the Office of Defense Mobilization).

SEC. 6. This order supersedes Executive Order No. 10483 of September 2, 1953, and provisions amendatory thereof contained in other Executive orders (including, to the extent that it relates to the Operations Coordinating Board provided for in Executive Order No. 10483, the proviso of section 303 (b) of Executive Order No. 10610 of May 9, 1955). Subject to the provisions of this order (including the limitations imposed by section 3 hereof), the Board may be deemed to be a continuation of the Operations Coordinating Board provided for in Executive Order No. 10483, as amended.

SEC. 7. The foregoing provisions of this order shall become effective on July 1, 1957, except that if funds appropriated for the National Security Council shall not have become available on that date for the support of the Board in consonance with this order, the said provisions shall become effective on such later date as funds so appropriated become so available.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 25, 1957.

[F. R. Doc. 57-1526; Filed, Feb. 25, 1957; 4:41 p. m.]

RULES AND REGULATIONS

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

CLASSIFICATION OF RESERVE CITIES

1. Effective March 1, 1957, § 204.52 is amended to read as follows:

§ 204.52 *Classification of reserve cities.* Acting in accordance with § 204.51, and pursuant to authority conferred upon it by section 11 (e) of the Federal Reserve Act and other provisions of that act, the Board of Governors has taken the following actions to become effective March 1, 1957:

(a) The City of Washington, D. C., and every city except New York and Chicago in which there is situated a Federal Reserve Bank or a branch of a Federal Reserve Bank are hereby continued as reserve cities.

(b) The following cities fall within the scope of paragraph (b) (2) of § 204.51 based upon official call reports of condition in the two-year period ending on June 30, 1956, and, therefore, such cities, in addition to the reserve cities classified as such under paragraph (a) of this section, are hereby continued as reserve cities:

Milwaukee, Wisconsin; Fort Worth, Texas; Indianapolis, Indiana; St. Paul, Minnesota; National City (National Stock Yards), Illinois; Tulsa, Oklahoma; Des Moines, Iowa; and Columbus, Ohio.

(c) The following cities do not fall within the scope of paragraph (b) (2) of

§ 204.51 based upon official call reports of condition in the two-year period ending June 30, 1956, but a written request for the continuance of each such city as a reserve city was received by the Federal Reserve Bank of the district in which the city is located on or before February 15, 1957, from every member bank having its head office or a branch in such city (exclusive of any member bank in an outlying district in such city permitted by the Board to maintain reduced reserves), together with a certified copy of a resolution of the board of directors of such member bank duly authorizing such request; and, accordingly, in accordance with paragraph (b) (3) of § 204.51, the following cities, in addition to the reserve cities classified as such under paragraphs (a) and (b) of this section, are hereby continued as reserve cities:

Wichita, Kansas; Kansas City, Kansas; Toledo, Ohio; Topeka, Kansas; and Pueblo, Colorado.

(d) The following cities do not fall within the scope of paragraph (b) (2) of § 204.51 based upon official call reports of condition in the two-year period ending June 30, 1956, and written requests for their continuance as reserve cities were not received from all member banks in such cities; and, accordingly, the designation of such cities as reserve cities is hereby terminated:

Cedar Rapids, Iowa, and Sioux City, Iowa.

(e) The Board has deferred, pending further consideration and for a period not exceeding three months from March 1, 1957, the question whether the city of Miami, Florida, will be designated as a reserve city in accordance with § 204.51.

2. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act and the prior publication described in section 4 (c) of such act are impracticable, unnecessary and contrary to the public interest in connection with this action for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262), and especially because such notice, procedure and prior publication would serve no useful purpose.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interprets or applies secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248 (c), (e), 461, 462, 462a-1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57-1479; Filed, Feb. 26, 1957;
8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amtd. 20-2]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

EXTENSION OF MANDATORY COMPLIANCE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of February 1957.

On August 23, 1956, the Civil Aeronautics Board adopted a revision of Part 20 of the Civil Air Regulations which contains major changes in the requirements for the issuance of student, private, and commercial pilot certificates, and for aircraft, instrument, and instructor ratings. Section 20.2 provides for optional compliance with revised Part 20 until March 1, 1957. At the time of the adoption of the revised part, it was considered that the March 1, 1957, mandatory compliance date would provide sufficient time to enable implementation. However, it has become apparent that unforeseen difficulties in preparing the necessary implementing procedures and instructions make it extremely doubtful that such materials will be available in time for publication in

the FEDERAL REGISTER to become effective by March 1, 1957.

In view of the foregoing, the Board is postponing the mandatory compliance date of revised Part 20 to September 1, 1957.

Since this amendment extends the date for compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective February 19, 1957.

By amending § 20.2 by deleting the words "March 1, 1957" and inserting in lieu thereof the words "September 1, 1957."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-1474; Filed, Feb. 26, 1957;
8:56 a. m.]

[Civil Air Regs., Amtd. 60-3]

PART 60—AIR TRAFFIC RULES

COMMUNICATION RULES IN HIGH DENSITY AIR TRAFFIC ZONES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of February 1957.

On February 6, 1957, the Civil Aeronautics Board adopted Amendment 60-2 which amended § 60.18 of Part 60 of the Civil Air Regulations so as to delegate to the Administrator authority to permit him to designate "high density air traffic zones" within which speed limit and communication rules would become applicable.

With respect to the two-way radio communication requirement, the Board found it advisable to require communication from aircraft engaged in VFR flight only when the pilot intended to take off or land at or fly within the traffic pattern of a designated airport within the high density zone. This intent is clearly outlined in the preamble of Amendment 60-2.

It was also the Board's intent to provide an exception to this rule for aircraft not equipped with two-way radio so that they could operate to and from such a designated high density airport if prior authorization from the airport traffic control tower had been obtained. It appears, however, that the language of the provision in § 60.18 (f) (2) may be construed to require communication from aircraft operating at airports within the zone other than those designated as high density airports.

In order to eliminate ambiguity and make the proviso consistent with the communication rule and the Board's intent, it is considered appropriate to substitute language which clearly relates the proviso to a designated high density airport within the zone.

Since this amendment is of a clarifying nature and does not impose any additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary, and the amendment may be made effective with less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective March 15, 1957.

By amending § 60.18 (f) (2) to read as follows:

§ 60.18. *Operation on and in the vicinity of an airport. * * **

(f) *High density air traffic zone. * * **

(2) *Communication requirements.* No person shall take off or land an aircraft at or enter the traffic pattern of a designated high density airport unless radio communication with the appropriate air traffic control facility has been established; *Provided*, That an aircraft not equipped with functioning two-way radio may take off or land at or enter the traffic pattern of such designated airport if prior authorization from the appropriate airport traffic control tower has been given.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

Effective: March 15, 1957.

Adopted: February 20, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-1475; Filed, Feb. 26, 1957;
8:56 a. m.]

[Civil Air Regs., Amtd. 60-4]

PART 60—AIR TRAFFIC RULES

PILOT VIGILANCE AND RESTRICTIONS ON FLIGHT TESTING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of February 1957.

Part 60 of the Civil Air Regulations sets forth the air traffic rules which are applicable to all aircraft. These rules contain provisions prohibiting both civil and military aircraft from being flown in any unusual maneuvers over congested areas or on civil airways and prescribe certain minimum altitudes for the protection of persons or property on the ground. On February 5, 1957, the Board adopted Civil Air Regulations Amendment 60-1 which added specific provisions dealing with flight testing of aircraft. Section 60.24 of this amendment prohibited the flight testing of aircraft unless such flight test is conducted (1) over open water or sparsely populated areas having light air traffic and approved by the Administrator, or (2) within a flight test area designated by the Administrator. This section also provided that all flight tests are to be conducted in accordance with traffic rules which the Administrator may from time to time prescribe. Amendment 60-1 was to become effective February 20, 1957.

Within the past few days the Board has received complaints from representatives of aircraft manufacturers concerning certain provisions contained in Amendment 60-1. In particular, certain manufacturers have complained that no flight test areas within which flight tests may be conducted in accordance with the provision of § 60.24 have been approved or designated by the Administrator in the Los Angeles area and, accordingly, all flight test activity would be halted in this area on the effective date of this rule. Accordingly, the manufacturers recommend the amendment of Part 60 to eliminate the requirement that flight test areas be approved by the Administrator. Other recommendations have also been made to clarify the provisions of Amendment 60-1. In view of the fact that the largest and most active aircraft manufacturing establishments are located in the Los Angeles area, the absence of approved or designated flight test areas assumes a significance of tremendous proportions. No useful purpose would be served by delineating herein all of the arguments which have been presented to the Board concerning the difficulties experienced in the establishment of flight test areas. It suffices to state that coordination between users of the airspace involved in the Los Angeles area has proved to be especially difficult.

Although the Board, at the time it adopted Amendment 60-1, was concerned with the burden which would fall upon the Administrator in requiring flight test areas to be approved or designated by him, the Administrator assured the Board that the implementation of the program envisioned in this amendment was within the capabilities of the Civil Aeronautics Administration. He continues to hold this view.

The need for complete coordination in the interest of safety of the many conflicting requirements for the use of airspace is apparent. In view of the Administrator's responsibilities with respect to the designation of airspace for special purposes, and in view of the Administrator's assurances with respect to the capabilities of the Civil Aeronautics Administration to effect such coordination, the Board determined that a requirement for approval or designation of test areas was justified. Information received to date indicates that the exercise of this authority by the Administrator in an area such as Los Angeles is fraught with complexity and controversy of a magnitude which might not have been fully appreciated. Clearly, so far as the Los Angeles area is concerned, additional time is required to resolve conflicts in airspace requirements of the many users of airspace in their several high priority operations. The information available to the Board at this time, however, is not sufficient to permit us to conclude that the supervisory role of the Administrator in this matter should not be continued. The Board is advised, for instance, that approval or designation of flight test areas has been carried out effectively in all other areas of the country.

In view of the foregoing, it appears necessary to amend Part 60 further to provide that approval by the Administrator of flight test areas shall not be required before April 15, 1957. However, the prohibition against the conduct of flight tests except over open water or sparsely populated areas having light air traffic shall continue in effect after February 20, 1957. This amendment will provide the Administrator additional time to effect the necessary coordination with aircraft operators and other governmental agencies. In this connection, it is emphasized that this regulation requires the Administrator to approve areas for both civil and military test flights. Because of the complexity and the importance of this problem, the sincere and effective collaboration on the part of all interests, civil and military, is urgently required.

The Board has requested the comment of interested persons with respect to the substance of Amendment 60-1 on or before March 22, 1957. At that time the Board will consider all suggestions which have been received for the modification of the flight test rules of Part 60. With the exception of the requirement for the approval or designation of flight test areas, it does not appear that matters of clarification which have been brought to our attention are so urgent as to require disposition at this time.

For the reasons stated above, the Board finds that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective February 20, 1957, as follows:

Section 60.24 shall be effective on and after February 20, 1957, except that portion of this section which reads "and approved by the Administrator" shall be effective on April 15, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended, sec. 4, 60 Stat. 238; 49 U. S. C. 551, 5 U. S. C. 1003)

Effective: February 20, 1957.

Adopted: February 20, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-1476; Filed, Feb. 26, 1957; 8:56 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 186]

PART 608—RESTRICTED AREAS

PINECASTLE, FLORIDA, AREA; ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee,

Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.18, the Pinecastle, Florida, area (R-165 and R-340 formerly D-165 and D-340, respectively), published on November 6, 1954 in 19 F. R. 7225 is amended by changing the "Controlling Agency" column to read: "Commander, Fleet Air, Jacksonville, Florida".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 14, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1443; Filed, Feb. 26, 1957; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

REQUIRED SUPERVISION OF PRIVATE MORTGAGORS

In § 232.19, paragraph (g) is amended to read as follows:

§ 232.19 *Required supervision of private mortgagors.* ***

(g) *Mortgagor's equity investment.* Unless it can be established to the satisfaction of the Commissioner, prior to the final endorsement of the mortgage for insurance, that the mortgagor has an investment in the project, represented by cash expenditures, in an amount equal to 3 percent of the total cost of the project as certified by the mortgagor and approved by the Commissioner, there shall be deposited in a special fund an amount equal to the difference between such 3 percent and the amount of any such investment for necessary expenses incident to the completion of the project. Disbursements from any such fund, prior to three years from the date of the final or initial-final endorsement of the mortgage for insurance, may be made only with the prior written approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., February 18, 1957.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57-1453; Filed, Feb. 26, 1957; 8:49 a. m.]

TITLE 50—WILDLIFE
Chapter II—Alaska Game
Commission

PART 161—GUIDES

REVOCATION OF PART

Basis and purpose. It having been determined by the Alaska Game Commission that the provisions of Part 161, Title 50, Code of Federal Regulations, governing the employment of hunting guides by nonresidents and aliens and prescribing qualifications for guide licenses, no longer effectually serve the purposes for which they were adopted, and cannot be made fully effective within the limitations of applicable law, the said Part 161 is revoked, effective immediately upon publication of this document in the FEDERAL REGISTER.

(Sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199)

Issued at Juneau, Alaska, and dated February 19, 1957.

THE ALASKA GAME
 COMMISSION,
 FORBES L. BAKER,
Chairman.
 CLARENCE J. RHODES,
Executive Officer.
 HARRY O. BROWN,
Member.
 ANDREW A. SIMONS,
Member.
 RALPH HALL,
Member.

[F. R. Doc. 57-1470; Filed, Feb. 26, 1957;
 8:55 a. m.]

on Route 123 to Road 636; thence from this point in a straight line southwesterly from the junction of Road 636 and Route 123 to the junction of Roads 641 and 642 in Prince William County; thence southeasterly along Road 642 to Road 640; thence northeasterly along Road 640 to Road 639; thence easterly along Road 639 to Route 123; thence southeasterly along Route 123 to Route 1; thence cross Route 1 and continue southeasterly along Road 637 to Dawson Beach; thence in a straight line due east to the Potomac River; thence up said river to its junction with the western boundary of the Fairfax County line, the point of beginning.

(c) "Month" means a calendar month.

(d) "Delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

(e) "Producer plant test" means the weighted average butterfat test of all producer milk, received at a pool milk plant during a delivery period, as determined by the market administrator.

(f) "Health Department permit" means a permit issued by the applicable health department for the farm milk production or plant disposition of milk or fluid consumption within the marketing area.

(g) "Weighted average premium" means the result obtained by dividing the total pounds of producer milk delivered at a handler's plant into the total money for premiums which has been arrived at by multiplying each individual producer's total deliveries by the applicable premium rate pursuant to section 55.

(h) "Finished product test" means the average of not less than sixteen separate butterfat tests taken by the market administrator of each milk product processed and/or handled by a handler and any such additional tests as may be acceptable to the market administrator or his designated agent in each delivery period.

SEC. 2. *Persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Market Administrator" means the agency which is described in section 10.

(d) "Dairy farmer" means any person who delivers milk of his own production to a plant.

(e) "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, who produces milk under an individual health department permit issued by the applicable health department in the area as a result of a farm inspection, whose milk is moved directly from his farm to a pool plant either in individual cans, or by "bulk tank" pick-up provided each such "pick-up" can be individually identified. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902 I]

[Docket No. AO-293]

HANDLING OF MILK IN WASHINGTON, D. C., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the opening of public hearing to be held in the Cameo Room, second floor of Presidential Arms, 1320 G Street, NW., Washington, D. C., beginning at 10:00 a. m., e. s. t., on April 8, 1957. The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Washington, D. C., marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in such marketing area.

The hearing on the proposed marketing agreement and proposed order is to determine whether, (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, (2) the issuance of a marketing agreement or order regulating the handling of milk in the area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. The proposals set forth below have not received the approval of the Secretary of Agriculture and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with

by the proposals and any modifications thereof.

Proposal No. 1: The following marketing agreement and order has been proposed by Maryland and Virginia Milk Producers Association, Inc.:

DEFINITIONS

SECTION 1. *General.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Metropolitan Washington Marketing Area" also referred to as the "marketing area," means the territory of the District of Columbia and the counties of Maryland south of a line beginning at the point of entry of the Monocacy River into the Potomac River and the Montgomery County line follow the Montgomery County line northeastward and thence southeastward along the Patuxent River to the northwestern limits of the town of Laurel, follow the western and southern limits of the town of Laurel again to the Patuxent River, follow the Patuxent River southward to Route 214; from this point follow Route 214 to Davidsonville; turn right at Davidsonville on Route 424 and follow to Route 2; from this point follow a line directly eastward to the Chesapeake Bay. The counties in whole or in part south of this line are Montgomery, Prince Georges, Anne Arundel, Charles, Calvert and St. Marys in Maryland. In addition to these counties the following area in Virginia shall constitute a part of the area: Beginning at the junction of the westerly boundary of the Fairfax County Line and the Potomac River; thence southwesterly along the said county line to its junction with Route 50; thence southeasterly on Route 50 to its junction with Road 656; thence southerly on Road 656 to its junction with Route 29; thence from this point in a straight line southeasterly to the junction of Roads 655 and 620; thence easterly on Road 620 to its junction with Route 123; thence southerly

plant, but whose milk is diverted to another plant for the account of a handler.

(f) "Handler" means any person who, in a given month, operates a pool plant, or engages in the handling of milk or other fluid milk products which are received at any plants from which fluid milk products are disposed of directly or indirectly in the marketing area.

(g) "Pool-handler" means any handler who receives milk from producers, including his own production, at a pool plant; except as provided in paragraph (d) of this section.

(h) "Buyer-handler" means any handler who operates a bottling or processing plant from which Class I or Class II milk is disposed of in the marketing area or who distributes Class I or Class II milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, who receives no milk from other dairy farmers, and distributes not more than 3,000 gallons as Class I or Class II milk within the marketing area in any calendar month.

(j) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

Sec. 3. Plants. (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within five miles of the marketing area.

(c) "Country plant" mean any plant which is located beyond five miles of the marketing area.

(d) "Pool plant" means any plant which in a given month meets the requirements set forth in Section 30 for being considered a pool plant.

(e) "Regulated plant" means any pool plant, or any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(f) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly in cans from dairy farmers, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

Sec. 4. Milk and milk products. (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least 1 percent but less than 18 percent; frozen milk; re-

constituted milk; and 50 percent of the quantity, by weight of "half and half."

(b) "Cream" means that portion of milk, containing not less than 18 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 18 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 18 percent.

(d) "Skim milk" means that fluid milk product of milk which remains after the removal of cream, and which contains less than 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers who are not producers;

(2) All fluid milk products, received at a regulated plant from an unregulated plant, up to the total quantity of non-pool milk received at an unregulated plant;

(3) All fluid milk products, after subtracting receipts of the same form of fluid milk products from regulated plants, which are disposed of to consumers in the marketing area from an unregulated plant, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

MARKET ADMINISTRATOR

Sec. 10. Designation of Market Administrator. The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

Sec. 11. Powers of Market Administrator. The Market Administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

Sec. 12. Duties of Market Administrator. The Market Administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties,

execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by section 60, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within fifteen days after the date upon which he is required to perform such acts, has not made reports pursuant to section 35 or made payments pursuant to section 55;

(g) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(h) On or before the 12th day after each delivery period, report to each cooperative association, which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

(i) Check the weight and butterfat test of milk received from producers by each handler each month and report the results to producers or to their cooperative association which makes payment for milk direct to its members. The market administrator may designate an independent agency to check the weight and butterfat test of such receipts by handlers.

CLASSIFICATION

Sec. 15. Milk to be classified. All milk and milk products received by each handler shall be classified as Class I milk, Class II milk, or Class III milk. Subject to sections 16 and 17, the classes of utilization shall be as follows:

(a) *Class I milk.* All fluid milk products which are disposed of for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, all milk used to produce concentrated milk and all milk not accounted for in Class II and Class III; and any plant loss pursuant to section 25; and plus or minus any inventory change as the case may be.

(b) *Class II milk.* All fluid milk products which are used in the manufacture of, or disposed of in, bread or bakery products at a bona fide bakery plant,

cottage cheese, pot or baker's cheese, eggnog, cream for fluid consumption and aerated whips; and any plant loss pursuant to section 25.

(c) *Class III milk.* All fluid milk products used or disposed of as ice cream and similar frozen dairy products and mixes, butter, roller or spray non-fat dry milk solids, condensed milk, condensed skim milk, or cheese other than cottage, pot or baker's cheese and any plant loss pursuant to section 25.

Sec. 16. Transfers. Fluid milk products moved to another plant from a pool plant shall be classified as follows:

(a) If moved to another regulated plant, they shall be classified as Class I milk up to the total quantity of fluid milk products utilized as Class I milk at the plant to which they were moved. Any excess shall be assigned to the next available lower class.

(b) If moved to an unregulated plant, they shall be classified as Class I milk up to the total quantity of fluid milk products utilized as Class I milk at such plant, and any excess shall be assigned to the next available lower class, unless the following conditions are met:

(1) The transferring handler claims (Class II or) Class III utilization in a product specified in section 15;

(2) The association of producers responsible for marketing the milk which is so transferred has authorized the lower classification by notice given to the market administrator and to the transferring handler at least 24 hours after such transfer;

(3) The operator of the unregulated plant keeps adequate books and records showing the utilization of all fluid milk products received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(4) The Class I milk, as defined pursuant to section 15 in such unregulated plant does not exceed the receipts of milk during the month from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to the milk so transferred or diverted.

Sec. 17. Responsibility of handlers and re-classification of milk. (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers or who causes the milk to be transferred to an unregulated plant, to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) Any milk or milk products shall be re-classified if verification by the market administrator discloses that the original classification was incorrect.

Sec. 20. Assignment of receipts to classes—(a) Pool milk. (1) Milk received either directly from producers or from another pool plant shall first be assigned to Class I milk.

(2) Milk received in excess of such Class I utilization shall be assigned to Class II milk.

(3) Milk received in excess of Class I and Class II utilization shall be assigned to Class III milk.

(b) *Outside milk.* Outside milk shall first be assigned to Class III milk and then in sequence to Class II milk and to Class I milk.

Sec. 25. Computation of milk in each class. For each delivery period the market administrator shall correct for mathematical errors the report submitted by each handler and compute from the corrected report the amount of Class I milk, Class II milk and Class III milk as follows:

(a) Determine the total pounds of milk to be accounted for by adding into one sum the total pounds of milk received from producers and the handlers own farm production and the total pounds of milk and milk products received as outside milk, the total pounds of milk or milk products received from other pool plants and any plant gain determined pursuant to paragraph (e) of this section.

(b) Determine the total pounds of Class I milk as follows:

(1) Convert to pounds each of the products classified as Class I pursuant to section 15 (a),

(2) Multiply the weight of the products computed each by its average finished product butterfat test computed pursuant to Section 1, add together the resulting amounts and divide by the producer plant test.

(3) Add to the resulting amount any amount by which the sum of the quantities computed pursuant to subparagraph (1) of this paragraph exceeds the amount computed pursuant to subparagraph (2) of this paragraph,

(4) Add to this amount any amount computed pursuant to paragraph (e) of this section.

(5) Add to this amount any milk not accounted for in paragraphs (c) and (d) of this section.

(c) Determine the total pounds of Class II milk as follows:

(1) Convert to pounds each of the products classified as Class II pursuant to section 15 (b) and multiply the results obtained each by its average finished product butterfat test, and together the resulting amounts, and divide by the producer plant test,

(2) Add to the resulting amount any amount by which the total product pounds of cream disposed of for consumption as fluid cream and the pounds of cream and skim milk disposed of in cottage, pot or baker's cheese exceeds the amount computed pursuant to subparagraph (1) of this paragraph,

(3) Add any amount computed pursuant to paragraph (e) of this section,

(4) Subtract any amount by which that amount when added to the amount of Class I milk determined pursuant to paragraph (b) of this section exceeds the total pounds of milk received computed pursuant to paragraph (a) of this section.

(d) Determine the total pounds of Class III milk as follows:

(1) Multiply the weight of each of the products of Class III milk by its average butterfat test computed pursuant to section 1, add together the resulting

amounts, and divide by the producer plant test,

(2) Add to this amount any amount by which the total product pounds of milk, skim milk, and cream disposed of in Class III products exceeds the amount computed pursuant to subparagraph (1) of this paragraph,

(3) Add any amount computed pursuant to paragraph (e) of this section,

(4) Subtract any amount by which that amount when added to the amount of Class I milk determined pursuant to paragraph (b) of this section and Class II milk determined pursuant to paragraph (c) of this section exceeds the total pounds of milk received computed pursuant to paragraph (a) of this section.

(e) Determine the total pounds of plant loss or plant gain as follows:

(1) Add together the pounds of butterfat contained in Class I, Class II, and Class III milk,

(2) Subtract the total pounds of butterfat thus computed from the total pounds of butterfat received,

(3) Should the result computed pursuant to subparagraph (2) of this paragraph determine that subparagraph (1) of this paragraph be greater than the total pounds of butterfat received, divide this excess by the plant test and add the resulting amount to producer receipts determined pursuant to paragraph (a) of this section and add the excess butterfat determined in subparagraph (2) of this paragraph to the total butterfat receipts as determined in paragraph (a) of this section,

(4) Should the result computed pursuant to subparagraph (2) of this paragraph determine that (1) of this section be less than the total pounds of butterfat received, divide the difference in butterfat pounds by the producer plant test and add to each class as determined in paragraphs (b), (c) and (d) of this section the percentage of this difference in a ratio that each class of milk is to the total of all classes.

Sec. 30. Determination of pool plant status. Each receiving plant which is approved by the applicable health department in the area for the sale of milk as fluid milk in the marketing area shall be a pool plant during each month in which it meets the following requirements:

(a) Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products is disposed of as Class I milk in the marketing area, or in which it is operated by an association of producers.

(b) Each country receiving plant shall be a pool plant in any month in which more than 50 percent of its total receipts of fluid milk products is disposed of as Class I milk in the marketing area.

(c) Any country plant which is a pool plant continuously in each of the months of October through March shall be a pool plant continuously for the following months of April through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for

such six months' period is received by the market administrator before April 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

(d) Each of a handler's plants which is a non-pool receiving plant during any of the months of October through March shall not be a pool plant in any of the following months of April through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through March was in the handler's capacity as a producer-handler.

(e) Each plant which is operated as the plant of a producer-handler shall be a non-pool plant in any month in which it is so operated.

SEC. 35. Reports of handlers—(a) Reports of pool handlers. On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts of milk at each pool plant from producers, including the quantity, if any, of his own production,

(2) The receipts of fluid milk products at each plant from any other handler,

(3) The receipts of outside milk at each plant,

(4) The respective quantities which were sold, distributed, or used, including sales to other handlers, classified pursuant to section 15.

(b) **Reports of non-pool handlers.** Each non-pool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of that month.

(c) **Reports regarding individual producers.** Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number, the date on which the change took place, and the farm and plant locations involved, except where such producer is a member of a cooperative association. In that instance the handler shall only report to the market administrator the name of the producer and the name of the cooperative association.

(d) **Reports of payments to producers.** Each pool handler shall submit to the market administrator, within 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test and premium rate,

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved. Except that handlers who make payments direct to a cooperative association may submit a copy of their settlement with the association in lieu of the above.

(e) **Maintenance of records.** Each handler shall maintain detailed and summary records showing all receipts, movement, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

(f) **Verification of reports.** For the purpose of ascertaining the accuracy of any report made to the market administrator as required by this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in reports submitted in accordance with this section,

(2) Weight, sample, and test milk and milk products,

(3) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

(g) **Retention of records.** All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of not less than 3 years to begin at the end of the calendar month to which such books and records pertain. Any handler shall notify the market administrator at least 30 days in advance of his intention to destroy any such records after the three-year period has expired.

(h) **Reports to cooperative associations of producers.** (1) Within 5 days after the end of each delivery period, each handler purchasing milk from a cooperative association of producers, for which such cooperative association collects payment, shall report at each plant, on individual forms acceptable to the cooperative association, for each producer of the cooperative association as follows:

(i) The name, address and code number, if any,

(ii) The individual daily receipts in pounds,

(iii) The average butterfat test,

(iv) The farm and cattle score,

(v) The total pounds of the individual producers in each butterfat test and in each farm and cattle score classification.

(2) Within 8 days after the end of each delivery period, each handler purchasing milk from a cooperative association of producers, for which such cooperative association collects payment, shall report on forms acceptable to such cooperative association:

(i) The utilization and finished product butterfat tests of all producer milk received from the association,

(ii) The receipts, utilization and butterfat tests of all milk and milk products received from other handlers,

(iii) The receipts, utilization and butterfat tests of all other milk and milk

products received from all sources other than the association,

(iv) The plant loss or plant gain at each plant,

(v) If the handler so elects he may submit a copy of his report to the market administrator as specified in paragraph (a) of this section.

(i) **Bulk tank records and reporting.** If milk is purchased by a handler from a cooperative association by bulk tank rather than on an individual producer basis, the following procedure shall be followed:

(1) Each individual bulk tanker shall be identified and weighed on an approved scale and the official record of the weight retained for audit by the market administrator.

(2) A butterfat sample of each individual bulk tanker shall be taken in a manner satisfactory to the market administrator and a part of that sample shall be retained three days for check tests by the market administrator. Any differences or disputes with respect to butterfat tests shall be referred to the market administrator, whose decision will be final.

(3) The handler will collect from each bulk tank driver individual farm tank tickets, showing the name of the producer, the date of pick-up, the measurement of milk in the tank and any other information pertinent and required in order to record properly the amount of milk shipped by each individual producer whose milk is collected in the bulk tank.

(4) The handler shall make this information available to the cooperative association in order that proper accounting can be made to individual shippers on the bulk tanker. The market administrator shall set up such rules and procedures as he deems necessary to account properly for this method of handling milk from producers and his decision shall be final.

SEC. 45. Determination of class prices. Each handler shall pay not less than the following basic prices per hundredweight of 3.5 percent milk, subject to adjustments pursuant to provisions of section 55 for milk received from producers and association of producers at a pool plant.

(a) **Basic Class I price.** The basic Class I price shall be determined as follows:

(1) Using the Wholesale Commodity Price Index as reported by the Bureau of Labor Statistics (1947-1949=100) determine the moving average for the six available months prior to the month for the delivery period the price is applicable.

(2) Upon determination of this index the following price schedule shall be used to determine the applicable basic Class I price:

The basic Class I	
When the index is within:	price shall be
132-146.....	\$6.91
117-131.....	6.51
101-116.....	6.11
86-100.....	5.71
72-85.....	5.31
55-71.....	4.91

If the index is less than 71 or more than 146 the basic Class I price shall be determined by extending the table at the indicated rate of extension.

(3) In the event the index would indicate the movement from a higher bracket to a lower bracket during any of the months of July through December the price that prevailed in June shall be in effect, or should the index indicate a higher price for any of the months of January through June the price that prevailed in December shall be in effect.

(4) This method of determination of the basic Class I price shall be effective for a period of 18 months from the date this order becomes effective.

(b) *Basic Class II price.* The basic price for Class II milk shall be the sum of the respective values of butterfat and skim milk calculated as follows:

(1) *Butterfat.* Add all weekly quotations (using the midpoint of any weekly range as one quotation) per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia, Pennsylvania, market, as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract \$1.00, divide by 33.48, multiply by 3.5.

(2) *Skim milk.* The weighted average selling price, wholesale, at manufacturers' plants, of all spray and roller dried non-fat milk solids for human consumption, as published by the United States Department of Agriculture for the previous month, shall be used in determining the skim value as follows:

Quotation per pound:	Class II skim value
\$0.065 or below	-----
\$0.065 to \$0.075	\$.07½
\$0.076 to \$0.085	.15
\$0.086 to \$0.095	.22½
\$0.096 to \$0.105	.30
\$0.106 to \$0.115	.37½
\$0.116 to \$0.125	.45
\$0.126 to \$0.135	.52½
\$0.136 to \$0.145	.60
\$0.146 to \$0.155	.67½
\$0.156 to \$0.165	.75
\$0.166 to \$0.175	.82½
\$0.176 to \$0.185	.90
\$0.186 to \$0.195	.97½

(c) *Class III price.* The Class III price shall be the sum of the respective values of butterfat and skim milk calculated as follows:

(1) *Butterfat.* Add all weekly quotations (using the midpoint of any weekly range as one quotation) per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey, and Pennsylvania only, in the Philadelphia, Pennsylvania, market, as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract \$2.00, divide by 33.48, multiply by 3.5.

(2) *Skim milk.* The weighted average selling price, wholesale, at manufacturers' plants, of all spray and roller dried non-fat milk solids for human consumption, as published by the United States Department of Agriculture for the previous month, shall be used in determining the skim value as follows:

Quotation per pound:	Class III skim value
\$0.105 or below	-----
\$0.106 to \$0.115	\$.07½
\$0.116 to \$0.125	.15

Quotation per pound:	Class III skim value
\$0.126 to \$0.135	\$.22½
\$0.136 to \$0.145	.30
\$0.146 to \$0.155	.37½
\$0.156 to \$0.165	.45
\$0.166 to \$0.175	.52½
\$0.176 to \$0.185	.60
\$0.186 to \$0.195	.67½

(d) *Location adjustment to handlers.* For milk which is received from producers at a country plant and classified as Class I and/or Class II milk the price shall be the price effective pursuant to section 45 (a) and (b) less the differential set forth in paragraph (e) of section 55.

Sec. 50. *Determination and announcement of uniform prices—(a) Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner, the net value of milk which is sold, distributed, or used by each pool handler:

(1) From the handler's total quantity of milk classified pursuant to section 15, subtract all receipts from other pool handlers;

(2) Multiply the remaining quantities of milk in each class by the prices applicable pursuant to section 45;

(3) Add together the resulting value of each class;

(4) Subtract the value obtained by multiplying the quantity of outside milk by the price applicable to paragraph (c) of section 45;

(5) Subtract any amount applicable pursuant to section 55;

(6) Add the value of premiums pursuant to section 55 determined by multiplying the weighted average premium by the total of the Class I and Class II milk pursuant to paragraphs (b) and (c) of section 25;

(7) For the purpose of calculating the pool value of milk for each handler, the market administrator shall convert all receipts not used in computing the producer plant test to milk equivalent at the producer plant test. Any average or shortage, over or under the actual product pounds shall be added or subtracted, as the case may be, from the computation of pool value, by multiplying the difference by the skim value per hundredweight of the class in which actually utilized.

(b) *Computation of the uniform price.*

(1) Combine into one total the respective net values of milk, computed pursuant to paragraph (a) of this section, and payments required pursuant to section 55 for each handler from whom the market administrator has received at his office, prior to the 10th day after the end of such month, the reports for such month and the payments required pursuant to section 55 for the preceding month;

(2) Add the amount of unreserved cash in the producer settlement fund;

(3) Subtract the total of all premiums computed pursuant to section 55;

(4) Add or subtract as the case may be, the total value of the butterfat differential applicable pursuant to section 55;

(5) Add the total value of location adjustments determined pursuant to paragraph (d) of section 45;

(6) Divide by the total quantity of pool milk for which a value is determined pursuant to subparagraph (1) of this paragraph; and

(7) Subtract not less than 2 cents nor more than 4 cents for the purpose of retaining a cash balance in connection with the payments set forth in section 55. This result, which is the minimum price for milk containing 3.5 percent butterfat received from producers at city plants, shall be known as the uniform price.

(c) *Seasonal adjustment fund.* The market administrator shall establish and maintain a separate fund known as the seasonal adjustment fund into which he shall deposit all payments made by handlers pursuant to (1) of this paragraph and out of which he shall make all payments pursuant to (2) of this paragraph: *Provided,* That payments due any handler shall be offset by payments due from such handler.

(1) Payments to the fund: On or before the 15th day after the end of each delivery period for April and May, each handler shall deduct from the uniform price announced by the market administrator for each of the months of April and May and shall pay to the market administrator for the account of the seasonal adjustment fund an amount of money equal to 45 cents times the hundredweight of milk received from producers in each of these months.

(2) On or before the 12th day after the end of the delivery periods of July and September, the market administrator shall compute and announce an individual pay-back month seasonal adjustment fund rate by dividing the total monies paid into the fund by two and dividing the two equal amounts by the pounds of producer milk delivered in July and in September which will establish the pay-back rate for each of the two months. On or before the 15th day after the end of the delivery periods of July and September, the market administrator shall pay out of the seasonal adjustment fund to each cooperative association an amount equal to the applicable rate computed pursuant to this paragraph times the hundredweight of milk delivered to handlers during the delivery period by such association of producers who have given authority to such cooperative association to receive payment for their milk, and to each handler, an amount equal to the applicable rate computed pursuant to this paragraph times the hundredweight of milk received during the delivery period from producers other than those producers for whom a cooperative association receives payment.

Sec. 55. *Payment for milk—(a) Time and method of payments.* On or before the 14th day after the end of each delivery period, each handler shall make payment for milk delivered by producers to such handler, or milk from producers for which such handler is responsible pursuant to section 17, during each delivery period as follows:

(1) To each producer at not less than the uniform price per hundredweight computed pursuant to section 50 for that quantity of milk received from such producer, or

(2) To a cooperative association for milk which is caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) of this paragraph.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to (1) and (2) of this paragraph and out of which he shall make all payments to handlers pursuant to subparagraphs (1) and (2) of this paragraph.

(1) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total value of the milk received by him pursuant to paragraph (a) of section 50 is greater than the sum of the minimum payments required to be made to producers pursuant to paragraph (a) of this section.

(2) *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers, the amount, if any, by which the total value of milk received by such handler pursuant to paragraph (a) of section 50 is less than the sum of minimum payments required to be made pursuant to paragraph (a) of this section. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments required by this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(c) *Butterfat content of milk received from producers.* In making payment to each producer pursuant to paragraph (a) of this section, each handler shall add to, or subtract from the price, as the case may be, 8 cents per hundredweight for each one-tenth of one percent of butterfat content above or below 3.5 percent. The butterfat content of milk received from producers shall be determined by taking the average of not less than five separate butterfat tests made from fresh samples during the period beginning on the 25th day of the preceding month and ending on the 24th day of the current month; except as provided for bulk tank shippers pursuant to section 35, where it will be the responsibility of the cooperative association to establish the butterfat tests of each individual producer involved. The butterfat content of outside milk shall be determined at the plant where it is received.

(d) *Premiums to be paid by handlers.* In making payments pursuant to this section, handlers shall pay the applicable

premium rates set forth in this paragraph for each producer's deliveries on that quantity of milk received from each producer which represented such producer's proportionate share of all producer milk classified as Class I and Class II. The premium rates referred to in this paragraph shall be determined from the following schedule with respect to the cattle scores and farm scores recorded for each producer by the respective health departments issuing permits to sell milk to handlers in the marketing area:

Farm score	With cattle score under 95	With cattle score 95 or over, but under 98	With cattle score 98 or over
	Per hundredweight	Per hundredweight	Per hundredweight
Under 80.....	\$0.00	\$0.00	\$0.00
80.0-84.9.....	.00	.03	.09
85.0-89.9.....	.02	.08	.14
90.0-94.9.....	.08	.14	.20
95.0-97.9.....	.20	.26	.32
Over 97.9.....	.31	.37	.43

If more than one score has been reported during any month, the simple average of the scores so reported shall be used. Producers who are subject to health department regulations which do not provide for a farm and cattle scoring system shall be considered as having a score of 98 for the purpose of applying premiums under the above schedule.

(e) *Location adjustments to producers.* In making payments pursuant to this section, handlers may deduct 13 cents per hundredweight with respect to milk received from producers at a country plant which has pool plant status pursuant to section 30 (b) and is located more than 35 miles from the milestone in the District of Columbia and 1½ cents additional for each 10 miles in excess of 35 miles from that milestone: *Provided,* That handlers may make such deduction on milk received at such plant by transfer of a truck route to such plant from another pool plant during the first four full delivery periods after such transfer, only if such milk was transferred from a plant at which a similar or greater deduction was permitted. If such milk was transferred from a plant at which no deduction or a smaller deduction was permitted, the smaller deduction or no deduction, as the case may be, must be used in computing payments until four full delivery periods have elapsed from the time of transfer.

(f) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer settlement fund, the market administrator shall debit the handlers' producer settlement fund account for any unpaid amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall credit the handler's producer settlement fund account for any such amount.

SEC. 60. *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler shall pay to the market admin-

istrator on or before the 18th day after the end of each delivery period an amount equal to 2 cents per hundredweight with respect to all milk received by him from all sources except milk received from other handlers, or produced by him, during such delivery period, or such lesser amount, as may be determined by the market administrator, subject to review by the Secretary.

SEC. 61. *Marketing services.* In making payments to producers each handler shall deduct not less than 3 cents nor more than 5 cents per hundredweight, with respect to all milk delivered by each producer who is not a member of an association of producers and shall pay such deductions to the market administrator on or before the 18th day after the end of each delivery period. Such monies shall be expended by the market administrator only in providing for market information to, or for verification of weights, samples, and tests of milk delivered by such producers. The market administrator may contract with an association of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by such producers.

SEC. 62. *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the selection of such handler's pro rata share of the expense of administration of this part.

SEC. 65. *Effective time, suspension, or termination—(a) Effective Time.* The provision of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 66. *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are obligations arising under this part, the final accrual or ascertainment of which required further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(a) Continue in such capacity until removed by the Secretary.

(b) From time to time, account for all receipts and disbursements, and when so directed by the Secretary shall deliver all funds on hand, together with the

books and records of the market administrator or such person, to such person as the Secretary shall direct.

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such persons pursuant thereto.

SEC. 67. *Liquidation after suspension or termination.* Upon suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary shall designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 68. *Miscellaneous—(a) Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

(b) *Liability.* The liability of handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

(c) *Counterparts of marketing order.* This marketing order may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

Proposal No. 2: The following marketing agreement and order has been proposed by Chestnut Farms Division, National Dairy Products Corporation:

SEC. 1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

SEC. 2. *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

SEC. 3. *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

SEC. 4. *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

SEC. 5. *Metropolitan Washington Marketing Area.* "Metropolitan Washington Marketing Area", hereinafter called the "Marketing Area", means the City of Washington, District of Columbia; and the territory geographically included within the boundary lines of the counties of Arlington, Fairfax, Prince William, Acconack, Northampton, and the City of Alexandria, all in the State of Virginia; and the counties of Prince Georges, (except the town of Laurel), Charles, St. Marys, Calvert, Montgomery, Talbot, Dorchester, Wicomico, Worcester and Somerset, all in the State of Maryland.

SEC. 6. *Association of producers.* "Association of producers" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

SEC. 7. *Producer-handler.* "Producer-handler" means any person who produces and packages milk from his own farm production, and distributes all or a portion of such milk, not in excess of 25,000 lbs. in any calendar month, within the marketing area, but receives no milk from producers, and receives no milk from other sources than handlers operating pool plants.

SEC. 8. *Approved plant.* "Approved plant" means any milk plant:

(a) Which receives milk from producers who produce milk under dairy farm permits issued by an appropriate health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area, or from an approved plant as defined in paragraph (b) of this section, and which is approved by such appropriate health authority for the processing or packaging of milk and from which Class I milk or cream for fluid consumption, concentrated milk for fluid use or eggnog is disposed of during the month in the marketing area on routes or through plant stores located in the marketing area, or

(b) A plant which receives milk from producers who produce milk under dairy farm permits issued by an appropriate health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area, which plant is approved by such health authority to furnish milk to an approved plant defined in paragraph (a) of this section, and from which plant milk or cream is shipped during the month to an approved plant described in paragraph (a) of this section.

SEC. 9. *Pool plant.* "Pool plant" means an approved plant which during the current or preceding delivery period.

(a) Disposes of as Class I milk, cream for fluid consumption, concentrated milk for fluid use, and eggnog in the marketing area an amount exceeding 25,000 pounds, or 10 percent of such plant's total receipts of milk from dairy farms

and bulk milk or cream from other approved plants, whichever is greater, and also

(b) During the same delivery period disposes of, as Class I milk, cream for fluid consumption, concentrated milk for fluid use, and eggnog in total an amount equal to not less than the applicable percentage of such receipts as follows:

(i) October through March, 50 percent.

(ii) April through September, 40 percent.

Provided, That in the case of a handler who also operates approved plants of the type described in paragraph (a) of section 8 and of the type described in paragraph (b) of that section, the combined receipts and distribution of the multiple plant operation will be applied to the qualification standards of this section for the purpose of determining pool plant status of each such individual plants.

SEC. 10. *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, processing or bottling plant other than a pool plant.

SEC. 11. *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) A producer-handler;

(c) A cooperative association with respect to milk diverted for its account pursuant to section 12.

SEC. 12. *Producer.* "Producer" means any person except a producer-handler who produces milk under a dairy farm inspection permit issued to such person by an appropriate health authority having jurisdiction in the marketing area which milk is received at a pool plant: *Provided,* That if such milk is diverted for his account by a handler from a pool plant to a nonpool plant (a) any day during the months of April through September, or (b) on not more than 10 days during the month in any of the other months of the year, the milk so diverted shall be deemed to have been received by the diverting handler at his pool plant.

SEC. 13. *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers or associations of producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in section 12.

SEC. 14. *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler and from a source other than producers or pool plants, except the receipt of any non-fluid milk products which are not reprocessed or converted to another product in the plant during the month.

MARKET ADMINISTRATOR

SEC. 20. *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

SEC. 21. *Powers.* The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

SEC. 22. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
- (d) Pay out of the funds provided by section 88, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation and (3) all other expenses, except those incurred under section 87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;
- (f) Publicly disclose at his discretion to handlers and producers, unless otherwise directed by the Secretary the name of any person who, after the day upon which he is required to perform such acts, has not made (1) reports pursuant to section 30 or (2) payments pursuant to section 80 and section 84;
- (g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;
- (h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;
- (i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and
- (j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) On or before the 5th day of each month, the

Class I price, and the Class I butterfat differential, both for the current month; (2) on or before the 5th day of each month, the Class II price and the Class III price and the Class II and Class III butterfat differentials, both for the preceding month; and (3) on or before the 10th day after the end of each month, the uniform price, and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

SEC. 30. *Reports and receipts of utilization.* On or before the 10th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator:

- (a) The quantities of skim milk and butterfat contained in producer milk;
- (b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;
- (c) The quantities of skim milk and butterfat contained in other source milk;
- (d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to Section 11;
- (e) Inventories of fluid milk products on hand at the beginning and end of the month; and
- (f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

Provided: That any handler may at his option elect to make reports for two accounting periods within the calendar month, for as many as three such months during a calendar year period, provided that the shorter of the two such periods during any such month shall not be less than seven days. With respect to such reports that the handler elects to make for two periods during one calendar month, the handler, on or before the tenth day after the end of each part month accounting period, shall report to the market administrator in the detail and on the form prescribed by the market administrator for each of his approved plants for such two part month periods, as follows:

- (a) The quantities of skim milk and butterfat contained in producer milk;
- (b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;
- (c) The quantities of skim milk and butterfat contained in other source milk;
- (d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to section 11;
- (e) Inventories of fluid milk products on hand at the end of each such part month accounting period; and
- (f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

SEC. 31. *Other reports.* Each handler, except a producer-handler, shall report

to the market administrator in detail and on forms prescribed by the market administrator:

- (1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) The total pounds of milk received from such producer or cooperative association, (ii) the days in which milk was received from such producer, if less than a full month, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment to each producer or cooperative association, together with the price paid and the amount and nature of any deductions;
- (2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at its pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such products; and
- (3) Such other information with respect to his utilization of butterfat and skim milk necessary and essential to the proper functioning of this part, as is prescribed by the administrator.

SEC. 32. *Records and facilities.* Each handler shall keep accurate records of receipts of utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test butterfat content of all milk and milk products handled; (c) verify payments to producers; and (d) make such examinations of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

SEC. 33. *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

SEC. 40. *Skim milk and butterfat to be classified.* All skim milk and butterfat which is received within the month

or within each of the two part month accounting periods elected, as the case may be, by a handler and which is required to be reported pursuant to section 30 shall be classified by the market administrator pursuant to the provisions of section 31 through section 36.

SEC. 41. Classes of utilization. Subject to the conditions set forth in sections 43 through 44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, milk in half and half, and all milk not accounted for in Class II and Class III; in inventory of fluid milk products; and shrinkage allocated to Class I pursuant to section 42;

(b) *Class II Milk.* Class II milk shall be all skim milk and butterfat used to produce, or disposed of in, concentrated milk for fluid use, cottage cheese, pot or baker's cheese, eggnog, cream for fluid consumption and in half and half, sour cream, and aerated whips; and any shrinkage allocated to Class II pursuant to section 42;

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat used to produce or disposed of as ice cream and similar frozen dairy products and mixes, butter, roller or spray milk powder products, condensed milk, condensed skim milk, bread or bakery products at a bona fide bakery plant, cheese other than cottage, pot or baker's cheese, livestock feed, skim milk and butterfat dumped after prior notification to the market administrator and opportunity for verification by the market administrator; and shrinkage allocated to Class III pursuant to section 42.

SEC. 42. Shrinkage. The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler;

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and other source milk;

(c) Classify in Class III milk the skim milk and butterfat so prorated to other source milk; and

(d) Classify in Class III milk all the skim milk and butterfat in shrinkage prorated to producer milk, but not to exceed 2 percent of the receipts of skim milk and butterfat, respectively, in producer milk. Classify that quantity of shrinkage prorated to producer milk, in excess of 2 percent, among the Class I milk, Class II milk and Class III milk according to the total quantities of milk and skim milk classified in such classes.

SEC. 43. Responsibility of handlers and reclassification of milk. All skim milk and butterfat shall be classified as Class I milk, unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II or Class III.

SEC. 44. Transfers. (a) Skim milk and butterfat when transferred or diverted by a handler from a pool plant to a pool plant of another handler (except a producer-handler) in the form of a fluid milk product shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk or Class III milk in their reports submitted pursuant to section 30 but in no event shall the amount so assigned to Class II and Class III milk exceed the total use in such classes, respectively, by the transferee-handler: And provided; That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of a fluid milk product.

(c) As Class I milk if diverted or transferred in the form of a fluid milk product to a nonpool plant except that of a producer-handler, unless (1) the handler claims Class II or Class III utilization in his report submitted pursuant to section 30, (2) the operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant during the month in the use indicated in such report: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk.

SEC. 45. Computation of skim milk and butterfat in each class. For each month or part month accounting period, as the case may be, the market administrator shall correct for mathematical and other obvious errors the monthly report submitted for the pool plant(s) of each handler pursuant to Section 30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk and Class III milk for such handler.

SEC. 46. Allocation of skim milk and butterfat classified. (a) The pounds of skim milk remaining in each class after making the following computations for the pool plant(s) of each handler for each accounting period shall be the pounds in such class allocated to producer milk received by such handler:

(1) Subtract from the total pounds of skim milk in Class II and Class III milk the pounds of skim milk in shrinkage assigned to Class II and Class III, respectively, pursuant to section 42 (d);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest price classification, the pounds of skim milk in other source milk received from a plant(s) other than one at which the handling of milk is fully subject to another marketing

agreement or order issued pursuant to the act;

(3) Subtract from the pounds of skim milk remaining in Class II and Class III in series beginning with Class III an amount equal to such remainder, or the pounds obtained by multiplying by 0.10 the pounds of skim milk in producer milk received by the handler, whichever is less;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest priced classification, the pounds of skim milk in other source milk received from a plant(s) at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;

(5) Add to the pounds of skim milk in Class II and Class III milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph;

(6) Subtract from the remaining pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the accounting period: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class I milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II and Class III, in series, beginning with Class II milk;

(7) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from the pool plants of other handlers in such classes pursuant to section 44;

(8) Add to the remaining pounds of skim milk in the specified class the pounds subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest price classification.

(b) Butterfat should be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to the producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

DETERMINATION OF CLASS PRICES

SEC. 50. Basic formula price to be used in determining Class I price. The basic formula price for each delivery period to be used in determining the Class I price shall be the higher of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest cent.

(a) Determine the arithmetic average of the basic or field, prices paid or to be paid per hundredweight of milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture;

Concern and location

- Borden Co., Mount Pleasant, Mich.
- Carnation Co., Sparta, Mich.
- Pet Milk Co., Wayland, Mich.
- Pet Milk Co., Coopersville, Mich.
- Borden Co., Orfordville, Wis.
- Borden Co., New London, Wis.
- Carnation Co., Richland Center, Wis.
- Carnation Co., Oconomowoc, Wis.
- Pet Milk Co., New Glarus, Wis.
- Pet Milk Co., Belleville, Wis.
- White House Milk Co., Manitowoc, Wis.
- White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator, of the weighted average of carlot prices per pound for non-fat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period for the 26th of the immediately preceding month to the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

(c) The price per hundredweight computed as follows:

(1) Multiply by 6 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the month;

(2) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the month of the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used.

Sec. 51. *Class prices.* Subject to the provisions of section 52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the amount set forth below for such month opposite the price range within which the basic formula price for the preceding month falls:

Basic formula price range (dollars per hundredweight):	Amount per hundredweight
2.00 but not more than 2.199	-----
2.20 but not more than 2.399	-----
2.40 but not more than 2.599	-----
2.60 but not more than 2.799	-----
2.80 but not more than 2.999	-----
3.00 but not more than 3.199	-----
3.20 but not more than 3.399	-----
3.40 but not more than 3.599	-----
3.60 but not more than 3.799	-----
3.80 but not more than 3.999	-----

and for each additional 20 cents or fraction thereof an additional 20 cents.

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the sum of the respective values of skim milk and butterfat calculated as follows:

(1) *Butterfat.* Add all weekly quotations (using the midpoint of any weekly range as one quotation) per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia, Pennsylvania, market, as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract \$1.00, divide by 33.48, multiply by 3.5.

(2) *Skim milk.* The weighted average selling price, wholesale, at manufacturers' plants, of all spray and roller dried non-fat milk solids for human consumption, as published by the United States Department of Agriculture for the previous month, shall be used in determining the skim value as follows:

Quotation per pound:	Class II skim value
\$0.065 or below	-----
\$0.066 to \$0.075	----- \$0.07½
\$0.076 to \$0.085	----- .15
\$0.086 to \$0.095	----- .22½
\$0.096 to \$0.105	----- .30
\$0.106 to \$0.115	----- .37½
\$0.116 to \$0.125	----- .45
\$0.126 to \$0.135	----- .52½
\$0.136 to \$0.145	----- .60
\$0.146 to \$0.155	----- .67½
\$0.156 to \$0.165	----- .75
\$0.166 to \$0.175	----- .82½
\$0.176 to \$0.185	----- .90
\$0.186 to \$0.195	----- .97½

(c) *Class III milk price.* The price per hundredweight for Class III milk shall be the sum of the respective values of skim milk and butterfat calculated as follows:

(1) *Butterfat.* Add all weekly quotations (using the midpoint of any weekly range as one quotation) per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey, and Pennsylvania only, in the Philadelphia market, as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract \$2.00, divide by 33.48, multiply by 3.5.

(2) *Skim milk.* The weighted average selling price, wholesale, at manufacturers' plants, of all spray and roller dried non-fat milk solids for human consumption, as published by the United States Department of Agriculture for the previous month, shall be used in determining the skim value as follows:

Quotation per pound:	Class III skim value
\$0.105 or below	-----
\$0.106 to \$0.115	----- \$0.07½
\$0.116 to \$0.125	----- .15
\$0.126 to \$0.135	----- .22½
\$0.136 to \$0.145	----- .30
\$0.146 to \$0.155	----- .37½
\$0.156 to \$0.165	----- .45
\$0.166 to \$0.175	----- .52½
\$0.176 to \$0.185	----- .60
\$0.186 to \$0.195	----- .67½

Sec. 52. *Location differential to handlers.* With respect to skim milk and butterfat contained in milk received from producers at a pool plant located more than 35 to 45 miles from the milestone in the District of Columbia, which is classified as Class I milk, Class II milk

and Class III milk, the class prices shall be reduced 17 cents per hundredweight and for each additional 10 miles in excess of 45 miles the prices shall be reduced an additional cent.

Sec. 53. *Butterfat differential.* (a) The Class I price shall be subject to a butterfat differential of 8 cents for each one tenth of one percent variation above or below 3.5 percent butterfat.

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 3.5 percent butterfat, calculated as follows: Divide the butterfat value determined pursuant to section 51 (b) (1) by 35.

(c) The Class III price shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 3.5 percent butterfat calculated as follows: Divide the butterfat value determined pursuant to section 51 (c) (1) by 35.

APPLICATION OF PROVISIONS

Sec. 60. *Producer-handlers.* Sections 40 through 46, 50 through 53, 60 through 62, 70 through 73, 80 through 88 shall not apply to a producer-handler.

Sec. 61. *Handlers operating nonpool plants.* Sections 42 through 46; 50 through 52; 70 through 73; 80 through 83; 87 through 88 shall not apply to a handler in his capacity as the operator of a non-pool plant, except that such handler shall pay to the market administrator on or before the 12th day after the end of each month for deposit into the Producer-Settlement Fund:

(a) An amount of money computed by multiplying the hundredweight of Class I milk disposed of from his nonpool plant (except any nonpool plant subject to the classification and pricing provisions of another order issued pursuant to the act) during the month to retail or wholesale outlets in the marketing area (including deliveries by vendors or sales through plant stores) by a rate of payment equal to the difference between the Class I price and the Class III price.

(b) An amount of money computed by multiplying the hundredweight of Class II milk disposed of from his non-pool plant (except any nonpool plant subject to the classification and pricing provisions of another order issued pursuant to the act) during the month to retail or wholesale outlets in the marketing area (including deliveries by vendors or sales through plant stores) by a rate equal to the difference between the Class II price and the Class III price.

Sec. 62. *Plants subject to other orders.* In the case of any plant from which the Secretary determines a greater volume of Class I milk is disposed of in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, than in the Metropolitan Washington Marketing Area, the provisions of this subpart shall not apply except the handler operating such plant shall, with respect to his total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator

may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

SEC. 70. *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to section 46 by the applicable class price;

(b) Add together the resulting amount;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to section 46 by the applicable class prices; and

(d) During any delivery period in which the total receipts from all producers is more than 110 percent of the total Class I and Class II utilization at all pool plants, add an amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to section 46 (a) (2), and the corresponding paragraph (b) of this section by a rate equal to the difference between the Class I price and the Class III price.

SEC. 71. *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in section 30 for the month and who were not in default of payments pursuant to section 84 for the preceding month;

(b) Add an amount equivalent to the total deductions made pursuant to section 82.

(c) Subtract, if the average butterfat content of producer milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to section 81 and multiply the resulting figure by the total hundredweight of such milk;

(d) Subtract for each of the months of April and May an amount computed by multiplying the total hundredweight of producer milk included in these computations by 45 cents per hundredweight;

(e) Add an amount representing the cash balance on hand in the Producer-Settlement Fund, less the total amount of contingent obligations to handlers pursuant to section 85 (a), and less the aggregate of the amounts held pursuant to paragraph (c) of this section for payment pursuant to section 85 (b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat received from producers at a handler's pool plant.

PAYMENTS

SEC. 80. *Time and method of payment.* On or before the 15th day after the end of each month, each handler shall pay to each producer or cooperative association from whom he received milk during the month an amount of money representing not less than the total value of such producer milk at the uniform price per hundredweight, subject to the producer butterfat and location differentials, computed pursuant to section 81 and section 82, and less deductions authorized by such producer, and less deductions for marketing services: *Provided*, That, if by such date the handler has not received full payment for such month pursuant to section 85, he may reduce uniformly per hundredweight for all producers his payments pursuant to this section by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

SEC. 81. *Producer butterfat differential.* If any handler has received from any producer, during the month, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to section 80, shall add to the uniform price for such producer for each one-tenth of one percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of one percent of average butterfat content in milk below 3.5 percent not more than ---- cents per hundredweight.

SEC. 82. *Location differential to producers.* In making payments to producers pursuant to section 80 a handler shall deduct from the uniform price, with respect to all milk physically received from farms, from producers or associations of producers, at a pool plant located 35 to 45 miles from the milestone in the District of Columbia, 17 cents per hundredweight, and for such plants within each additional 10 miles in excess of 45 miles, an additional one cent.

SEC. 83. *Producer-Settlement Fund.* The market administrator shall establish and maintain a separate fund known as the "Producer-Settlement Fund" into which he shall deposit all payments made by handlers pursuant to sections 61, 84, and 86, and out of which he shall make all payments pursuant to sections 85 and 86.

SEC. 84. *Payments to the Producer-Settlement Fund.* On or before the 13th day after the end of each month, each pool plant handler shall pay to the mar-

ket administrator any amount by which the net obligation of such handler pursuant to section 70 is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials.

SEC. 85. *Payments out of the Producer-Settlement Fund.* (a) On or before the 14th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler pursuant to section 70 is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials: *Provided*, That if the balance in the Producer-Settlement Fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 14th day after the end of each of the months of July and September, the market administrator shall pay out of the Producer-Settlement Fund to each producer from whom milk was received by all handlers during the month an amount computed as follows: Divide one-half of the aggregate amount held pursuant to section 71 (c) by the hundredweight of milk received from producers by all handlers during the month and multiplying the resulting amount (computed to the nearest cent per hundredweight) by the milk received from such producers during the month: *Provided*, That the payments under this paragraph to any producer who has given authority to a cooperative association to receive payment for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payments.

SEC. 86. *Adjustment of accounts.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the Producer-Settlement Fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator, pursuant to section 85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification of the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by section 80, the handler shall pay any amount so due not later than the time of making payments to producers next following such disclosure.

SEC. 87. *Marketing services.* Each handler making payments to producers pursuant to section 80 shall deduct ---- cents per hundredweight or such lesser amount as the Secretary may prescribe,

with respect to all milk received by such handler from producers, excepting such handler's own farm production, during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received by handlers from such producers during the delivery period, and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an employee of the United States responsible to him.

SEC. 88. Expense of administration. As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, ---- cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period of all milk from any source classified as Class I or Class II milk.

SEC. 89. Termination of obligations. The provisions of this section shall apply to any obligations under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

SEC. 90. Effective time. The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to section 91.

SEC. 91. Suspension or termination. Any or all provisions of this subpart, or any amendment to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 92. Continuing power and duty. (a) If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this subpart.

SEC. 93. Liquidation after suspension or termination. Upon the suspension or

termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

SEC. 100. Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

SEC. 101. Separability of provisions. If any provision of this subpart, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Proposal No. 3: Proposed by Harvey Dairy, Inc.:

DEFINITIONS

Metropolitan Washington Marketing Area. "Metropolitan Washington Marketing Area" hereinafter called "the marketing area," means the territory of the District of Columbia and all or that part of the following counties: Washington County, Frederick County, Howard County, Montgomery County, Prince Georges County, Anne Arundel County, Calvert County, Charles County, St. Marys County in Maryland, that lie southeast, south, and southwest of a line beginning at the point where the Shepherdstown bridge passes over the Potomac River and enters Washington County, Maryland. Follow Maryland Route 34 northeast to Boonsboro, Maryland. Turn right on Alternate U. S. 40 and go southeast through Frederick, Maryland on Alternate U. S. 40 to Ridgeville, Maryland. Thence, south on Maryland Route 27 to where it crosses the Patuxent River. Follow the Patuxent River southeast to its intersection with U. S. Route 29. Then go northeast on U. S. Route 29 to Clarksville, Maryland. Thence southeast on Maryland Route 32 to its intersection with U. S. Route 1. Go north on U. S. Route 1 to Waterloo, Maryland. Thence go southeast on Maryland Route 175 to its intersection with U. S. Route 301. Thence go southwest on U. S. Route 301 to its intersection with Maryland Route 424 at Conways, Maryland. Thence southeast on Maryland Route 424 to its intersection with Maryland Route 2 at Davidsonville, Maryland; from this point follow a line directly eastward to the Chesapeake Bay. In addition the marketing area should

also include the territory in the State of Virginia as set forth in proposal No. 1 submitted by the Maryland and Virginia Milk Producers Association, Inc.

Proposal No. 4: Proposed by Highs Dairy Products Corporation:

Provide that any marketing area covering the Washington, D. C., market include the City of Frederick, Maryland.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 21, 1957, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1472; Filed Feb. 26, 1957;
8:55 a. m.]

[7 CFR Parts 927, 990]

[Docket Nos. AO-71-A-32, AO-284]

MILK IN NEW YORK METROPOLITAN MARKETING AREA AND IN NORTHERN NEW JERSEY

NOTICE OF RECONVENING OF HEARING

The public hearing held pursuant to the notice of hearing issued on May 18, 1956 (21 F. R. 3527), and supplemental notices issued on May 29, 1956 (21 F. R. 3799), and on August 29, 1956 (21 F. R. 6680), on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area and on a proposed marketing agreement and order regulating the handling of milk in Northern New Jersey was recessed by the Hearing Examiner on January 7, 1957, to reconvene at a date, time and place to be later announced by the issuance of a public notice in accordance with the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900).

Accordingly, notice is hereby given that such public hearing will be reconvened at the Commodore Hotel in New York City at 10:00 a. m., e. s. t., on March 5, 1957.

Issued this 21st day of February 1957.

[SEAL] G. OSMOND HYDE,
Hearing Examiner.

[F. R. Doc. 57-1473; Filed, Feb. 26, 1957;
8:56 a. m.]

[7 CFR Part 1021]

[AO-291]

WATERMELONS GROWN IN FLORIDA, GEORGIA, AND SOUTH CAROLINA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in ac-

cordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.), notice is hereby given of a public hearing to be held at the George Washington Hotel, Jacksonville, Florida, starting at 9:30 a. m., e. s. t., April 22, 1957, with respect to a proposed marketing agreement and order authorizing regulation of the handling of watermelons grown in all counties in the State of Florida lying east of the Apalachicola River; all counties in the State of Georgia; and all counties in the State of South Carolina. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of a marketing agreement and order hereinafter set forth, or appropriate modifications thereof.

Growers and shippers in the States of Florida, Georgia, and South Carolina, as represented by the Watermelon Growers and Shippers Association and others, requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of watermelons in the proposed production area.

DEFINITIONS

§ 1021.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1021.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1021.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1021.4 *Production area.* "Production area" means all counties in the State of Florida lying east of the Apalachicola River; all counties in the State of Georgia; and all counties in the State of South Carolina.

§ 1021.5 *Watermelons.* "Watermelons" means all varieties of watermelons grown within the production area.

§ 1021.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons or causes watermelons to be handled.

§ 1021.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place, or have placed, watermelons in the current of commerce within the production area or between the production area and any point outside thereof. The term "handle" or

"ship" does not include the sale of unharvested watermelons.

§ 1021.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of watermelons for market.

§ 1021.9 *Eligible producer.* "Eligible producer" means any person who is a producer only or both a producer and handler of watermelons for market, but whose handling of watermelons produced by others constitutes less than 25 percent of the total number of watermelons handled by such person during the preceding fiscal period.

§ 1021.10 *Eligible handler.* "Eligible handler" means any person who is a handler only or any person who is both a handler and a producer of watermelons for market, but whose handling of watermelons produced by others constitutes at least 25 percent of the total number of watermelons handled by such person during the preceding fiscal period.

§ 1021.11 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of watermelons into grades and maturities for market purposes.

§ 1021.12 *Grade.* "Grade" means any one of the established grades of watermelons as defined and set forth in the United States Standards for Watermelons issued by the United States Department of Agriculture (§§ 51.1970 through 51.1981 of this title) or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1021.13 *Maturity.* "Maturity" means various degrees of ripeness for watermelons as established by the committee with the approval of the Secretary.

§ 1021.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of watermelons according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1021.15 *Committee.* "Committee" means the Southeastern Watermelon Committee, established pursuant to § 1021.22.

§ 1021.16 *Fiscal period.* "Fiscal period" means the period beginning January 1 and ending December 31 following.

§ 1021.17 *District.* "District" means each one of the geographic divisions of the production area initially established pursuant to § 1021.24 or as reestablished pursuant to § 1021.25.

§ 1021.18 *Export.* "Export" means shipment of watermelons beyond the boundaries of continental United States.

COMMITTEE

§ 1021.22 *Establishment and membership.* (a) The Southeastern Watermelon Committee, consisting of 12 members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alter-

nate who shall have the same qualifications as the member.

(b) Each person selected as a producer member or alternate shall be an individual who is an eligible producer in, and a resident of, the district from which selected.

(c) Each person selected as a handler member or alternate shall be an individual who is an eligible handler in, and a resident of, the production area within the State from which selected.

§ 1021.23 *Term of office.* (a) The term of office of committee members and their respective alternates shall be for one year and shall begin as of January 1 and end as of December 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1021.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1—South Florida. The Counties of Manatee, Hardee, Highlands, Okeechobee, Indian River, and all counties lying south thereof in the State of Florida;

District No. 2—Leesburg Area. The Counties of Brevard, Citrus, Hernando, Hillsborough, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, and that portion of Marion County lying south of Florida State Road No. 40.

District No. 3—Gainesville Area. The Counties of Alachua, Bradford, Clay, Dixie, Flagler, Gilchrist, Levy, Putnam, St. Johns, Union, Volusia, and that portion of Marion County lying north of Florida State Road No. 40.

District No. 4—Live Oak Area. All the remaining counties in the State of Florida lying east of the Apalachicola River not included in Districts 1, 2, and 3;

District No. 5—South Georgia. The Counties of Clay, Calhoun, Dougherty, Worth, Turner, Ben Hill, Coffee, Bacon, Pierce, Brantley, Glynn, and all counties lying south thereof in the State of Georgia.

District No. 6—Middle and North Georgia. All counties in the State of Georgia not included in District No. 5;

District No. 7—Allendale Area. The Counties of Aiken, Bamberg, Barnwell, Charleston, Dorchester, and all counties lying south thereof in the State of South Carolina;

District No. 8—Pageland Area. All the remaining counties in the State of South Carolina not included in District No. 7.

§ 1021.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in watermelon acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient ad-

ministration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1021.26 *Selection.* The Secretary shall select initially one producer member of the committee, with his respective alternate, from each district; two handler members, with their respective alternates, from the State of Florida; and one handler member, with his respective alternate, from each of the States of Georgia and South Carolina.

§ 1021.27 *Nomination.* The Secretary may select committee members and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district and a meeting or meetings of handlers shall be held within the production area in each State to nominate committee members and alternates. For nominations to the initial committee the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to November 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than December 15 of each year;

(d) Only eligible producers may participate in designating nominees for producer members and alternates and only eligible handlers may participate in designating nominees for handler members and alternates on the committee. In the event a person is engaged in producing watermelons in more than one district or in handling watermelons within the production area in more than one State, such person shall elect the district or State within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts or States within the production area in which a person produces or handles watermelons, each such eligible person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1021.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1021.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1021.24 through 1021.26.

§ 1021.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1021.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district or State involved, or from nominations made in the manner specified in § 1021.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1021.24 through 1021.26.

§ 1021.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for the unexpired term of said member is selected and has qualified.

§ 1021.32 *Procedure.* (a) Nine members of the committee shall be necessary to constitute a quorum and seven concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such meeting shall be promptly confirmed in writing; *Provided*, That when any assembled meeting is held, all votes shall be cast in person.

§ 1021.33 *Expenses and compensation.* Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and may receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10.00 for each full day spent in attending meetings of the committee.

§ 1021.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1021.35 *Duties.* It shall be the duty of the committee:

(a) As soon as practical after the beginning of each term of office to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary information as to its activities including a copy of the minutes of each meeting, and any other available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to watermelons;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures, for, and to make determinations in connection with, issuance of certificates of privilege or exemption or both;

(i) To investigate claims for exemption;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its anticipated expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1021.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart,

determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of watermelons under regulation handled by him as the first handler thereof during a fiscal period and the total quantity of watermelons handled by all handlers as first handlers thereof during such fiscal period.

§ 1021.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1021.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles watermelons shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all watermelons which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1021.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, dis-

bursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1021.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) (1) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for the committee operations during such period may be carried over into following periods as a reserve. Such reserve may be used to cover the necessary expenses of liquidation in the event of termination of this part. The reserve may also be used by the committee to finance its operations during any fiscal period prior to the time that assessment income is sufficient to cover expenses or when adverse crop conditions result in insufficient revenue to otherwise maintain the committee and its staff on a reasonable basis—but any reserve funds so used shall be returned to the reserve account as soon as assessment income becomes available for this purpose.

(2) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be returned to the extent practical to the persons from whom such funds were collected. Any residual funds which cannot be so distributed to handlers shall be disposed of in such manner as the Secretary may determine to be appropriate.

RESEARCH AND DEVELOPMENT

§ 1021.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of

watermelons. The expenses of such projects shall be paid from funds collected pursuant to § 1021.42.

REGULATION

§ 1021.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1021.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping watermelons from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to watermelons. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

- (a) Market prices of watermelons, including prices by grades and quality in wholesale shipping units;
- (b) Supply of watermelons by grade and quality in the production area, and in other production areas.
- (c) Watermelons on hand in the terminal markets as manifested by supplies en route or on track at the principal markets;
- (d) Trend and level of consumer income;
- (e) Marketing conditions affecting watermelon prices; and
- (f) Other relevant factors.

§ 1021.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 1021.50, may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policies of the act.

§ 1021.52 *Issuance of regulations—*
(a) *Cull regulation.* As soon as practical after the issuance of this subpart, the Secretary, upon committee recommendation, or other available information, shall issue a regulation requiring that no person shall handle watermelons unless such watermelons are (1) mature, and (2) free from whiteheart: *Provided,* That (i) not more than a total of five percent, by count, of the watermelons in the shipment may be watermelons that are not mature, (ii) not more than a total of ten percent, by count, of the watermelons in the shipment (including the watermelons that are not mature) may be watermelons that are not free from whiteheart, and (iii) not more than a total of one percent, by count, of the watermelons in the shipment may be watermelons that are not free from decay.

(b) *Other grade regulations.* In addition to the above cull regulation, the Secretary may limit by regulation the handling of watermelons whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate

the declared policy of the act. Such regulation may:

(1) Limit, in any or all portions of the production area, the handling of particular grades, or qualities, of any or all varieties of watermelons during any period; or

(2) Limit the handling of particular grades, or qualities, of watermelons differently, for different varieties, for different stages of maturity, for different portions of the production area, for different markets, for different purposes specified in § 1021.54, or any combination of the foregoing, during any period; or

(3) Limit the shipment of watermelons by establishing, in terms of grades, minimum standards of quality and maturity.

(c) During the period from January 1 through May 10 of each year no grade regulation imposing minimum quality restrictions higher than the requirements of paragraph (a) of this section shall be made effective unless the Producer Member from District 1, South Florida, concurs in the committee recommendation therefor.

(d) During the period from May 11 through December 31 of each year, no grade regulation may be made effective which prohibits the shipment of watermelons grading better than U. S. No. 1 with a total tolerance of 15 percent for all defects, of which (1) not more than a total of five percent, by count, of the watermelons in the shipment may be watermelons that are not mature, (2) not more than a total of ten percent, by count, of the watermelons in the shipment (including the watermelons that are not mature) may be watermelons that are not free from whiteheart, and (3) not more than a total of one percent, by count, of the watermelons in the shipment may be watermelons that are not free from decay.

(e) The Secretary may suspend or terminate regulations issued pursuant to this section, limiting the shipment of watermelons from any district or districts of the production area, whenever he determines from recommendations of the committee or from other available information, that the handling of watermelons from such district or districts is virtually complete for the then current season and that subsequent shipments from such district or districts during such season will not be of sufficient volume to warrant continued regulation for the remainder of such season.

(f) The Secretary shall notify the committee of any such regulation, suspension, or termination, and the committee shall give reasonable notice thereof to handlers.

§ 1021.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 1021.42, 1021.52, 1021.54, or 1021.60, or any combination thereof.

§ 1021.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the

committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1021.42, 1021.52, 1021.53, or 1021.60, or any combination thereof, in order to facilitate shipments of watermelons for the following purposes:

(a) Shipments of watermelons within the production area for the purpose of having such watermelons graded or inspected in the production area;

(b) Shipments of watermelons to auctions within the production area;

(c) Shipments of watermelons for the purpose of having such watermelons manufactured or converted into specified products or by-products;

(d) Shipments of watermelons for seed;

(e) For other purposes which the Secretary may specify.

§ 1021.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent watermelons handled pursuant to § 1021.53 or § 1021.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle watermelons pursuant to §§ 1021.53 and 1021.54; or

(2) Handlers shall obtain inspection provided by § 1021.60, or pay the assessment levied pursuant to § 1021.42, or both, in connection with shipments made under § 1021.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of watermelons affected or to be affected under the provisions of §§ 1021.53 and 1021.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that watermelons handled by him for the purposes stated in §§ 1021.53 and 1021.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of watermelons covered by such applications, the number of such applications denied and certificates granted, the quantity of watermelons handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1021.60 *Inspection and certification.* (a) During any period in which handling of watermelons is regulated pursuant to §§ 1021.42, 1021.52, or 1021.54, or any combination thereof, no handler shall handle watermelons unless such water-

melons are inspected by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 1021.53, or § 1021.54, or both.

(b) The Secretary, pursuant to committee recommendations or other available information, may establish central points within each local producing section at which inspection of watermelons can be provided. Such points shall be based on customary location of inspection points for watermelons transported by rail or by truck, or both, during specific periods of the season, the reasonable convenience of such points to watermelon producers and handlers, the volume of watermelons available for inspection at such points during specified periods in each such locality, the availability of inspectors, and such other relevant factors as the committee, with the approval of the Secretary, may determine. Persons handling watermelons hereunder shall bring such watermelons to central points within each local producing section for inspection and make such watermelons available for inspection.

(c) The committee may recommend and the Secretary may require that any watermelons transported by motor vehicle or by other means shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

(d) The committee may recommend and the Secretary may require that all watermelons inspected in accordance with this section be individually stamped, branded, or marked in some other manner for easy identification of those watermelons which have passed inspection and are covered by an inspection certificate.

(e) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(f) Regrading, resorting, or commingling any lot of watermelons shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle watermelons after they have been regraded, resorted, commingled, or in any way further prepared for market, unless each lot of such watermelons is inspected by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall designate. The committee, with approval of the Secretary, may provide for waiving inspection requirements on any watermelons in circumstances where it appears reasonably certain that, after regrading, resorting, or commingling such watermelons meet the applicable quality and other standards then in effect.

EXEMPTIONS

§ 1021.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which

certificates of exemption will be issued to producers or handlers.

§ 1021.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that: (a) By reason of a regulation issued pursuant to § 1021.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that (b) the grade, size, or quality of the applicant's watermelons have been adversely affected by acts beyond the applicant's control and beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of watermelons specified thereon. Such certificate shall be transferred with such watermelons at time of transportation or sale.

§ 1021.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1021.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. The appeal must be taken promptly after such determination by the committee. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a determination concerning the application, which determination shall be final. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1021.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of watermelons covered by such exemption certificates, a record of the amount of watermelons handled under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 1021.70, 1021.71, 1021.72, or 1021.73, or any combination thereof.

REPORTS

§ 1021.80 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at

such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of watermelons received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such watermelons; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the watermelons were handled, together with the destination of each exempted disposition and of all watermelons handled pursuant to §§ 1021.53 and 1021.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the watermelons received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1021.81 *Compliance.* Except as provided in this subpart, no handler shall handle watermelons, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle watermelons except in conformity to the provisions of this subpart.

§ 1021.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1021.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1021.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production of watermelons for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such watermelons produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1021.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1021.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under

this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1021.87 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1021.88 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1021.89 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1021.90 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1021.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1021.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1021.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.¹

§ 1021.94 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

¹ Applicable only to the proposed marketing agreement.

§ 1021.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of watermelons in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.¹

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: February 20, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1455; Filed, Feb. 26, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 235]

[Docket No. 789]

FILING OF FREIGHT RATES IN FOREIGN IMPORT COMMERCE OF THE UNITED STATES

NOTICE OF ORAL ARGUMENT

Whereas, by notice in this proceeding, appearing in the FEDERAL REGISTER of March 15, 1956 (21 F. R. 1656) the Board announced that it had instituted an investigation with respect to the issuance of a proposed rule requiring the filing with the Board of schedules, and all amendments thereto, of all inbound rates, charges, rules, regulations, and practices established, observed, and assessed by all common carriers by water subject to the Shipping Act, 1916, as amended (46 U. S. C. 801 et seq.), and engaged in the foreign import commerce of the United States, including all of its Districts, Territories, and possessions and all persons interested in the proposed rule were given an opportunity to file written statements and comments as to when such schedules should be filed, and

Whereas, by notice appearing in the FEDERAL REGISTER of October 20, 1956 (21 F. R. 8088), the Board, having considered comments received pursuant to the above notice, published the proposed rule in order to give interested persons an opportunity to file written comments and statements with respect to such rule, and

Whereas, consideration has been given to the comments received, including those in which a request was made for a hearing or oral argument,

Now therefore, notice is hereby given that oral argument will be heard by the Board, on March 19, 1957, beginning at 9:30 a. m., in Room 4519 New G. A. O. Building, 44¹/₂ G Street NW., Washington, D. C., with respect to (1) whether the Board has statutory authority to issue the proposed rule, and (2) any other

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

question germane to such rule and/or the issuance thereof, on which interested parties may desire to be heard.

All respondents in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington 25, D. C., immediately whether they will participate in the oral argument and, if so, the amount of time desired for argument.

Dated: February 25, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1514; Filed, Feb. 25, 1957; 4:22 p. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 77, 78]

[Notice 29; Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

JANUARY 25, 1957.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments and the reasons therefor are set forth below.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before February 26, 1957. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

(62 Stat. 738, 18 U. S. C. 831-835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. McCoy,
Secretary.

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

Amend § 72.5 Commodity List (15 F. R. 8266, 8267, 8269, 8272, Dec. 2, 1950) (21 F. R. 7596, Oct. 4, 1956) as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
<i>Change</i>				
Copper arsenite, solid (Scheele's green, cupric green, copper orthoarsenite, Swedish green).	Polis. B.	73.364, 73.365	Poison	200 pounds.
*Sparklers. See Common fireworks.				
Vinyl chloride, inhibited	F. G.	73.302, 73.308, 73.314, 73.315.	Red Gas	300 pounds.
<i>Add</i>				
Dimethylhydrazine, unsymmetrical	F. L.	No exemption, 73.145	Red	5 pints.
Explosive cartridges	Expl. A.	No exemption, 73.56		Not accepted.
Nitric oxide	Polis. A.	No exemption, 73.337	Poison Gas	Not accepted.

PART 73—SHIPPERS

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

In § 73.31 amend paragraph (a) table; add footnote 11 to paragraph (a) table; add spec. 109A100AL-W to table 1 to paragraph (g) (9) (21 F. R. 4562, 4563, June 26, 1956) to read as follows:

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

Where these regulations call for specifications Nos.—	These specification containers may also be used subject to the provisions of the following notes—
103 ⁴⁵⁹¹¹ and 103-W ⁴⁵⁹¹¹	ARA-II ¹⁴⁴¹¹ III ⁴⁵⁹¹¹ and IV ⁵⁹
103A ⁴¹¹ and 103A-W ⁴¹¹	ARA-II ²⁴¹¹ and III ⁴²¹¹
103B ⁴¹¹ and 103B-W ⁴¹¹	ARA-II ⁴¹¹ and III ⁴¹¹ rubber lined.
103C-W	103C. ⁵
103D-W, 103E-W, 103A-N-W	See Note 10.
104 ⁴⁹¹¹ and 104-W ⁴⁹¹¹	ARA-IV ⁴⁹¹¹
105A100 and 105A100-W	104A ⁷ and 104A-W ⁷
105A100-AL-W	104A-AL-W ⁷
105A300-W	ARA-V, ³ ICC-105 ³ and 105A300. ³
105A400-W	105A400.
105A500-W	105A500.
105A600-W	105A600.
106A500 and 106A500-X	ICC-27 tanks mounted on a car and classified as multiunit tank prior to October 1, 1930. ⁶
106A800 and 106A800-X	None.
106A800NCI	None.
107A * * *	None.

¹¹ Cars built prior to August 31, 1956, equipped with safety vents having frangible rupture discs of 30 p. s. i. may be used. Cars equipped with 30 p. s. i. safety vents may be continued in service but these safety vents may be reset to 45 p. s. i. by changing the frangible disc to one of that rating.

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

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests				Safety valve retest	Interior heater systems retest				Tank test p. s. i.	Safety valve p. s. i. ^e	Safety valve vapor tight p. s. i. minimum	Retest holding time minimum	Test time when base time is not removed minimum
		Up to 10 years	10 to 22 years	Over 10 years	Over 22 years		Up to 10 years	10 to 22 years	Over 10 years	Over 22 years					
ICC-109A-100AL-W		10	10		5	10		10		100	75	60	10	20	

Footnotes remain the same.

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

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

§ 73.53 Definition of class A explosives. * * *

(w) Explosive cartridges. Explosive cartridges are military devices, other than ammunition for cannon without projectiles, consisting of a metal, fiber, or composition casing containing more than 180 grains of a class A explosive Type I

as defined herein and fitted with an igniter, primer, or other ignition device.

2. In § 73.56 amend the heading: amend paragraphs (a), (b), and (f) (15 F. R. 8286, Dec. 2, 1950) (21 F. R. 7598, Oct. 4, 1956) to read as follows:

§ 73.56 Ammunition, projectiles, grenades, bombs, mines, explosive cartridges, and torpedoes. (a) Detonating fuzes, tracer fuzes, explosive or ignition devices, bouchons, or fuze parts with explosives contained therein must not be assembled in explosive projectiles, grenades, explosive bombs, explosive mines,

explosive cartridges, or explosive torpedoes, or included in the same outside package with them unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of Explosives.

(b) Explosive projectiles, explosive torpedoes, explosive mines, explosive bombs, explosive cartridges, or explosive grenades, except as provided in paragraph (c) of this section, must be packed and properly secured in strong wooden or metal boxes.

(f) Each exterior package or projectile, bomb, or mine must be plainly marked "explosive projectiles," "explosive torpedo," "explosive mine," "explosive bomb," "hand grenades," "rifle grenades," or "explosive cartridges," as the case may be, except that each device need not be so marked when palletized and the palletized units are plainly marked and shipped as carload or truckload shipments.

3. In § 73.65 amend paragraph (e) (3) (19 F. R. 8525, Dec. 14, 1954) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* * * *
(e) * * *

(3) Spec. 5B (§ 78.82 of this chapter) metal barrels or drums or Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter) fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one container must not exceed 300 pounds. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable watertight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol or other suitable anti-freeze and water of such proportions that freezing will not occur in transit.

4. In § 73.69 amend paragraph (c) (20 F. R. 4414, June 23, 1955) to read as follows:

§ 73.69 *Detonating fuzes, class A, with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges.* * * *

(c) Each outside package must be plainly marked "DETONATING FUZES, CLASS A EXPLOSIVES—HANDLE CAREFULLY—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVES," or "DETONATING FUZES, CLASS A EXPLOSIVES, RADIOACTIVE—HANDLE CAREFULLY—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVES," or "BOOSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "BURSTERS (EXPLO-

SIVE)—HANDLE CAREFULLY," or "SUPPLEMENTARY CHARGES (EXPLOSIVE)—HANDLE CAREFULLY," as the case may be.

5. In § 73.77 amend paragraph (c) (15 F. R. 8292, Dec. 2, 1950) to read as follows:

§ 73.77 *Pentaerythrite tetranitrate.* * * *

(c) Sufficient outage in outside container must be allowed to prevent rupturing of container in freezing weather, or a mixture of denatured ethyl alcohol or other suitable anti-freeze and water may be used to prevent freezing in transit.

6. In § 73.79 amend paragraph (c) (21 F. R. 3009, May 5, 1956) to read as follows:

§ 73.79 *Jet thrust units (jato), explosive, class A or igniters jet thrust (jato), explosive, Class A.* * * *

(c) Each outside package must be plainly marked "JET THRUST UNITS, CLASS A EXPLOSIVES" or "IGNITERS, JET THRUST, CLASS A EXPLOSIVES."

7. In § 73.92 amend the heading, and introductory text of paragraph (a); amend paragraph (c) (21 F. R. 3009, May 5, 1956) to read as follows:

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

(a) Jet thrust units (jato), class B, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B, must be packed in outside containers complying with the following specifications:

(c) Each outside package must be plainly marked "JET THRUST UNITS, CLASS B EXPLOSIVES," "IGNITERS, JET THRUST, CLASS B EXPLOSIVES," or "STARTER CARTRIDGES, JET ENGINE, CLASS B EXPLOSIVES."

8. In § 73.100 amend paragraph (r) (8) (18 F. R. 3134, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.100) to read as follows:

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

(r) (8) Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate shall not exceed 5 grams. Sparklers, the composition of which does not exceed 100 grams each and which contain no magnesium or magnesium and a chlorate or perchlorate, are not subject to the regulations in Parts 71-78 and 197 of this chapter.

9. In § 73.108 amend the introductory text of paragraph (a); amend paragraph (a) (2) (21 F. R. 7599, Oct. 4, 1956) (15 F. R. 8297, Dec. 2, 1950) to read as follows:

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

(2) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes. Gross weight not to exceed 100 pounds, except gross weight of 500 pounds is authorized for very signal cartridges only.

10. In § 73.113 amend paragraph (c) (20 F. R. 4414, June 23, 1955) to read as follows:

§ 73.113 *Detonating fuzes, class C.* * * *

(c) Each outside package must be plainly marked "DETONATING FUZES, CLASS C EXPLOSIVES—HANDLE CAREFULLY."

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.115 amend paragraph (a) (21 F. R. 7599, Oct. 4, 1956) to read as follows:

§ 73.115 *Flammable liquids; definition.* (a) A flammable liquid for the purpose of Parts 71-78 of this chapter is any liquid which gives off flammable vapors (as determined by flash point from Tangliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F.

2. In § 73.118 amend paragraphs (a) and (b) (21 F. R. 4431, 4432, June 23, 1956) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* (a) Flammable liquids, except those enumerated in paragraph (c) of this section, in inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(b) Flammable liquids, except those enumerated in paragraph (c) of this section, in inside containers having a capacity not over 1 pint or 1-6 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

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

1. In § 73.176 amend paragraph (g) (21 F. R. 364, Jan. 19, 1956) to read as follows:

§ 73.176 *Matches.* * * *

(g) Matches, strike-on-box, book, and card packed in outside fiberboard or wooden boxes are not subject to the regulations in Parts 71-78 and 197 of this chapter.

(1) Matches, strike-on-box, book, and card may be packed in the same outside container with nonflammable articles when packed in outside fiberboard or wooden boxes. Such matches must be compactly packed in tightly closed inside containers or securely wrapped so as to prevent accidental ignition. When so packed, they are exempt from specification packaging, marking, and labeling requirements except when for transportation by carrier by water each outside container shall be marked "BOOK MATCHES," "STRIKE-ON-BOX MATCHES," or "CARD MATCHES," as the case may be. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

2. Amend entire § 73.229 (20 F. R. 950, Feb. 15, 1955) (21 F. R. 365, Jan. 19, 1956) to read as follows:

§ 73.229 *Chlorate and borate mixtures or chlorate and magnesium chloride mixtures.* (a) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing more than 50 percent chlorate and no other hazardous additives must be packed as follows:

(1) As prescribed in § 73.163.

(b) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight or highway and packed as follows; shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(1) Tight metal or fiber drums.

(2) Wooden boxes with tight inside metal containers.

(3) Multi-wall paper bags, net weight not over 50 pounds, moisture proof and sift proof, and having a strength capable of withstanding four 4-foot drops onto solid concrete.

(c) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing 28 percent or less chlorate and no other hazardous additives, are not subject to the regulations in Parts 71-78 and 197 of this chapter.

3. In § 73.233 add paragraph (a) (4) (17 F. R. 9837, Nov. 1, 1952) to read as follows:

§ 73.233 *Nickel catalyst, finely divided, activated or spent.* (a) * * *

(4) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

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

1. In § 73.247 amend paragraph (a) (6) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuric chloride, silicon chloride, sulfur chloride (mono and di), sulfuric chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) * * *

(6) Spec. 103A, 103A-W, 105A300-W, 105A400-W, 105A500-W, or 105A600-W (§ 78.266, § 78.281, § 78.286, § 78.287, § 78.288, or § 78.289 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A300-W, 105A400-W, 105A500-W, or 105A600-W tank cars must be used. Benzyl chloride must be stabilized when loaded in unlined tanks.

2. In § 73.264 amend paragraph (a) (7); amend paragraph (b) (2) (15 F. R. 8317, Dec. 2, 1950) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) * * * (7) Spec. 5A (§ 78.81 of this chapter). Unlined metal-barrels or drums which have been subjected to adequate passification of neutralization process (see Note 1). Authorized only for acid of not less than 60 percent and not more than 80 percent strength and all containers must be filled to not over 80 percent of capacity at 68° F. If containers are washed out with water, they must be resealed before reshipment. (See Notes 1, 2, 3, 4 and 5.)

Notes remain the same.

(b) * * * (2) Spec. 105A300-W, 105A400-W, 105A500-W, or ARA-V¹ (§§ 78.286, 78.287, 78.288 of this chapter), tank cars, equipped with special valves and appurtenances approved for this particular service. Filling density must not exceed 90 percent of the pounds water weight capacity of the tank.

3. In § 73.266 add paragraph (c) (7) (15 F. R. 8318, Dec. 2, 1950) to read as follows:

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

(c) * * * (7) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drums. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum is waived.

4. In § 73.271 add paragraph (a) (10); amend paragraph (b) (15 F. R. 8321, Dec. 2, 1950) (16 F. R. 11779, Nov. 21, 1951) to read as follows:

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

(10) Spec. 103E-W (§ 78.298 of this chapter). Tank cars made from type

¹ Use of existing tank cars authorized, but new construction not authorized.

316 stainless steel. Authorized for phosphorus trichloride and thiophosphoryl chloride only.

(b) Phosphorus trichloride and thiophosphoryl chloride may also be shipped in metal barrels or drums, Spec. 5A or 5C (§ 78.81 or § 78.83 of this chapter).

5. In § 73.272 amend the introductory text of paragraph (f); add paragraph (f) (2) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 *Sulfuric acid.* * * * (f) For sulfuric acid of concentrations not to exceed 95 percent (approximately 1.835 specific gravity) (66° Baumé):

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

6. In § 73.289 amend paragraph (a) (2) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) * * *

(2) Spec. 103C-W or 103E-W (§ 78.283 or § 78.298 of this chapter). Tank cars. Spec. 103E-W tanks must be of type 316 stainless steel and must be stenciled "FOR FORMIC ACID ONLY."

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.302 amend paragraph (a) (3) (20 F. R. 8102, Oct. 28, 1955) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) * * *

(3) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, of capacity not exceeding 32 cubic inches. Contents of the container must be nonpoisonous and if flammable as provided in § 73.300 (b) (2), (3), and (4), the flash point, as determined by Bureau of Explosives' Method, must be not less than 20° F. Pressure in the container must not exceed 75 pounds per square inch absolute at 70° F. and the liquid content of the material and gas must not completely fill the container at 130° F. However, if the pressure exceeds 55 pounds per square inch absolute at 70° F., a spec. 2P (§ 78.33 of this chapter) container must be used. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect.

2. In § 73.306 amend paragraph (b) (1); cancel paragraphs (b) (2), and entire paragraph (d) (20 F. R. 8103, Oct. 28, 1955) (21 F. R. 3011, May 5, 1956) (21 F. R. 7602, Oct. 4, 1956) (21 F. R. 4433, June 23, 1956) (19 F. R. 1279, Mar. 6, 1954) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* * * *

(b) * * * (1) Spec. 2P (§ 78.33 of this chapter), inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in

strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications."

(2) [Cancelled.]

(d) [Cancelled.]

3. In § 73.312 amend paragraphs (a) (1) and (7) (19 F. R. 6269, Sept. 29, 1954) (21 F. R. 7602, 7603, Oct. 4, 1956) to read as follows:

§ 73.312 *Liquefied petroleum gas.*

(a) * * *
 (1) Spec. 3,¹ 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B240X¹ (see Appendix A to Subpart C of Part 78), 4B240FLW, 4B240ET, 4E, or 9, 25,¹ 26,¹ 38,¹ or 41 (§ 78.36, § 78.37, § 78.38, § 78.42, § 78.48, § 78.49, § 78.50, § 78.51, § 78.54, § 78.55, § 78.63, or § 78.67 of this chapter). Cylinders authorized under § 73.34 (a) to (e) may be used.
 No change in Note 1.

(7) Spec. 2P (§ 78.33 of this chapter). Inside metal containers packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Authorized for liquefied petroleum gas with a gas pressure not over 45 pounds per square inch gauge at 70° F. and 105 pounds per square inch gauge at 130° F. Containers must be equipped with safety devices which will prevent rupture of the containers and dangerous projection of the closing devices when the containers are exposed to the action of fire. Each completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications."

4. In § 73.314 amend paragraph (a) and the entire table thereto; amend Notes 8, 11, 12, and 18 to paragraph (a) table; add Note 20 to paragraph (a) table; amend paragraph (b) (19 F. R. 8528, Dec. 14, 1954) (21 F. R. 4565, June 26, 1956) (21 F. R. 7602, Oct. 4, 1956) (20 F. R. 4417, June 23, 1955) (21 F. R. 9357, Nov. 30, 1956) (16 F. R. 9377, Sept. 15, 1951) (19 F. R. 3261, June 3, 1954) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) Compressed gases must not be shipped in tank cars except as provided in paragraphs (b) to (f) of this section, § 73.432, and in the following table:

Kind of gas	Maximum permitted filling density Note 1 (percent)	Required type of tank car, Note 2
Anhydrous ammonia.....	50.....	ICC-106A500, 106A500X, Note 12.
Argon.....	57.....	ICC-105A300-W.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited.	Note 5.....	ICC-107A.
Carbon dioxide, liquefied.....	Notes 3 and 6.....	ICC-106A500, 106A500X.
Chlorine.....	Note 10.....	ICC-105A100, 105A100-W, Note 9.
Crude nitrogen fertilizer solution.....	125.....	ICC-105A500-W, 105A600-W, Note 11.
Dichlorodifluoromethane.....	125.....	ICC-106A500, 106A500X, Note 12.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6.....	ICC-105A300-W.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture.	119.....	ICC-106A500, 106A500X, Note 12.
Dichlorodifluoromethane-monochlorodifluoromethane mixture.	119.....	ICC-110A500-W.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	125.....	ICC-105A300-W.
Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture.	Note 16.....	ICC-106A500, 106A500X, 110A500-W, Notes 12 and 19.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture.	119.....	ICC-106A500, 106A500X, 110A500-W, Notes 12 and 19.
Difluoroethane.....	125.....	ICC-105A300-W.
Difluoromonochloroethane.....	119.....	ICC-106A500, 106A500X, 110A500-W, Notes 12 and 19.
Dimethylamine, anhydrous.....	125.....	ICC-105A300-W.
Dimethyl ether.....	Note 16.....	ICC-106A500, 106A500X, 110A500-W, Note 12.
Dispersant gas, n. o. s.....	119.....	ICC-105A300-W.
Fertilizer ammoniating solution containing free ammonia.....	Note 6.....	ICC-106A500, 106A500X, 110A500-W, Notes 12 and 19.
Helium.....	Note 5.....	ICC-105A300-W.
Hydrogen.....	Note 5.....	ICC-106A500, 106A500X, 110A500-W, Note 12.
Hydrogen sulfide.....	68.....	ICC-106A500, 106A500X, 110A500-W, Note 12.
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6.....	ICC-106A500, 106A500X, 110A500-W, Note 12.
Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 6.....	ICC-105A300-W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 6.....	ICC-105A400-W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 105° F.).	Note 6.....	ICC-105A500-W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 6.....	ICC-106A500, 106A500X.
Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.).	Note 6.....	ICC-106A500, 106A500X.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3.....	ICC-105A600-W, Note 9.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 3.....	ICC-105A100, 105A100-W, Note 9.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 3.....	ICC-105A300-W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.).	Note 3.....	ICC-105A400-W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 3.....	ICC-105A500-W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.).	Note 3.....	ICC-105A600-W, Notes 5 and 9.
Methyl chloride.....	Note 4.....	ICC-106A500, 106A500X.
Methyl mercaptan.....	Note 3.....	ICC-105A600-W, Notes 5 and 9.
Monochlorodifluoromethane.....	84.....	ICC-106A500, 106A500X, Note 12.
Monochlorotetrafluoroethane.....	80.....	ICC-105A300-W, Note 9.
Monomethylamine, anhydrous.....	82.....	ICC-106A500, 106A500X, Notes 12 and 20.
Nitrogen.....	105.....	ICC-105A300-W, Note 9.
Nitrogen fertilizer solution.....	110.....	ICC-106A500, 106A500X, 110A500-W, Note 12.
Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.).	125.....	ICC-105A300-W.
Nitrosyl chloride.....	60.....	ICC-106A500, 106A500X.
Oxygen.....	62.....	ICC-105A300-W, Note 9.
Refrigerant gas, n. o. s.....	Note 5.....	ICC-107A.
Sulfur dioxide.....	Note 6.....	ICC-106A500, 106A500X.
Trifluorochloroethylene.....	Note 6.....	ICC-105A100AL-W, 105A300-W, 109A100AL-W, Note 5.
Trimethylamine, anhydrous.....	Note 6.....	ICC-105A100AL-W.
Vinyl chloride, inhibited (see Note 14).....	110.....	ICC-106A800NCl, Notes 12 and 17.
Vinyl methyl ether, inhibited (see Note 14).....	124.....	ICC-105A300-W, Note 15.

NOTE 8: For tank cars of other than ICC-106A (§ 78.275 of this chapter) type, used for shipping chlorine, tests prescribed in § 73.31 must be made at intervals of 2 years or

¹ Use of existing cylinders authorized, but new construction not authorized.

less and interior pipes of liquid discharge valves must be equipped with check valves of approved design.

NOTE 11: Before an ICC-105A500W or ICC-105A600W (§§ 78.288 or 78.289 of this chapter) tank car may be used for the transportation of liquefied carbon dioxide, the following requirements must be met: Tank must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over the center sills may be reduced to give a thermal conductance not exceeding 0.04 B. t. u. per square foot, per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed seven (7) inches from top of center sills to bottom of tank. Tank must be equipped with one safety valve of approved design set to open at a pressure not exceeding three-fourths of the test pressure of the tank and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of three-fourths of the test pressure of the tank. Tank must be equipped with two (2) pressure-regulating valves of approved design, set to open at a pressure not to exceed 350 pounds per square inch or seven-tenths of the test pressure of the tank. Each regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, methyl mercaptan, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monofluorotrifluoroethane mixture, trifluorochloroethylene, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane-monochlorodifluoromethane mixture, or dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture; tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane-monofluorotrifluoroethane mixture, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane-monochlorodifluoromethane mixture, dichlorodifluoromethane-trichloromonofluoromethane-trichlorodifluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; 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.

NOTE 18: The maximum quantity of liquefied chlorine gas 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, tank jackets stenciled ICC-105A300W (§ 78.286 of this chapter) and in all other respects constructed and maintained in full compliance with I. C. C. shipping container specification 105A500W (§ 78.288 of this chapter), the quantity of gas loaded into such tanks must be not more than 110,000 pounds nor less than 107,800 pounds.

NOTE 20: Container shall not be equipped with safety devices of any description.

(b) The gas pressure at 105° F. in any lagged tank of tank cars of specs. 105A100, 105A100-W, 105A100AL-W, 105A300AL-W, 105A300-W, 105A400-W, 105A500-W, 105A600-W, 109A100AL-W (§§ 78.270, 78.285, 78.294, 78.300, 78.286, 78.287, 78.288, 78.289, 78.302 of this chapter), and at 130° F. in any unlagged tank of tank cars of specs. 106A500, 106A500X, 106A800, 106A800X, and 110A500-W (§§ 78.275, 78.276, and 78.293 of this chapter) must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any unlagged tank of tank cars of the 107A (§ 78.277 of this chapter) series must not exceed seven-tenths of the marked test pressure of the tank.

No change in Note 1.

5. In § 73.315 amend paragraph (a) (1) table; amend paragraph (h) table; amend paragraph (i) (2) table (18 F. R. 6780, Oct. 27, 1953) (21 F. R. 3012, May 5, 1956) as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.*

(a) * * * *
(1) * * * *

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. l. g.)
<i>Add</i>				
Vinyl chloride, inhibited.....	84	See Note 7....	MC-330.....	250

(h) * * *

Kind of gas	Permitted gauging device
<i>Add</i>	
Vinyl chloride, inhibited.....	None
* * * * *	
(1) * * * *	
(2) * * * *	
Kind of gas	Minimum start-to-discharge pressure (p. s. l. g.)
<i>Add</i>	
Vinyl chloride, inhibited.....	250

SUBPART G—POISONOUS ARTICLES;
DEFINITION AND PREPARATION

1. Add § 73.337 (15 F. R. 8334, Dec. 2, 1950) to read as follows:

§ 73.337 *Nitric oxide.* (a) Nitric oxide must be packed in specification containers as follows:

(1) Spec. 3A, 3AA, or 3E1800 (§ 78.36, § 78.37, or § 78.42 of this chapter) cylinders designed and marked for a service pressure of 1800 pounds per square inch, or higher, charged to a pressure of not more than 750 pounds per square inch at 70° F. Cylinders must be equipped with a valve of stainless steel and valve seat of material which will not be deteriorated by contact with nitric oxide or nitrogen dioxide. Containers or valves must not be equipped with safety devices of any type. Valve outlets must be sealed by a solid threaded cap or plug and an inert gasketing material.

(2) Spec. 3E1800 (§ 78.42 of this chapter) cylinders must be packed in strong wooden boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside shipping container must be plainly marked "inside containers comply with prescribed specifications".

(3) Spec. 3A and 3AA (§§ 78.36 and 78.37 of this chapter) cylinders must have their valves protected by metal caps securely attached to the cylinders and of sufficient strength to protect the valves from injury during transit, or by packing in strong wooden boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside shipping container must be plainly marked "inside containers comply with prescribed specifications".

2. In § 73.347 add paragraph (a) (7). (15 F. R. 8335, Dec. 2, 1950) to read as follows:

§ 73.347 *Aniline oil.* (a) * * * *
(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with metal inside containers not over 1 gallon capacity each; not to contain more than 4 such inside containers if their capacity is greater than 5 pints each.

3. In § 73.377 add paragraph (g), and (h) (21 F. R. 3013, May 5, 1956) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* * * *

(g) Dry mixtures containing more than 2 percent but not exceeding 15 percent by weight of hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a) and (b) of this section, may be packed in specification containers as follows:

(1) Spec. 44B (§ 78.236 of this chapter). Multi-wall paper bags with inside paper bags, spec. 2D (§ 78.23 of this chapter), not over 5 pounds capacity each. Net weight of material in outside container not over 30 pounds each.

(h) Dry mixtures containing more than 2 percent but not exceeding 5 percent by weight of hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a), (b), and (g) of this section, may be packed in specification containers as follows:

(1) Spec. 44D (§ 78.238 of this chapter). Multi-wall paper bags not over 50 pounds net weight each.

4. In § 73.393 amend paragraph (i) (15 F. R. 8340, Dec. 2, 1950) to read as follows:

§ 73.393 *Packing and shielding.* * * *

(i) Liquid radioactive materials Groups I, II or III must, in addition, be packed in tight glass, earthenware, or other suitable inside containers. The inside containers must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and of such nature that its efficiency will not be impaired by chemical reaction with the contents. Where use of shielding is necessary to reduce radiation to limits prescribed by this section, the absorbent cushioning material must be placed within the shield. If the container is packed in a metal container specification 2R (§ 78.34 of this chapter) or other container approved by the Bureau of Explosives, the absorbent cushioning is not required.

SUBPART I—SHIPPING INSTRUCTIONS

In § 73.430 amend paragraph (a); add paragraph (d) (15 F. R. 8343, 8344, Dec. 2, 1950) to read as follows:

§ 73.430 *Certificate.* (a) The shipper offering for transportation by carriers by rail freight, highway, water, or air, any class A or class B explosive and blasting caps or electric blasting caps in any quantity, and any flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, requiring labels, or carloads or truckloads requiring placards, as prescribed by Parts 71-78 of this chapter, must show on the

shipping order, bill of lading, or other shipping paper, in the lower left-hand corner, the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

This is to certify that the above named articles are properly described, and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

(d) In lieu of certificate described in paragraph (a) of this section, shipping papers for bulk shipments made in containers owned or controlled by the carrier may have at the option of the shipper the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

This is to certify that the above named articles are properly described and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission;

and the following certificate over the written or stamped facsimile signature of the carrier or his duly authorized agent:

This is to certify that the above named articles are properly marked and are transported in a proper container which is in proper condition for transportation according to regulations prescribed by the Interstate Commerce Commission.

PART 74—CARRIERS BY RAIL FREIGHT

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

1. In § 74.526 add paragraph (o) (5) (15 F. R. 8346, Dec. 2, 1950) to read as follows:

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

(o) * * *

(5) Truck body or trailer shall not be equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus.

2. In § 74.529 amend paragraph (b) (20 F. R. 8106, Oct. 28, 1955) to read as follows:

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

(b) Shipments of class B explosives (see §§ 73.88 to 73.94 of this chapter) must be loaded in a closed car or container car which is in good condition, into which sparks cannot enter, and with roof not in danger of taking fire through unprotected decayed wood. These cars do not require the car certificate but must have attached to both sides and both ends the "DANGEROUS" placard prescribed by § 74.552, and the doors if not tight must be stripped to prevent entrance of sparks.

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 74.538 paragraph (a) chart, amend item 2 in vertical and horizontal columns; amend footnote e to paragraph

(a) chart (21 F. R. 9359, 9360, Nov. 30, 1956) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

"2" Propellant explosives, class B, jet thrust units (jato) class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B

* Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

In § 74.589 amend paragraphs (h) (8) and (j) (8) to read as follows:

§ 74.589 *Handling cars.* * * *

(h) * * *
(8) Open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

(j) * * *
(8) Open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

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

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.819 add paragraph (c) (15 F. R. 8863, Dec. 2, 1950) to read as follows:

§ 77.819 *Certificate.* * * *

(c) In lieu of certificate described in paragraph (a) of this section, shipping papers for shipments made in containers owned or controlled by the carrier may have at the option of the shipper the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

This is to certify that the above named articles are properly described and are in proper condition for transportation according to the regulations of the Interstate Commerce Commission.

2. In § 77.820 amend paragraph (a) (21 F. R. 9361, Nov. 30, 1956) to read as follows:

§ 77.820 *Waybills, manifests, etc.* (a) The waybill, manifest, dispatch, memorandum receipt, bill of lading, transfer sheet, or interchange record, when prepared for shipments and used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in § 72.5 of this chapter, and show the color or kind of label applied. (See § 77.817.)

SUBPART B—LOADING AND UNLOADING

1. In § 77.834 amend paragraph (g) (15 F. R. 8364, Dec. 2, 1950) to read as follows:

§ 77.834 *General requirements.* * * *

(g) *Prevent relative motion between containers.* Containers of explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, acids, compressed gases, and poisonous liquids or gases, must be so braced as to prevent motion thereof relative to the vehicle while in transit. Containers having valves or other fittings must be so loaded that there will be the minimum likelihood of damage thereto during transportation.

2. In § 77.835 amend paragraph (e) (15 F. R. 8365, Dec. 2, 1950) to read as follows:

§ 77.835 *Explosives.* * * *

(e) *No sharp projections inside truck body or trailer.* No truck body or trailer, transporting any kind of explosive, shall have on the interior of the body in which the explosives are contained, any inwardly projecting bolts, screws, nails, or other inwardly projecting parts likely to produce damage to any package or container of explosives during the loading or unloading process or in transit, nor shall any truck body or trailer be equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus.

3. In § 77.838 amend paragraph (f) (21 F. R. 4434, June 23, 1956) to read as follows:

§ 77.838 *Flammable solids and oxidizing materials.* * * *

(f) Nitrates listed in § 73.182 (b) of this chapter, must be loaded in closed or open type motor vehicles which must be swept clean and be free of any projections capable of injuring bags when so packaged. When shipped in open type motor vehicles the lading must be suitably covered. Ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, and guanidine nitrate must not be loaded in all metal vehicles, other than those of aluminum or aluminum alloys, of the closed type. (See § 77.823 (a) (4) and (5).)

4. In § 77.840 amend paragraph (c) (21 F. R. 7604, Oct. 4, 1956) 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, methyl mercaptan, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monofluorotrichloromethane mixture, trifluorochloroethylene, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, or dichlorodifluoro-

methane - trichloromonofluoromethane-monochlorodifluoromethane mixture; tanks complying with specification 110A 500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoroethane - monofluorotrichloromethane mixture, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane-monochlorodifluoromethane mixture, dichlorodifluoromethane-trichloromonofluoromethane - monochlorodifluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800 NCI (§ 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 (b) (1) of this chapter.

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 77.848 paragraph (a) chart, amend item 2 in vertical and horizontal columns; amend footnote e to paragraph (a) chart (21 F. R. 9362, 9363, Nov. 30, 1956) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

"2" Propellant explosives, class B, jet thrust units (jato) class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B

* Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

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

1. § 78.1-9 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.1 *Specification 1A; boxed carboys.*

§ 78.1-9 *Tests.* * * *

(b) * * *
(2) * * *

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

2. In § 78.3-9 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.3 *Specification 1C; carboys in kegs.*

§ 78.3-9 *Tests.* * * *

(b) * * *
(2) * * *

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

3. In § 78.4-8 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

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

§ 78.4-8 *Tests.* * * *

(b) * * *
(2) * * *

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

4. In § 78.6-10 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.6 *Specification 1EX; glass carboys in plywood drums.*

§ 78.6-10 *Tests.* * * *

(b) * * *
(2) * * *

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

5. In § 78.7-8 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

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

§ 78.7-8 *Tests.* * * *

(b) * * *
(2) * * *

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. In § 78.36-16 amend paragraph (c) (1) (15 F. R. 8382, Dec. 2, 1950) to read as follows:

§ 78.36 *Specification 3A; seamless steel cylinders.*

§ 78.36-16 *Physical test.* * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

2. In § 78.37-16 amend paragraph (c) (1) (15 F. R. 8385, Dec. 2, 1950) to read as follows:

§ 78.37 Specification 3AA; seamless steel cylinders, made of definitely prescribed steels.

§ 78.37-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

3. In § 78.38-16 amend paragraph (c) (1) (15 F. R. 8387, Dec. 2, 1950) to read as follows:

§ 78.38 Specification 3B; seamless steel cylinders.

§ 78.38-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

4. In § 78.39-16 amend paragraph (c) (1) (F. R. 8389, Dec. 2, 1950) to read as follows:

§ 78.39 Specification 3BN; seamless nickel cylinders.

§ 78.39-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

5. In § 78.40-16 amend paragraph (c) (1) (15 F. R. 8391, Dec. 2, 1950) to read as follows:

§ 78.40 Specification 3C; seamless steel cylinders.

§ 78.40-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

6. In § 78.41-16 amend paragraph (c) (1) (15 F. R. 8394, Dec. 2, 1950) to read as follows:

§ 78.41 Specification 3D; seamless steel cylinders.

§ 78.41-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

7. In § 78.43-16 amend paragraph (c) (1) (15 F. R. 8397, Dec. 2, 1950) to read as follows:

§ 78.43 Specification 3A480X; seamless steel cylinders.

§ 78.43-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

8. In § 78.48-16 amend paragraph (c) (1) (15 F. R. 8399, Dec. 2, 1950) to read as follows:

§ 78.48 Specification 4; forge welded steel cylinders.

§ 78.48-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

9. In § 78.49-16 amend paragraph (c) (1) (15 F. R. 8402, Dec. 2, 1950) to read as follows:

§ 78.49 Specification 4A; forge welded steel cylinders.

§ 78.49-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

10. In § 78.50-16 amend paragraph (c) (1) (15 F. R. 8404, Dec. 2, 1950) to read as follows:

§ 78.50 Specification 4B; welded and brazed steel cylinders.

§ 78.50-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

11. In § 78.51-15 amend paragraph (c) (1); in § 78.51-20 amend paragraph (a) and table I thereto (15 F. R. 8406, 8407, Dec. 2, 1950) (20 F. R. 954, Feb. 15, 1955) to read as follows:

§ 78.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.

§ 78.51-15 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

§ 78.51-20 Authorized steel. (a) Open hearth or electric steel of uniform quantity. The following chemical analyses are authorized. (See footnote 1):

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent					
	1315 ²⁴	H1S ²⁴	MAY ²⁴	NAX-1 ²⁴	COR ²⁴	NAX-2 ²⁴
Carbon	0.10/0.20	0.12 max	0.12 max	0.20 max	0.12 max	0.20 max
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50	0.50/1.00
Phosphorus	0.045 max	0.05/0.12	0.12 max	0.045 max	0.07/0.15	0.045 max
Sulfur	0.05 max	0.05 max	0.05 max	0.05 max	0.05 max	0.045 max
Silicon	0.15/0.35	0.15 max	0.10/0.50	0.50/0.90	0.25/0.75	0.50/0.90
Chromium			0.40/1.00	0.45/0.70	0.50/1.25	
Molybdenum		0.08/0.18				
Zirconium				0.05/0.25		0.03/0.15
Nickel		0.45/0.75	0.50/1.00		0.65 max	
Copper	0.40 max	0.95/1.30	0.20/0.50		0.25/0.55	0.25 max
Aluminum		0.12/0.27				
Heat treatment authorized	(²)	(²)	(²)	(²)	(²)	(²)
Maximum stress	35,000	35,000	35,000	35,000	35,000	35,000

Designation	Chemical analysis—limits in percent				
	SCX ²⁴	4017 ²⁴	OTY ²⁴	RDT ²⁴	YOL ²⁴
Carbon	0.20 max	0.13/0.20	0.15 max	0.12 max	0.15 max
Manganese	0.60/1.00	0.75/1.10	0.90/1.40	0.50/1.00	0.30/0.60
Phosphorus	0.045 max	0.04 max	0.09/0.135	0.040 max	0.04 max
Sulfur	0.045 max	0.04 max	0.04 max	0.050 max	0.05 max
Silicon	0.15/0.30	0.25/0.35	0.10 max		
Chromium	0.15/0.50				
Molybdenum	0.15/0.35	0.25/0.35		0.10/0.30	
Zirconium					
Nickel				0.50/1.20	1.50/2.00
Copper	0.20/0.50		0.30/0.70	0.50/1.00	0.75/1.25
Aluminum					
Heat treatment authorized	(²)	(²)	(²)	(²)	(²)
Maximum stress	35,000	35,000	35,000	35,000	35,000

No change in Notes.

12. In § 78.52-16 amend paragraph (c) (1) (15 F. R. 8410, Dec. 2, 1950) to read as follows:

§ 78.52 Specification 4C; welded and brazed steel cylinders.

§ 78.52-16 Physical test. * * *

(c) * * *
(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

13. In § 78.53-9 amend paragraph (b); in § 78.53-15 amend paragraph (e) (1) (15 F. R. 8412, 8413, Dec. 2, 1950) to read as follows:

§ 78.53 Specification 4D; inside containers, welded steel for aircraft use.

§ 78.53-9 Wall thickness. * * *

(b) Calculation for a sphere must be made by the formula:

$$S = \frac{PD}{4tE}$$

where

- S = wall stress in pounds per square inch;
- P = test pressure prescribed for water jacket test, i. e., at least two times service pressure, in pounds per square inch;
- D = outside diameter in inches;
- t = minimum wall thickness in inches;
- E = 0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat affected zones which zone shall extend a distance of 6 times wall thickness from center line of weld);
- E = 1.0 (for all other areas).

§ 78.53-15 *Physical test and specimens for spheres and cylinders.* * * *

(e) * * *

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

14. In § 78.54-15 amend paragraph (c) (1) (15 F. R. 8415, Dec. 2, 1950) to read as follows:

§ 78.54 *Specification 4B240-FLW; welded or brazed cylinders with fusion-welded longitudinal seam.*

§ 78.54-15 *Physical test.* * * *

(c) * * *

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

15. In § 78.55-14 amend entire paragraph (d); in § 78.55-16 amend paragraph (c) (1) (15 F. R. 8418, Dec. 2, 1950) to read as follows:

§ 78.55 *Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.*

§ 78.55-14 *Hydrostatic test.* * * *

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and show no defect.

§ 78.55-16 *Physical test.* * * *

(c) * * *

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

16. In § 78.56-15 amend paragraph (c) (1) (19 F. R. 1282, Mar. 6, 1954) to read as follows:

§ 78.56 *Specification 4AA480; welded steel cylinders made of definitely prescribed steels.*

§ 78.56-15 *Physical test.* * * *

(c) * * *

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

17. In § 78.58-18 amend paragraph (e) (1) (21 F. R. 7609, Oct. 4, 1956) to read as follows:

§ 78.58 *Specification 4DA; inside containers, welded steel for aircraft use.*

§ 78.58-18 *Physical test and specimens for spheres and cylinders.* * * *

(e) * * *

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

18. In § 78.59-14 amend paragraph (c) (1) (15 F. R. 8420, Dec. 2, 1950) to read as follows:

§ 78.59 *Specification 8; steel cylinders with approved porous filling for acetylene.*

§ 78.59-14 *Physical test.* * * *

(c) * * *

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

19. In § 78.60-16 amend paragraph (c) (1) (15 F. R. 8423, Dec. 2, 1950) to read as follows:

§ 78.60 *Specification 8AL; steel cylinders with approved porous filling for acetylene.*

§ 78.60-16 *Physical test.* * * *

(c) * * *

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8-54T.

20. §§ 78.68 to 78.68-20 to read as follows:

§ 78.68 *Specification 4E; welded aluminum cylinders.*

§ 78.68-1 *Compliance.* (a) Required in all details.

§ 78.68-2 *Type, size and service pressure—(a) Type and size.* Must be welded seamless drawn shells, not more than two shells, with center circumferential weld; not over 1,000 pounds water capacity (nominal); longitudinal welded seam not authorized. Cylinders or shells closed in by spinning process not authorized.

(b) *Service pressure.*¹ At least 225 to not over 500 pounds per square inch.

§ 78.68-3 *Inspection by whom and where.* (a) By competent inspector; chemical analyses and tests as specified to be made within limits of the United States. Interested inspectors are authorized.

§ 78.68-4 *Duties of inspector.* (a) Inspect all material and reject any material not complying with requirements.

(b) Verify chemical analysis of each lot of material by analysis or by obtaining certified analysis: *Provided*, That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analysis of samples taken from one aluminum cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify properties as proper; obtain samples for all tests and check chemical analysis; witness all tests; verify threads by gauge; report volumetric capacity, tare weight (see report form) and wall thickness as approved.

¹The "service pressure" limits the use of the cylinder. It is shown by marks on cylinders; for example ICC-4E240 indicates the service pressure as 240 pounds per square inch.

(d) Render complete report (§ 78.68-20) to purchaser; cylinder manufacturer; and the Bureau of Explosives.

§ 78.68-5 *Aluminum.* (a) Shall be of uniform quality. The following chemical analyses are authorized:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent 5164 ¹
Iron plus silicon	0.45 maximum.
Copper	0.10 maximum.
Manganese	0.30 maximum.
Magnesium	3.1/3.9.
Chromium	0.15/0.35.
Zinc	0.20 maximum.
Titanium	0.20 maximum.
Others, each	0.05 maximum.
Others, total	0.15 maximum.
Aluminum	Remainder.

¹ Analysis shall regularly be made only for the elements specifically mentioned above. If, however, the presence of other elements is indicated in the course of routine analysis, further analysis should be made to determine conformance with the limits specified for other elements.

§ 78.68-6 *Identification of material.* (a) Required; any suitable method that will identify the alloy and manufacturer's lot number.

§ 78.68-7 *Defects.* (a) Material with seams, cracks, laminations or other injurious defects not authorized.

§ 78.68-8 *Manufacture.* (a) By best processes and methods; dirt and foreign particles 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; all welding must be by the gas shielded arc process.

§ 78.68-9 *Welding.* (a) The attachment to the tops and bottoms only of cylinders by welding of neckrings or flanges, footrings, handles, bosses and pads and valve protection rings is authorized: *Provided*, That such attachments and the portion of the cylinder to which it is attached are made of weldable aluminum alloys.

§ 78.68-10 *Wall thickness.* (a) The minimum wall thickness of the cylinder shall be 0.140 inch. In any case, the minimum wall thickness shall be such that calculated wall stress at twice service pressure shall not exceed the lesser value of either of the following:

(1) 20,000 pounds per square inch.

(2) One-half of the minimum tensile strength of the material as required in § 78.68-15.

(b) Calculation must be made by the formula:

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

where

S = wall stress in pounds per square inch;
P = minimum test pressure prescribed for water jacket test;
D = outside diameter in inches;
d = inside diameter in inches.

(c) Minimum thickness of heads and bottoms shall not be less than the minimum required thickness of the side wall.

§ 78.68-11 *Opening in cylinder.* (a) All openings must be in the heads or bases.

(b) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by welding by inert gas shielded arc process or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut 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.

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

§ 78.68-12 *Safety devices and protection for valves, safety devices, and other connections if applied.* (a) Must be as required by the Interstate Commerce Commission regulations that apply (See §§ 73.34 (f), 73.124 (a), and 73.301 (i) of this chapter).

§ 78.68-13 *Hydrostatic test.* (a) Each cylinder by water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure of 2 times service pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased to 10 percent.

(c) Permanent volumetric expansion must not exceed 12 percent of total volumetric expansion at test pressure.

(d) One finished cylinder selected at random out of each lot of 1,000 shall be hydrostatically tested to destruction. Failure shall occur in the side wall and shall not occur at a pressure less than 4 times the service pressure. Inability to meet these requirements shall result in rejection of the lot.

§ 78.68-14 *Flattening test.* (a) Flattening test required between knife edges, wedge shaped, 60° angle, rounded to 1/2 inch radius; on one section of a cylinder taken at random out of each lot of 200 or less, after hydrostatic test. Sample must show no evidence of cracking when flattened to 6 times wall thickness.

§ 78.68-15 *Physical test.* (a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from one cylinder or part thereof taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1 1/2 inches; or gauge length 2 inches with width not over 1 1/2 inches. The specimen, exclusive of grip ends, must not

be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical test detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by the "offset" method as prescribed in ASTM Standard E8-54T.

(2) Cross-head speed of the testing machine shall not exceed 1/8 inch per minute during yield strength determination.

§ 78.68-16 *Acceptable results for physical tests.* (a) Elongation at least 7 percent for 2 inch gauge length; yield strength not over 80 percent of tensile strength.

§ 78.68-17 *Weld tests.* (a) Reduced section tensile test. A specimen shall be cut from the cylinder used for the physical tests specified in § 78.68-15. Specimen shall be taken across the seam, edges shall be parallel for a distance of approximately 2 inches on either side of the weld. The specimen must be fractured in tension. The apparent breaking stress calculated on the minimum wall thickness must be at least equal to 2 times the stress calculated under § 78.68-10 (b), and in addition must have an actual breaking stress of at least 30,000 pounds per square inch. Should this specimen fail to meet the requirements, specimens may be taken from 2 additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

(b) Guided bend test. A bend test specimen shall be cut from the cylinder used for the physical tests specified in § 78.68-15. Specimen shall be taken across the seam, shall be 1 1/2 inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig illustrated in § 78.51-22. The root of the weld (inside surface of the cylinder) shall be located away from the ram of the jig. No specimen shall show a crack or other open defect exceeding 1/8 inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, specimens may be taken from each of 2 additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

§ 78.68-18 *Rejected cylinders.* (a) Repair of welded seams is authorized.

Acceptable cylinders must pass all prescribed tests.

§ 78.68-19 *Marking.* (a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, neck or valve protection collar which may be permanently attached to the cylinder and forming an integral part thereof, as follows:

(1) ICC-4E followed by the service pressure (for example, ICC-4E240).

(2) A serial number and an identifying symbol (letters); location of symbol to be just below the serial number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives.

(3) Inspector's official mark, near serial number; date of test (such as 5-50 for May 1950), so placed that date of subsequent test can be easily added.

(4) Size of marks. Shall be at least 1/4 inch high.

§ 78.68-20 *Inspector's report.* (a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

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
Marks stamped into the shoulder of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
The _____ permitted in (neckrings, footrings, etc.)
§ 78.68-9 were attached by process of _____

The material used was identified by the following _____ numbers _____

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

All material, such as aluminum plate, was inspected before manufacture and the drawn cylinder shells were inspected before final fabrication and found free from seams, cracks, laminations and other defects which might prove injurious to the strength of the cylinder; the processes of manufacture were found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, flattening tests, tensile tests of material and other tests as prescribed in Specification ICC-4E were made in the presence of the inspector and all material and cylinders accepted were found to be in

PROPOSED RULE MAKING

compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4E except as follows:

Exceptions: _____

(Signed) _____
Inspector.
(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.

Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
13.....	0.0897	0.0817
14.....	.0747	.0677
16.....	.0598	.0533
18.....	.0478	.0428
20.....	.0359	.0324
22.....	.0299	.0269

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

2. Cancel entire § 78.81-4; in § 78.81-7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.81-7 (15 F. R. 8433, Dec. 2, 1950) to read as follows:

§ 78.81 Specification 5A; steel barrels or drums.

§ 78.81-4 [Canceled]

§ 78.81-7 Parts and dimensions. (a)

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
12.....	0.1046	0.0946
13.....	.0897	.0817
14.....	.0747	.0677
16.....	.0598	.0533

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

3. Cancel entire § 78.82-4; in § 78.82-7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.82-7 (15 F. R. 8434, Dec. 2, 1950) to read as follows:

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82-4 [Canceled]

§ 78.82-7 Parts and dimensions. (a)

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
13.....	0.0897	0.0817
14.....	.0747	.0677
16.....	.0598	.0533
18.....	.0478	.0428
20.....	.0359	.0324
22.....	.0299	.0269
24.....	.0239	.0209

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

4. Cancel entire § 78.83-4; in § 78.83-7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to

Test No.	Check analysis No.	Cylinders represented (Serial Nos.)	Chemical analysis						
			Ma	Ch	Co	Mn	Zi	Ir	Al

The analyses were made by _____
(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Test No.	Cylinders represented by test (Serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 8 inches)	Reduction of area (percent)	Flattening test	Burst test (pounds per square inch)

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Serial numbers of cylinders tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion (cubic centimeters) ¹	Permanent expansion (cubic centimeters) ¹	Percent ratio of permanent expansion to total expansion ¹	Tare weight (pounds) ²	Volumetric capacity ²

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."

¹ If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

² Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

³ Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) _____

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

§ 78.80-7 Parts and dimensions. (a)

1. Cancel entire § 78.80-4; in § 78.80-7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.80-7 (15 F. R. 8432, Dec. 2, 1950) to read as follows:

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

§ 78.80 Specification 5; steel barrels or drums.

§ 78.80-4 [Canceled]

(b) Steel sheets of specified gauges shall comply with the following:

§ 78.83-7 (15 F. R. 8435, Dec. 2, 1950) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.83 Specification 5C; steel barrels or drums.

§ 78.83-4 [Canceled]

§ 78.83-7 Parts and dimensions.

(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
13.....	0.0897	0.0817
14.....	.0747	.0677
16.....	.0598	.0533
18.....	.0478	.0428
20.....	.0359	.0324

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

5. Cancel entire § 78.84-4; in § 78.84-7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.84-7 (15 F. R. 8436, Dec. 2, 1950) to read as follows:

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

§ 78.84-4 [Canceled]

§ 78.84-7 Parts and dimensions.

(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
12.....	0.1046	0.0946
13.....	.0897	.0817
14.....	.0747	.0677
16.....	.0598	.0533

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

6. Cancel entire § 78.85-4; in § 78.85-7 amend paragraph (a) (15 F. R. 8436, 8437, Dec. 2, 1950) to read as follows:

§ 78.85 Specification 5F; steel drums.

§ 78.85-4 [Canceled]

§ 78.85-7 Gauge and thickness of sheets. (a) Body and heads shall be of uncoated steel sheets having nominal thickness of 0.0747 inch and minimum thickness of 0.0677 inch, which sheets shall be designated 14 gauge.

7. Cancel entire § 78.87-4; in § 78.87-7 paragraph (a) table, amend the 3d column heading; in § 78.87-7 amend paragraph (b), and add paragraph (c) (15 F. R. 8438, Dec. 2, 1950) to read as follows:

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

§ 78.87-4 [Canceled]

§ 78.87-7 Parts and dimensions.

(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
12.....	0.1046	0.0946
13.....	.0897	.0817
14.....	.0747	.0677
16.....	.0598	.0533

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

(c) Lining required: Of lead, at least 3/32" thick, completely bonded to the steel.

8. Cancel entire § 78.89-4; in § 78.89-6 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.89-6 (15 F. R. 8440, Dec. 2, 1950) to read as follows:

§ 78.89 Specification 5L; steel barrels.

§ 78.89-4 [Canceled]

§ 78.89-6 Parts and dimensions.

(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
20.....	0.0359	0.0324

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

9. Cancel entire § 78.91-4; in § 78.91-7 paragraph (a) table, amend the 3d column heading; in § 78.91-7 amend paragraph (b), and add paragraph (c) (15 F. R. 8441, Dec. 2, 1950) to read as follows:

§ 78.91 Specification 5X; steel drums.

§ 78.91-4 [Canceled]

§ 78.91-7 Parts and dimensions.

(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
12.....	0.1046	0.0946
13.....	.0897	.0817
14.....	.0747	.0677
16.....	.0598	.0533

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

(c) Lining. Required; of aluminum 99 percent pure; thickness 0.12"; all seams welded. It shall have reasonably good fit in outside drum and be arranged so that extensive movement therein will be prevented.

10. Cancel entire § 78.92-4; amend entire § 78.92-6 (15 F. R. 8442, Dec. 2, 1950) to read as follows:

§ 78.92 Specification 5P; lagged steel drums.

§ 78.92-4 [Canceled]

§ 78.92-6 Parts and dimensions. (a) Parts and dimensions as follows:

(1) Steel sheets used for body and head sheets for inside drum must have nominal thickness of at least 0.0747 inch and minimum thickness of 0.0677 inch, uncoated sheets, which shall be designated 14 gauge.

(2) Steel sheets used for body sheets for outside shell must have nominal thickness of at least 0.1046 inch and minimum thickness of 0.0946 inch, uncoated sheets, which shall be designated 12 gauge.

(3) Steel sheets used for head sheets for outside shell must have nominal thickness of at least 0.0747 inch and minimum thickness of 0.0677 inch, uncoated sheets, which shall be designated 12 gauge.

11. Cancel entire § 78.97-4; in § 78.97-5 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.97-5 (15 F. R. 8442, Dec. 2, 1950) to read as follows:

§ 78.97 Specification 6A; steel barrels or drums.

§ 78.97-4 [Canceled]

§ 78.97-5 Parts and dimensions.

(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
12.....	0.1046	0.0946
13.....	.0897	.0817
14.....	.0747	.0677
16.....	.0598	.0533

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

12. Cancel entire § 78.98-4; in § 78.98-5 paragraph (a) table, amend the 4th column heading; add paragraph (b) to

§ 78.98-5 (15 F. R. 8443, Dec. 2, 1950) to read as follows:

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

§ 78.98-4 [Canceled]

§ 78.98-5 *Parts and dimensions.*
(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
12.....	0.1046	0.0946
13.....	.0897	.0817
14.....	.0747	.0677
15.....	.0673	.0603
16.....	.0598	.0533
18.....	.0478	.0428

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

13. Cancel entire § 78.99-4; in § 78.99-5 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.99-5 (15 F. R. 8444, Dec. 2, 1950) to read as follows:

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

§ 78.99-4 [Canceled]

§ 78.99-5 *Parts and dimensions.*
(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
14.....	0.0747	0.0677
15.....	.0673	.0603
16.....	.0598	.0533
18.....	.0478	.0428
20.....	.0359	.0324
22.....	.0299	.0269

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

14. Cancel entire § 78.100-4; in § 78.100-5 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.100-5 (15 F. R. 8444, 8445, Dec. 2, 1950) to read as follows:

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

§ 78.100-4 [Canceled]

§ 78.100-5 *Parts and dimensions.*
(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
15.....	0.0673	0.0603
16.....	.0598	.0533
18.....	.0478	.0428
19.....	.0418	.0378

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Minimum thickness, uncoated sheets (gauge)		Rolling hoops		
			Body sheet	Head sheet	Type	Minimum	
						Size (gauge or inch)	Weight (pounds per foot)
55	480	Straight side.....	18	18	I-bar ¹	3/4 x 1 1/4	1.2

¹ Rolled or swaged-in hoops permitted.

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
18.....	0.0478	0.0428

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

16. Cancel entire § 78.115-4; in § 78.115-3 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.115-6 (15 F. R. 8447, Dec. 2, 1950) (19 F. R. 6274, Sept. 29, 1954) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

§ 78.115-4 [Canceled]

§ 78.115-6 *Parts and dimensions.*
(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
16.....	0.0598	0.0533
18.....	.0478	.0428
20.....	.0359	.0324
24.....	.0239	.0209

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

17. Cancel entire § 78.116-4; in § 78.116-6 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.116-6 (15 F. R. 8448, Dec. 2, 1950) to read as follows:

§ 78.116 *Specification 17E; steel drums.*

15. Cancel entire § 78.101-4; in § 78.101-5 amend the entire table in paragraph (a); add paragraph (b) to § 78.101-5 (15 F. R. 8445, Dec. 2, 1950) (21 F. R. 675, Jan. 31, 1956) to read as follows:

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

§ 78.101-4 [Canceled]

§ 78.101-5 *Parts and dimensions.*
(a) * * *

§ 78.116-4 [Canceled]

§ 78.116-6 *Parts and dimensions.*
(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
18.....	0.0478	0.0428
19.....	.0418	.0378
20.....	.0359	.0324
22.....	.0299	.0269
24.....	.0239	.0209

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

18. Cancel entire § 78.117-4; in § 78.117-6 amend paragraph (a); in § 78.117-7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.117-7 (15 F. R. 8449, Dec. 2, 1950) (21 F. R. 7610, Oct. 4, 1956) to read as follows:

§ 78.117 *Specification 17F; steel drums.*

§ 78.117-4 [Canceled]

§ 78.117-6 *Chime reinforcement.* (a) Chime reinforcement required to be not less than 12 gauge (see § 78.117-7 (b)).

§ 78.117-7 *Parts and dimensions.*
(a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
12	0.1046	0.0946
16	.0508	.0533

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

19. Cancel entire § 78.118-4; in § 78.118-6 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.118-6 (15 F. R. 8450, Dec. 2, 1950) to read as follows:

§ 78.118 *Specification 17H; steel drums.*

§ 78.118-4 [Canceled]

§ 78.118-6 *Parts and dimensions.*

(a) * * *

Minimum thickness, uncoated sheets (gauge)		
Body sheet	Head sheet	Removable head sheet

Marked capacity not over (gallons).....	30.....	55.....
Type of container.....	Straight side.....	Straight side.....
Minimum thickness, uncoated sheets ¹	Body sheet: 19 ²	Body sheet: 18 ²
Gauge.....	Head sheet: 19 ²	Head sheet: 18 ²
Type of rolling hoops.....	Rolled or swaged in hoops.....	Rolled or swaged in hoops.....

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.
² 19 gauge steel shall have nominal thickness of 0.0418 inch and minimum thickness of 0.0378 inch.
³ 18 gauge steel shall have nominal thickness of 0.0478 inch and minimum thickness of 0.0428 inch.

21. Cancel entire § 78.130-4; in § 78.130-5 paragraph (a) table, amend the 5th column heading; add paragraph (b) to § 78.130-5 (15 F. R. 8454, Dec. 2, 1950) (17 F. R. 4298, May 10, 1952) to read as follows:

§ 78.130 *Specification 37K; steel drums.*

§ 78.130-4 [Canceled]

§ 78.130-5 *Parts and dimensions.* (a)

* * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
22	0.0299	0.0269

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

22. Cancel entire § 78.131-4; in § 78.131-6 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.131-6 (20 F. R. 4419, June 23, 1955) (21 F. R. 9363, Nov. 30, 1956) to read as follows:

§ 78.131 *Specification 37A; steel drums.*

§ 78.131-4 [Canceled]

(b) Steel sheets of specified gauge shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
14	0.0747	0.0677
16	.0508	.0533
18	.0478	.0428
20	.0359	.0324
24	.0239	.0209

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

20. Cancel entire § 78.119-4; in § 78.119-6 amend paragraph (a) and table (15 F. R. 8450, 8451; Dec. 2, 1950) to read as follows:

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

§ 78.119-4 [Canceled]

§ 78.119-6 *Parts and dimensions.* (a) *Parts and dimensions as follows:*

§ 78.131-6 *Capacities, weights, type, and gauges.* (a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet ¹	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
22	0.0299	0.0269
24	.0239	.0209
26	.0179	.0159

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

23. Cancel entire § 78.132-4; in § 78.132-6 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.132-6 (20 F. R. 4420, June 23, 1955) to read as follows:

§ 78.132 *Specification 37B; steel drums.*

§ 78.132-4 [Canceled]

§ 78.132-6 *Capacities, weights, type, and gauges.* (a) * * *

Minimum thickness, uncoated sheets (gauge)	
Body sheet ¹	Head sheet

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness ¹ (inch)	Minimum thickness ¹ (inch)
22	0.0299	0.0269
24	.0239	.0209
26	.0179	.0159
28	.0149	.0129

¹ Thickness shall be measured at any point on the sheet not less than 3/8 inch from an edge.

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

In § 78.168-3 amend paragraph (a) (15 F. R. 8460, Dec. 2, 1950) to read as follows:

§ 78.168 *Specification 15A; wooden boxes, nailed.*

§ 78.168-3 *Ends.* (a) One-piece, or equivalent (see § 78.168-5), or cleated as prescribed; joints tongued, grooved, and glued. Style 1 or style 6 boxes may have milled depressions in each end of box for hand-holds, of not more than 3/8 inch in depth and not exceeding one-third of the width of the box, only when ends are of lumber at least 3/4 inch in thickness.

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

1. § 78.206-7 add paragraph (b); in § 78.206-17 amend the introductory text of paragraph (a), and add paragraph (a) (3) (15 F. R. 8477, Dec. 2, 1950) (18 F. R. 5277, Sept. 1, 1953) to read as follows:

§ 78.206 *Specification 12C; fiberboard boxes.*

§ 78.206-7 *Tape.* * * *

(b) Tape for closure of slotted containers complying with the following requirements is authorized when applied as prescribed in § 78.206-17 (a) (3):

(1) Tape must be not less than 3 inches wide and shall be made of two sheets of 100 percent sulfate Kraft each not less than 30 pounds basis weight, reinforced with glass, sisal, or rayon fiber, combined with a laminant of asphalt or other material not affected by temperature extremes any more than would standard 180° to 200° softening point asphalt.

(2) Tape must be reinforced by lengthwise fibers spaced not more than an average of 1/2 inch apart, and by crosswise fibers spaced not less than an average of 2 per inch except that when a diamond pattern is employed for crosswise reinforcement, the spacing between the parallel sides of the diamond measured in the machine direction must be not more than 1 inch.

(3) Glass or sisal reinforced tape must have a minimum tensile strength in the machine direction of 75 pounds per inch of width and a minimum tensile strength in the cross direction of 45 pounds per inch of width; rayon reinforced tape must have a minimum tensile strength in the machine direction of 57 pounds per inch of width and a minimum tensile strength in the cross direction of 27

pounds per inch of width with elongation not exceeding 15 percent. Tensile tests on the finished product shall be made on a 3-inch width sample.

§ 78.206-17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces, or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

(3) For slotted containers only, reinforced tape complying with the requirements of § 78.206-7 (b) is authorized for application over the center seam only. Tape must extend over the ends of box not less than 2½ inches.

2. In § 78.207-6 add paragraph (b); in § 78.207-17 amend the introductory text of paragraph (a), and add paragraph (a) (3) (15 F. R. 8478, Dec. 2, 1950) (18 F. R. 5277, Sept. 1, 1953) to read as follows:

§ 78.207 *Specifications 12D; fiber-board boxes.*

§ 78.207-6 *Tape.* * * *

(b) Tape for closure of slotted containers complying with the following requirements is authorized when applied as prescribed in § 78.207-17 (a) (3):

(1) Tape must be not less than 3 inches wide and shall be made of two sheets of 100 percent sulfate Kraft each not less than 30 pounds basis weight, reinforced with glass, sisal, or rayon fiber, combined with a laminant of asphalt or other material not affected by temperature extremes any more than would standard 180° to 200° softening point asphalt.

(2) Tape must be reinforced by lengthwise fibers spaced not more than an average of ½ inch apart, and by crosswise fibers spaced not less than an average of 2 per inch except that when a diamond pattern is employed for crosswise reinforcement, the spacing between the parallel sides of the diamond measured in the machine direction must be not more than 1 inch.

(3) Glass or sisal reinforced tape must have a minimum tensile strength in the machine direction of 75 pounds per inch of width and a minimum tensile strength in the cross direction of 45 pounds per inch of width; rayon reinforced tape must have a minimum tensile strength in the machine direction of 57 pounds per inch of width and a minimum tensile strength in the cross direction of 27 pounds per inch of width with elongation not exceeding 15 percent. Tensile tests on the finished product shall be made on a 3-inch width sample.

§ 78.207-17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces, or as prescribed in subparagraphs (1), (2), or (3) of this paragraph.

(3) For slotted containers only, reinforced tape complying with the requirements of § 78.207-6 (b) is authorized for application over the center seam only.

Tape must extend over the ends of box not less than 2½ inches.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend the heading of § 78.283-8 (21 F. R. 4593, June 26, 1956) to read as follows:

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

§ 78.283-8 *Manway flange, safety valve flange, and sump flange or other attachments.* * * *

2. In § 78.288-13 amend paragraph (c) (21 F. R. 4603, June 26, 1956) to read as follows:

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

§ 78.288-13 *Safety valves.* * * *

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

3. In § 78.289-13 amend paragraph (c) (21 F. R. 4605, June 26, 1956) to read as follows:

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

§ 78.289-13 *Safety valves.* * * *

(c) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set to open at a pressure not exceeding 450 pounds per square inch and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of 450 pounds per square inch. Tanks must also be equipped with two pressure-regulating valves of approved design, set to open at a pressure not to exceed 350 p. s. i. or seven-tenths of the test pressure of the tank. Each regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

4. Add §§ 78.302 to 78.302-20 to read as follows:

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

(a) Wherever the word "approved" is used in this specification it means approval by the Association of American

Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.302-1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover.

§ 78.302-2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and manway nozzle must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight.

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

§ 78.302-3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 495 pounds per square inch.

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

where

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

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

d = inside diameter in inches;

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

ASTM B-178 Alloy 996A = 9,500 psi.

ASTM B-178 Alloy 990A = 11,000 psi.

ASTM B-178 Alloy M1A = 14,000 psi.

ASTM B-178 Alloy GR20A = 25,000 psi.

ASTM B-178 Alloy GS11A = 24,000 psi.

ASTM B-178 Alloy GR40A = 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of an ellipsoidal head (see § 78.302-7 (b)) shall be determined by the following formula:

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

where

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

d = inside diameter in inches;

S = minimum ultimate tensile strength in pounds per square inch (see paragraph (a) of this section);

E = efficiency of welded joint to shell = 100 percent.

(d) Minimum thickness of plates and heads shall not be less than $\frac{3}{8}$ inch.

§ 78.302-5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.302-6 *Material.* (a) All plates for tank and manway nozzle must be made of an aluminum alloy to an approved specification and be suitable for fusion-welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachment to tank must be made of material to an approved specification.

(c) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.302-7 *Tank heads.* (a) Tank heads must be of approved contour and must be ellipsoidal for pressure on the concave side.

(b) Ellipsoidal tank head shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be $\frac{1}{2}$ of the major axis.

§ 78.302-8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.302-9 *Stress relieving.* (a) Not a specification requirement.

§ 78.302-10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

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

§ 78.302-11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of cast, forged or fabricated aluminum alloy at least 18 inches inside diameter. Manway nozzle must be of an approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled aluminum alloy at least $2\frac{1}{2}$ inches thick, or other approved material at least $2\frac{1}{4}$ inches thick, machined to approved dimensions. Manway cover must be attached to nozzle by through bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel, or other approved materials, must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

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

(a) Venting, loading and unloading 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 manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, sampling valve and gauging device may be equipped with excess flow valves of an approved design.

(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 100 pounds per square inch without leakage. 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 manway 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.

§ 78.302-13 *Bottom outlets.* (a) Bottom outlet for discharge of lading is prohibited, but tank may be equipped with a bottom washout of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements:

(1) The extreme projection of the bottom washout must be at least 12 inches above top of rail.

(2) Bottom washout nozzle must be of cast, forged or fabricated metal of good weldable quality in conjunction with the metal of the tank, and must be applied by welding.

(3) The bottom washout must be designed and constructed with a double closure each capable of withstanding 100 pounds per square inch test pressure and 75 pounds per square inch working pressure without leakage. The inside or top closure must be such that loss of lading will not occur should the nozzle be broken, and preferably should consist of a plug with a tapered seat so that any tank pressure will effect tight closure independent of means of securing the plug. The outside or bottom closure must be a flange with a test plug not larger than $\frac{3}{4}$ inch pipe plug. Flange and plug must be chained to prevent loss.

(4) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of the bottom washout nozzle at a point immediately below the lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over $\frac{3}{8}$ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(5) The opening in the tank bottom for the bottom washout nozzle must be reinforced in an approved manner, and the washout nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove.

(6) The closure plug must not project below the "V" groove in the washout nozzle. The closure plug and seat must be readily accessible for repairs, including grinding.

(7) Joints between closures and their seats may be gasketed with suitable material.

§ 78.302-14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

(b) The safety valves must be set to open at a pressure not exceeding 75 pounds per square inch. (For tolerance see § 78.302-18 (a)).

§ 78.302-15 *Fixtures, reinforcements and attachments not otherwise specified.* (a) All attachments to tank and nozzle must be applied by approved means. Heater systems may be applied to exterior of tank by tank bands or other approved method.

§ 78.302-16 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.302-17 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.302-8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.302-18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 60 pounds per square inch which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.302-19 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC-109A100AL-W and specification number of material used in tank shell and manway nozzle in letters and figures at least $\frac{3}{8}$ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC109A100AL-W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

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

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least $\frac{3}{8}$ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

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

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

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

(7) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least $\frac{3}{8}$ inch high into the metal of the tank immediately below the mark specified in subparagraph (3) of this paragraph. This mark must also be stenciled on the tank, or jacket if lagged, immediately below the dome platform and either directly behind or within 3 feet of the right or left side of the ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

**WATER CAPACITY
000000 POUNDS**

§ 78.302-20 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives,

and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties, a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. In § 78.325-14 amend paragraph (b) (20 F. R. 8114, Oct. 28, 1955) to read as follows:

§ 78.325 Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D-323) vapor pressures of 18 pounds per square inch absolute at 100°F.

§ 78.325-14 Safety devices. * * *

(b) *Relief valve capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 pounds per square inch gauge (25 psig), and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 30 pounds per square inch gauge (30 psig) they shall have a discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 35 square feet (35 sq. ft.) of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required.

2. In § 78.331-12 amend paragraph (b) (18 F. R. 6784, Oct. 27, 1953) to read as follows:

§ 78.331 Specification MC 311; cargo tanks.

§ 78.331-12 *Venting, gauging, loading, and air-inlet devices. * * **

(b) *Gauging, loading and air-inlet devices.* Gauging, loading, and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections of valves.

Section, Paragraph, and Reason for Amendment

72.5; (a) chart; Provides additions and amendments to keep commodity list on a current basis.

73.31; (a) table, footnote 11; To permit the use of 30 pound safety vents on certain tank cars.

73.31; (g) (9) table 1; To provide for the retesting of spec. 109A100AL-W tank car.

73.53; (w); To define explosive cartridges.

73.56; (a), (b), and (f); To provide for the transportation of explosive cartridges.

73.65; (e) (3); To provide for the use of anti-freeze agents other than alcohol for shipments of cyclotrimethylenetrinitramine.

73.69; (c); To make marking requirements consistent with proper shipping name.

73.77; (c); To provide for the use of anti-freeze agents other than alcohol for shipments of pentaerythrite tetranitrate.

73.79; (c); To make marking requirements consistent with proper shipping name.

73.92; (a); To provide for the transportation of starter cartridges, jet engine.

73.92; (c); To make marking requirements consistent with proper shipping name; to provide marking requirements for starter cartridges, jet engine.

73.100; (r) (8); To exempt sparklers, of certain composition, from the regulations.

73.108; (a) and (a) (2); To clarify the packaging requirements applicable to class C explosives, and to authorize a gross weight of 500 pounds for shipments of Very signal cartridges.

73.113; (c); To make marking requirements consistent with proper shipping name.

73.115; (a); To omit reference to flammable compressed gas within the definition of a flammable liquid.

73.118; (a), (b); To delete reference to pressurized flammable liquids, and to provide exemptions for flammable liquids by rail express.

73.176; (g); Clarifies the exemptions applicable to shipments of certain type matches.

73.229; entire section; Clarifies the packaging requirements for chlorate and borate mixtures or chlorate and magnesium chloride mixtures; provides a manufacturing tolerance for these materials by increasing to 28 percent the maximum percentage exempted from the regulations.

73.233; (a) (4); To authorize specs. 17H, 37A, or 37B drums for the transportation of nickel catalyst.

73.247; (a) (6); To authorize additional tank cars for the transportation of certain corrosive liquids.

73.264; (a) (7); To include reference to note 5.

73.264; (b) (2); To authorize spec. 105A400-W tank car for the transportation of hydrofluoric acid.

73.266; (c) (7); To authorize spec. 2S container inside spec. 6J steel barrel or drum for the transportation of hydrogen peroxide solution in water.

73.271; (a) (10), (b); To authorize spec. 103E-W tank car, and spec. 5C metal barrel or drum for the transportation of phosphorus trichloride and thiophosphoryl chloride.

73.272; (f); Percentage of sulfuric acid is increased to permit a tolerance in concentrations.

73.272; (f) (2); To authorize specs. 1F or 1G polyethylene carboys for the transportation of sulfuric acid.

73.289; (a) (2); To require 103E-W tank cars be made of type 316 stainless steel; to remove the stenciling requirement restricting 103C-W tank car to formic acid only.

73.302; (a) (3); To exempt shipments of a solution of materials and compressed gas or gases from certain requirements of the regulations.

73.306; (b) (1); This paragraph amends the former provisions of (b) (1) which have been included in 73.302 (a) (3).

73.306; (b) (2); The provisions of (b) (2) have been inserted in (b) (1).

73.306; (d); These requirements are canceled in view of the amendment to 73.302 (a) (3).

73.312; (a) (1); To authorize spec. 4E aluminum cylinder, for the transportation of liquefied petroleum gas.

73.312; (a) (7); To provide additional packaging requirements for liquefied petroleum gas in spec. 2P containers.

- 73.314; (a); Eliminates reference to paragraph (g) which was previously canceled.
- 73.314; (a) table; Deletes reference to obsolete tank car specifications; requires tank cars transporting liquefied flammable gases to have interior pipes of loading and unloading valves equipped with excess flow valves of approved design; subjects shipments of methyl mercaptan to notes 12 and 20; authorizes specs. 106A500 and 106A500X ton containers for the transportation of butadiene; authorizes specs. 105A100AL-W and 109A100AL-W for certain commodities.
- 73.314; (a) note 8; Corrects reference to proper section which prescribes tests for tank cars.
- 73.314; (a) note 11; Deletes reference to obsolete tank car specifications; authorizes a set-to-discharge pressure increase of pressure regulating valves.
- 73.314; (a) note 12; To authorize the motor vehicle transportation of methyl mercaptan in spec. 106A500 or 106A500X steel tanks.
- 73.314; (a) note 18; Deletes reference to obsolete tank car specifications.
- 73.314; (a) note 20; To prohibit safety devices of any description on 106A500 or 106A500X tanks transporting methyl mercaptan.
- 73.314; (b); To provide maximum pressure limitations for specs. 105A100AL-W and 105A300AL-W tank cars.
- 73.315; (a) (1) table, (h) table, (i) (2) table; To provide for the transportation of vinyl chloride, inhibited in MC 390 cargo tanks.
- 73.337; entire section; To provide for the transportation of nitric oxide.
- 73.347; (a) (7); To authorize spec. 12B fiberboard box as outside container for the transportation of aniline oil.
- 73.377; (g); To authorize spec. 44B multi-wall paper bags for specific concentrations of certain class B poisons, dry mixture.
- 73.377; (h); To authorize spec. 44D multi-wall paper bags for specific concentrations of certain class B poisons, dry mixture.
- 73.399; (i); To clarify packing requirements for certain liquid radioactive materials when shielding is necessary.
- 73.430; (a), (d); To provide optional certificate to cover shipments made in cargo tanks or other containers not owned or controlled by the shipper.
- 74.526; (c) (5); To prohibit fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus on any truck body or trailer containing class A explosives.
- 74.529; (b); To authorize the use of container cars for the transportation of class B explosives.
- 74.538; (a) chart; To correct a typographical error; to clarify that nitro carbo nitrate may be loaded or stored with electric blasting caps.
- 74.589; (h) (8), (j) (8); To permit handling open-top cars with commodities which will not shift beyond car ends, next to cars of explosives.
- 77.819; (c) To provide optional certificate to cover shipments made in cargo tanks or other containers not owned or controlled by the shipper.
- 77.820; (a); To make consistent with similar provisions of the regulations.
- 77.834; (g); To require that containers of explosives as well as all other dangerous articles, must be so braced as to prevent motion thereof, within the vehicle.
- 77.835; (e); To prohibit the loading of explosives in any truck body or trailer equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus.
- 77.838; (f); To authorize the shipment of certain nitrates in all-metal vehicles made of aluminum or aluminum alloys.
- 77.840; (c); To authorize the motor vehicle transportation of methyl mercaptan in spec. 106A500 or 106A500X steel tanks.
- 77.848; (a) chart; To correct a typographical error; to clarify that nitro carbo nitrate may be loaded or stored with electric blasting caps.
- 78.1-9; (b) (2) note 1; To require the test of spec. 1A carboys on both the side and bottom swing.
- 78.3-9; (b) (2) note 1; To require the test of spec. 1C carboys on both the side and bottom swing.
- 78.4-8; (b) (2) note 1; To require the test of spec. 1D carboys on both the side and bottom swing.
- 78.6-10; (b) (2) note 1; To require the test of spec. 1EX carboys on both the side and bottom swing.
- 78.7-8; (b) (2) note 1; To require the test of spec. 1E carboys on both the side and bottom swing.
- 78.36-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3A cylinder.
- 78.37-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3AA cylinder.
- 78.38-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3B cylinder.
- 78.39-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3BN cylinder.
- 78.40-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3C cylinder.
- 78.41-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3D cylinder.
- 78.43-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3A480X cylinder.
- 78.48-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4 cylinder.
- 78.49-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4A cylinder.
- 78.50-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4B cylinder.
- 78.51-15; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4BA cylinder.
- 78.51-20; (a) and table I; To provide for the use of a new alloy steel in spec. 4BA cylinder.
- 78.52-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4C cylinder.
- 78.53-9; (b); To make the requirements relating to wall thickness for spec. 4D cylinder consistent with spec. 4DA cylinder.
- 78.53-15; (e) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4D cylinder.
- 78.54-15; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4B240FLW cylinder.
- 78.55-14; (d); To reduce the test pressure to twice the service pressure when spec. 4B240ET cylinder is tested in accordance with the modified test.
- 78.55-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4B240ET cylinder.
- 78.56-15; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4AA480 cylinder.
- 78.58-18; (e) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4DA cylinder.
- 78.59-14; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 8 cylinder.
- 78.60-16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 8AL cylinder.
- 78.68; entire section; To provide for the construction of new spec. 4E aluminum cylinder.
- 78.80-4; entire section—78.80-7; (a) table, (b); To bring the table of gauges for spec. 5 drum into conformity with commercial practices.
- 78.81-4; entire section—78.81-7; (a) table, (b); To bring the table of gauges for spec. 5A drum into conformity with commercial practices.
- 78.82-4; entire section—78.82-7; (a) table, (b); To bring the table of gauges for spec. 5B drum into conformity with commercial practices.
- 78.83-4; entire section—78.83-7; (a) table, (b); To bring the table of gauges for spec. 5C drum into conformity with commercial practices.
- 78.84-4; entire section—78.84-7; (a) table, (b); To bring the table of gauges for spec. 5D drum into conformity with commercial practices.
- 78.85-4; entire section—78.85-7; (a); To bring gauge requirements for spec. 5F drum into conformity with commercial practices.
- 78.87-4; entire section—78.87-7; (a) table, (b), (c); To bring the table of gauges for spec. 5H drum into conformity with commercial practices.
- 78.89-4; entire section—78.89-6; (a) table, (b); To bring the table of gauges for spec. 5L drum into conformity with commercial practices.
- 78.91-4; entire section—78.91-7; (a) table, (b), (c); To bring the table of gauges for spec. 5X drum into conformity with commercial practices.
- 78.92-4; entire section—78.92-6; entire section; To bring gauge requirements for spec. 5P drum into conformity with commercial practices.
- 78.97-4; entire section—78.97-5; (a) table, (b); To bring the table of gauges for spec. 6A drum into conformity with commercial practices.
- 78.98-4; entire section—78.98-5; (a) table, (b); To bring the table of gauges for spec. 6B drum into conformity with commercial practices.
- 78.99-4; entire section—78.99-5; (a) table, (b); To bring the table of gauges for spec. 6C drum into conformity with commercial practices.
- 78.100-4; entire section—78.100-5; (a) table, (b); To bring the table of gauges for spec. 6J drum into conformity with commercial practices.
- 78.101-4; entire section—78.101-5(a) table, (b); To bring the table of gauges for spec. 6K drum into conformity with commercial practices.
- 78.115-4; entire section—78.115-6; (a) table, (b); To bring the table of gauges for spec. 17C drum into conformity with commercial practices.
- 78.116-4; entire section—78.116-6; (a) table, (b); To bring the table of gauges for spec. 17E drum into conformity with commercial practices.
- 78.117-4; entire section—78.117-6; (a)—78.117-7; (a) table, (b); To bring the table of gauges for spec. 17F drum into conformity with commercial practices.
- 78.118-4; entire section—78.118-6; (a) table, (b); To bring the table of gauges for spec. 17H drum into conformity with commercial practices.
- 78.119-4; entire section—78.119-6; (a) table; To bring the table of gauges for spec. 17X drum into conformity with commercial practices.
- 78.130-4; entire section—78.130-5; (a) table, (b); To bring the table of gauges for spec. 37K drum into conformity with commercial practices.
- 78.131-4; entire section—78.131-6; (a) table, (b); To bring the table of gauges for spec. 37A drum into conformity with commercial practices.

NOTICES

78.132-4; entire section—78.132-6; (a) table, (b); To bring the table of gauges for spec. 37B drum into conformity with commercial practices.

78.168-3; (a); To provide for milled hand-holds in spec. 15A wooden box.

78.206-7; (b)—78.206-17; (a), (a) (3); To authorize a reinforced tape closure method for spec. 12C fiberboard box.

78.207-6; (b)—78.207-17; (a), (a) (3); To authorize a reinforced tape closure method for spec. 12D fiberboard box.

78.283-8; heading; To correct a typographical error.

78.288-13; (c); To authorize a set-to-discharge pressure increase of spec. 105A500-W tank cars in liquefied carbon dioxide service.

78.289-13; (c); To authorize a set-to-discharge pressure increase of spec. 105A600-W tank cars in liquefied carbon dioxide service.

78.302; entire section; To provide for the construction of new spec. 109A100AL-W tank car.

78.325-14; (b); To authorize a tolerance increase permitted on safety relief valves for spec. MC 304 cargo tank.

78.331-12; (b); To clarify that means shall be provided for the closing of pipe connections of valves.

[F. R. Doc. 57-1007; Filed, Feb. 26, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 19]

[Docket No. 11895]

CITIZENS RADIO SERVICE

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Part 19, Citizens Radio Service, to delete the note in § 19.12.

The Commission having under consideration the petition dated February 14, 1957, filed by Kaar Engineering Corporation in the above-entitled proceeding, requesting an extension of time in which to file comments directed to the Commission's notice of proposed rule making in this Docket;

It appearing, that licensees in the Citizens Radio Service being individuals not organized nationally and thus without formal representation so that all persons interested in this service did not obtain knowledge of the rule making proposal within the time allowed for comment;

It further appearing, that the extension of time would permit development of additional data and that the public interest would be served by an extension;

It is ordered, pursuant to section 0.291 (b) (4), that the time for filing comments in the above-entitled proceeding is hereby extended from January 24, 1957 to March 8, 1957, and that reply comments may be filed within ten days from the extended closing date for original comments.

Adopted: February 19, 1957.

Released: February 19, 1957.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1480; Filed, Feb. 25, 1957; 2:36 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 29]

BUREAU EMPLOYEES

GRANTING OF PERMISSION TO TESTIFY IN ADMINISTRATIVE OR JUDICIAL PROCEEDINGS

Order 551, as amended, is further amended by addition of a new section under the heading Functions Relating to General Matters to read as follows:

Sec. 354. *Testimony of employees.* The granting of permission to Bureau employees to testify in administrative or judicial proceedings pursuant to the provisions of 43 CFR 2.20. This authority shall not be redelegated.

GLENN L. EMMONS,
Commissioner.

FEBRUARY 19, 1957.

[F. R. Doc. 57-1446; Filed, Feb. 26, 1957; 8:46 a. m.]

Bureau of Land Management

[73403]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LAND

FEBRUARY 21, 1957.

1. Plat of Dependent Resurvey and Extension Survey to include certain lands which were erroneously omitted from the original survey will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective 10:00 a. m., on April 2, 1957, as described below:

TALLAHASSEE MERIDIAN, FLORIDA

T. 3 S., R. 16 W.,
Sec. 11, Lots 1, 2, 3, 4, 5;
Sec. 12, Lot 3;
Sec. 14, Lots 4, 5, 6.

2. The plat represents a retracement and reestablishment of the original subdivisional lines designated to restore all corners on the boundaries of sections 11, 12, 13 and 14 in their original location according to the best available evidence, and the extension survey of lands in sections 11, 12 and 14, which were erroneously omitted from the original survey and not shown upon the plat approved May 22, 1849. The unlotted portion of section 11, as shown on the original plat, is designated as Lot 5, containing 1.57 acres.

3. According to the field notes and as shown by the plat, Lots 1, 3, 4, 5, section 11, Lot 3 section 12, Lots 4, 5, 6, section 14, are principally swamp and only subject to selection by the State of Florida under its swamp land grant.

4. No application may be allowed for Lot 2 section 11, under the homestead or small tract or any other nonmineral public land law unless the land has been classified or valuable or suitable for such type of application or shall be so classi-

fied upon consideration of an application.

5. At the hour specified on the above-mentioned effective date, Lot 2 section 11, shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

6. Inquiries relating to the land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-1471; Filed, Feb. 26, 1957; 8:55 a. m.]

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR BUREAU OF PUBLIC ROADS

Notice of the proposed withdrawal and reservation of lands for the Bureau of Public Roads in the Fairbanks, Alaska area, was published in the FEDERAL REGISTER, December 6, 1956, Volume 21, No. 236, page 9683. The area embraced by this application which is identified by the serial number, Fairbanks 013138, has been amended to read as follows:

HARDING LAKE AREA

U. S. Survey No. 2285.

Containing 12.00 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-1447; Filed, Feb. 26, 1957; 8:47 a. m.]

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR BUREAU OF RECLAMATION

Notice of the proposed withdrawal and reservation of lands for the Bureau of Reclamation in the Anchorage, Alaska area, was published in the FEDERAL REGISTER, May 10, 1956, Volume 21, No. 91, page 3127. The area embraced by this application, which is identified by the serial number, Anchorage 031529, has been amended to read as follows:

TRACT B

Tract of land near the Gold Creek Station of the Alaska Railroad, described as follows:

Beginning at a point on the southeasterly boundary line of the 200 foot right-of-way of the Alaska Railroad which point lies S. 63° 52' 30" E., 100 feet from the centerline of the main tract at survey station 11,902 plus 70.0;

Thence N. 26° 07' 30" E., 400.0 feet parallel to, and 100.0 feet from the center line of

the main tract to the true point of beginning;

Thence southwesterly identical with the southeasterly boundary line of said right-of-way 500 feet;

Thence southeasterly at right angles to the right-of-way boundary 435 feet;

Thence northeasterly parallel with the right-of-way boundary 500 feet;

Thence northwesterly at right angles to the right-of-way boundary 435 feet to the point of beginning.

Containing approximately 5.0 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-1448; Filed, Feb. 26, 1957;
8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND
RESERVATION OF LANDS

The U. S. Forest Service has filed an application, Serial No. Anchorage 029620, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing. The applicant desires the land for administrative site purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

JUNEAU SUB-PORT AREA

Beginning at a point N. 49° 00' W., approximately 27.3 feet of Corner No. 15 of P. L. O. 657 on the northwesterly boundary of Executive Order No. 9173 at the intersection with line 14-15 of P. L. O. 657;

Thence along the boundary of P. L. O. 657, N. 49° 00' W. 322.3 feet;

Thence N. 48° 43' E., 163.0 feet;

Thence S. 45° 36' E., 216.0 feet;

Thence S. 44° 24' W., 104.1 feet;

Thence S. 49° 00' E., 91.3 feet to an intersection with the northwesterly boundary of Executive Order No. 9173;

Thence along the northwesterly boundary of Executive Order No. 9173, S. 41° 17' W., 44.8 feet to the Point of Beginning.

Containing 0.89 acres, more or less.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-1449; Filed, Feb. 26, 1957;
8:43 a. m.]

[74548]

ILLINOIS

NOTICE OF FILING OF PLAT OF SURVEY AND
ORDER PROVIDING FOR OPENING OF PUBLIC
LANDS

FEBRUARY 20, 1957.

1. Plat of survey of the land described below, accepted November 9, 1956, will be

officially filed in the Eastern States Land Office, Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m., on April 1, 1957.

THIRD PRINCIPAL MERIDIAN, ILLINOIS

T. 19 N., R. 7 W.,
Sec. 1, Lot 1.

Containing 47.82 acres.

2. The plat represents the survey of the former island area in the Sangamon River which was not included in the original survey of the township which is represented on the plat of survey approved April 12, 1823.

3. No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

4. At the hour specified on the above-mentioned effective date, the land shall become subject to application, petition, location, or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

All inquiries relating to the land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHÖLL,
Acting Manager.

[F. R. Doc. 57-1450; Filed, Feb. 26, 1957;
8:48 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

KARL-HEINZ SPAETH AND RALUX GESELLSCHAFT FUER ELEKTROTECHNIK, MBH

ORDER DENYING EXPORT PRIVILEGES FOR AN INDEFINITE PERIOD

In the matter of Karl-Heinz Spaeth and Ralux Gesellschaft fuer Elektrotechnik, mbH; Roemerstrasse 6, Munich 23, Germany; respondents.

The respondents, Karl-Heinz Spaeth and Ralux Gesellschaft fuer Elektrotechnik mbH, are the subjects of an investigation concerning alleged false representations made to induce the exportation of electronic tubes from the United States and the possible transshipment thereof from a port of intermediate destination; and the Agent in Charge, Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to the respondents all export privileges for an indefinite period by reason of their alleged failure and refusal to respond to written interrogatories duly served on them. The application was made pursuant to § 382.15 of the Export Regulations (15 CFR, Chapter III, Subchapter B), and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in

support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, being of the opinion that there is reasonable ground to believe that the respondents have ordered and caused to be exported from the United States electronic tubes licensed for exportation to Western Germany and that such tubes were diverted to a destination other than Western Germany and finding further that interrogatories were duly served on the respondents and that they, without reasonable cause and without adequate explanation, have failed and refused to answer or furnish written information and documents in response to those interrogatories; and, having concluded (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondents may be prevented from receiving and transshipping commodities exported from the United States; *It is hereby ordered:*

(1) All outstanding validated export licenses in which the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The respondents, their successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This order shall be published in the FEDERAL REGISTER, shall be effective forthwith and shall remain in effect until the respondents satisfactorily answer or

furnish written information or documents in response to the interrogatories heretofore served on them or give adequate reason for their failure or refusal to respond, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereof have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served on the respondents by registered mail.

(7) In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondents may move, at any time prior to the entry of a final order of suspension, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner and they may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D. C. at the earliest possible date.

Dated: February 21, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-1445; Filed, Feb. 26, 1957;
8:46 a. m.]

Federal Maritime Board

[Docket No. S-57, Sub. No. 2]

STATES MARINE LINES

NOTICE OF EXPANDED HEARING

The public hearing currently being held upon the application of the States Marine Corporation and States Marine Corporation of Delaware (trading as States Marine Lines) for operating differential subsidy and for written permission under section 805 (a) of the Merchant Marine Act, 1936, as amended, to carry domestic intercoastal cargoes, is hereby expanded to consider an amendment to the application seeking written permission under said section 805 (a) for applicant's subsidiary, Isthmian Lines, Inc., to carry cargoes between United States Atlantic and Gulf ports and Hawaii.

Evidence will be received relevant to whether the applicant or a predecessor in interest was in bona fide operation as a common carrier by water in the domestic intercoastal service described above in 1935 over the routes for which application is made and has so operated since that time, except as to interruptions to service over which the applicant or its predecessor in interest had no control, and if not (a) whether granting such application will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the said act.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary of the Board accordingly, and should promptly file petitions to intervene in accordance with the Board's rules of practice and procedure.

Dated: February 21, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1457; Filed, Feb. 26, 1957;
8:50 a. m.]

J. R. MICHELS, JR., AND LORETZ & CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8188 between J. R. Michels, Jr., Houston, Texas, and Loretz & Company, Los Angeles, California, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 21, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1464; Filed, Feb. 26, 1957;
8:54 a. m.]

CITY OF OAKLAND, CALIF. AND ENCINAL TERMINALS

NOTICE OF AGREEMENT FOR APPROVAL

Notice is hereby given that the following described agreement has been filed

with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8155-1, between the City of Oakland, California, and Encinal Terminals, modifying Agreement No. 8155, to provide that the final detailed physical inventory of cargo on terminal property leased to Encinal under said agreement shall be taken at the earliest practicable date, but in no event later than June 1, 1957, unless said date shall be extended by mutual agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 20, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1444; Filed, Feb. 26, 1957;
8:45 a. m.]

Office of the Secretary

IRVING P. MACAULEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1329.

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of February 13, 1957.

Dated: February 14, 1957.

IRVING P. MACAULEY.

[F. R. Doc. 57-1465; Filed, Feb. 26, 1957;
8:54 a. m.]

KENNETH C. ALLEN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTEREST

Report of Appointment and Statement of Financial Interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Kenneth C. Allen.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: February 14, 1957.
4. Title of position: Chief, Business Research & Analysis Branch.

5. Name of private employer: Jones & Laughlin Steel Corporation, Pittsburgh, Penna.

CARLTON HAYWARD,
Director of Personnel.

JANUARY 24, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Jones & Laughlin Steel Company.
Bank deposits.

Dated: February 14, 1957.

KENNETH C. ALLEN.

[F. R. Doc. 57-1466; Filed, Feb. 26, 1957;
8:54 a. m.]

COURTLANDT F. DENNEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8938; March 23, 1956, 21 F. R. 1809-10 and August 22, 1956, 21 F. R. 6307.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 15, 1957.

Dated: February 18, 1957.

COURTLANDT F. DENNEY.

[F. R. Doc. 57-1467; Filed, Feb. 26, 1957;
8:54 a. m.]

JAMES F. REID, Sr.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1330 and August 22, 1956, 21 F. R. 6307.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 9, 1957.

Dated: February 21, 1957.

JAMES F. REID, Sr.

[F. R. Doc. 57-1468, Filed, Feb. 26, 1957;
8:55 a. m.]

MARVIN S. PLANT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 8, 1956, 21 F. R. 6845-6.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of February 15, 1957.

Dated: February 18, 1957.

MARVIN S. PLANT.

[F. R. Doc. 57-1469; Filed, Feb. 26, 1957;
8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7912]

FREE BAGGAGE ALLOWANCES AND EXCESS BAGGAGE CHARGES

NOTICE OF POSTPONEMENT OF HEARING

In the matter of an investigation to determine whether the baggage provisions contained in Rule 16 on 20th Revised Page 30, 35th Revised Page 31, 17th Revised Page 32, 24th Revised Page 33, 2d Revised Page 34-B and 15th Revised Page 35 and excess baggage charges shown in Rule 19 on 4th Revised Page 37 and 4th Revised Page 38 of Agent J. B. Walker's C. A. B. No. 27, including subsequent revisions and reissues thereof, are, or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned for March 5, 1957, has been postponed and will be held on March 19, 1957, at 10:00 a. m. (eastern standard time) in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., February 21, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1477; Filed, Feb. 26, 1957;
8:57 a. m.]

[Docket No. 8153]

KIRK KERKORIAN AND LOS ANGELES AIR SERVICE, INC.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the application of Kirk Kerkorian and Los Angeles Air Service, Inc., for approval of control and interlocking relationships.

Notice is hereby given that the pre-hearing conference in the above-entitled

proceeding heretofore assigned to be held on February 26, 1957, has been postponed and will be held on February 28, 1957, at 11:30 a. m. (eastern standard time) in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 21, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1478; Filed, Feb. 26, 1957;
8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9611, G-9612, G-11355, G-11356]

SOUTHWEST GAS PRODUCING CO., INC., ET AL.

NOTICE CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING AND FIXING DATE OF HEARING

FEBRUARY 20, 1957.

By orders issued November 2, 1955, in Docket Nos. G-9611 and G-9612, and October 31, 1956, in Docket Nos. G-11355 and G-11356, the Commission suspended and deferred the use of certain increased rates for sales of natural gas by Southwest Gas Producing Company, Inc., et al. to Texas Eastern Transmission Corporation, pending a hearing upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates.

It is appropriate and in the public interest that the proceedings in Dockets Nos. G-9611, G-9612, G-11355 and G-11356 be consolidated for purposes of hearing.

Take notice that, pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15 and 16 and the Commission's rules of practice and procedure, a public hearing will be held, commencing on April 1, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, N. W., Washington, D. C., concerning the matters involved and the issues presented in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1452; Filed, Feb. 26, 1957;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 153]

MOTOR CARRIER APPLICATIONS.

FEBRUARY 21, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice

of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241 (49 CFR 1.241), September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2130 (Sub No. 49) and (Sub No. 50) Correction, COUCH MOTOR LINES, INC., Shreveport, La., published in the November 15, 1956, and the February 13, 1957, issues of the FEDERAL REGISTER, respectively, the notices of filing referred to above indicated that applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New York, North Carolina, South Carolina, Tennessee, and Virginia. This portion of the notices was incorrect. Applicant is authorized to conduct operations only in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee.

No. MC 7663 (Sub No. 2), filed September 12, 1956. LAPP EXPRESS CO., INC., 410 East Center St., Medina, N. Y. Applicant's attorney: Samuel V. Gianiny, 25 Exchange St., Rochester 14, N. Y. For authority to operate as a common carrier, over irregular routes, transporting: (1) Navy Night Drift Signals, Class B Explosives; (2) Navy Depth Charge Markers (Calcium Phosphide), Class C Explosives; (3) Army Ordnance Time Fuse, Class C Explosives, from the town of Murray, Orleans County, N. Y. to railhead in Village of Holley, Town of Murray, Orleans County, N. Y. and to motor carriers' freight terminals in Rochester and Buffalo, N. Y. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: March 22, 1957, at 45 Broadway, New York, N. Y., before Examiner Howard Hosmer.

No. MC 14021 (Sub No. 3). (Correction) MIDWEST TRANSFER COMPANY OF ILLINOIS, a corporation, 7000 South Pulaski Road, Chicago 29, Ill., published on page 915, issue of February 13, 1957. The docket number was in error. The correct docket number is MC 114021 (Sub No. 3).

No. MC 19227 (Sub No. 59), filed December 31, 1956, LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th St., Miami 42, Fla. Applicant's representative: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a common carrier, over irregular routes, transporting: *Commodities which because of size or weight require the use of special equipment*, between points in Florida, Alabama and Georgia on the one hand, and, on the other, points in Arizona, California, New Mexico, Oklahoma and Colorado. Applicant is authorized to transport similar commodities in the States of Florida, Alabama, Georgia, South Carolina, Connecticut, Delaware,

Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

HEARING: April 15, 1957, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 19227 (Sub No. 60), filed December 31, 1956, LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th St., Miami 42, Fla. Applicant's representative: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a common carrier, over irregular routes, transporting: *Commodities which because of size or weight require the use of special equipment*, between points in Texas on the one hand, and, on the other, points in Arizona and California. Applicant is authorized to transport similar commodities in the states of Florida, Alabama, Georgia, South Carolina, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

HEARING: April 10, 1957, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 213), filed December 13, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th St., Kenosha, Wis. Applicant's representative: Lyle DeVuyt, Traffic Manager, Kenosha Auto Transport Corporation, P. O. Box 351, 4519—76th St., Kenosha, Wis. For authority to operate as a common carrier, over irregular routes, transporting: *Parts and equipment for self-propelled street sweepers or street cleaning equipment*, from Pomona, Calif., to Chicago, Ill., and Newark, N. J., restricted to shipments of parts and equipment moving with shipments of set-up self-propelled street sweepers.

HEARING: April 2, 1957, at the Federal Bldg., Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 216), filed February 8, 1957, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th St., Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Motor vehicles (not including trailers)*, in initial movements, by driveaway and truckaway methods, from Baltimore, Md., to points in Delaware, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, West Virginia, Virginia and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 2, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 30837 (Sub No. 217), filed February 8, 1957, KENOSHA AUTO TRANS-

PORT CORPORATION, 4519—76th St., Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Motor vehicles (not including trailers)*, in initial movements, by driveaway and truckaway methods, from North Tarrytown, N. Y., to points in Alabama, Delaware, Indiana, Kentucky, Maine, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee and West Virginia. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 2, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 36509 (Sub No. 12), filed February 4, 1957, LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. For authority to operate as a contract carrier, over irregular routes, transporting: *Silver bars*, in armored car service, from Selby, Calif., to Oakland and San Francisco, Calif.

HEARING: April 23, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 40007 (Sub No. 49), filed January 14, 1957, RELIABLE TRANSPORTATION COMPANY, a corporation, 4817 Sheila Street, Los Angeles 22, Calif. For authority to operate as a common carrier, over irregular routes, transporting: *Sulphuric acid, off-color sulphuric acid, and impure sulphuric acid*, in bulk, in tank vehicles, from El Segundo, Calif., to Miami, Ariz., and contaminated shipments of the above-described commodities, on return. Applicant is authorized to transport similar commodities in California and Nevada.

HEARING: April 4, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 65451 (Sub No. 16), filed November 19, 1956, ALABAMA FREIGHT LINES, a Corporation, 546 West Madison Street, Phoenix, Ariz. Applicant's attorney: James F. Haythornwhite, Luhrs Tower, Phoenix, Ariz. For authority to operate as a common carrier, over irregular routes transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the Glen Canyon Dam Site located on the Colorado River approximately 15 miles upstream from Marble Canyon, Ariz., near the Utah-Arizona State line, points within 10 miles thereof, townsites and construction sites and supply points located at points on access roads thereto, all of said points in Arizona, on the one hand, and, on the other, points in Arizona, New Mexico, and Texas, which carrier is authorized to serve in regular route operations in Certificates in Nos.

MC 65451, MC 65451 (Sub No. 1), MC 65451 (Sub No. 3), MC 65451 (Sub No. 4), MC 65451 (Sub No. 5), and MC 65451 (Sub No. 11). Applicant is authorized to conduct operations in Arizona, New Mexico, and Texas.

HEARING: April 1, 1957, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 67500 (Sub No. 3), filed January 11, 1957, NEMIAH GOLDSTEIN AND BERNARD GOLDSTEIN, doing business as BLUE RIDGE TRUCKING COMPANY, 101 S. Lexington Street, Biltmore, N. C. Applicant's attorneys: Williams and Williams, Jackson Bldg., Asheville, N. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the off-route points of Cedar Mountain, Rich Mountain, High Falls and Cascade Lake, N. C., in connection with applicant's authorized regular route operations over U. S. Highway 64. Applicant is authorized to transport similar commodities in North Carolina.

HEARING: April 5, 1957, at the Battery Park Hotel, Asheville, N. C., before Joint Board No. 103.

No. MC 106009 (Sub No. 5), filed February 6, 1957, JOHN AUSTIN EMORY, doing business as CAUSTIC SODA TRANSPORTATION COMPANY, 43 Eola Ave., West Asheville, N. C. Applicant's attorney: Robert R. Williams, Jr., Jackson Bldg., Asheville, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Canton, N. C., to Columbia, S. C. Applicant has regular route authority to transport the same commodity between Canton, N. C., and Lyman, S. C.

HEARING: April 14, 1957, at 10:00 o'clock a. m., United States Standard Time, at the Battery Park Hotel, Asheville, N. C., before Joint Board No. 2.

No. MC 106965 (Sub No. 99), filed February 5, 1957, M. I. O'BOYLE AND SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue, N. E., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Pl., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Jersey City, N. J., to points in Alabama, Delaware, Florida, Georgia, Indiana, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia. Applicant is authorized to transport the above-described commodity in Delaware, Maryland, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: April 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 107227 (Sub No. 44), filed January 14, 1957, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4,

Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, except those designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, moving entirely off their own wheels, from Redwood City, Calif., to points in the United States, and *damaged shipments* of the above-described units on return.

HEARING: April 22, 1957, in Room 226, Old Mint Building, Fifth and Missions Sts., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 108941 (Sub No. 39), filed December 31, 1956, F. N. RUMBLEY COMPANY, a corporation, 2100 South Van Ness Ave., Fresno, Calif. Applicant's attorney: John G. Lyons, Mills Tower Bldg., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous Ammonia*, in tank vehicles, from points in California to points in Arizona, Nevada, and Oregon, and ports of entry in California located on the International Boundary between the United States and Mexico. Applicant is authorized to transport the above commodity (when it is a liquid petroleum gas) in a portion of the territory involved in this application, but no duplicating authority is sought.

HEARING: April 3, 1957, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109835 (Sub No. 5), filed February 11, 1957, BURKS MOTOR FREIGHT LINES, INCORPORATED, 218 Miller St., P. O. Box 1028, Little Rock, Ark. Applicant's attorneys: John Paul Jones, 1012 Edway Bldg., Memphis 3, Tenn., and Thomas L. Robinson, Columbian Mutual Tower Bldg., Memphis, Tenn. For authority to operate as a *common carrier*, over regular routes; transporting: *General commodities, including Class A and B explosives, commodities of unusual value, commodities in bulk, and commodities requiring special equipment*, but excluding household goods as defined by the Commission, (1) between Little Rock, Ark., and Pine Bluff, Ark., from Little Rock over U. S. Highway 65 to Pine Bluff, and return over the same route; (2) between Hazen, Ark., and Pine Bluff, Ark., from Hazen over U. S. Highway 70 to the junction of U. S. Highway 70 and Arkansas Highway 11, thence over Arkansas Highway 11 to Stuttgart, thence over U. S. Highway 79 to Pine Bluff, and return over the same route. Service from Hazen, Ark., over U. S. Highway 70 to the junction of U. S. Highway 70 and Arkansas Highway 11 is for operating convenience only; (3) between Pine Bluff, Ark., and Grand Lake, Ark., (unincorporated), from Pine Bluff, over U. S. Highway 65 to Grand Lake, and return over the same route; (4) between Pine Bluff, Ark., and Warren, Ark., from Pine Bluff over Arkansas Highway 15 to Warren, and return over the same route; (5) between Warren, Ark., and Monticello, Ark., from Warren over Arkansas Highway 4 to Monticello, and return over the same route; (6) between Pine Bluff, Ark., and West Monroe, La., from Pine Bluff over U. S. Highway 65 to junction of U. S.

Highway 65 and Arkansas Highway 81, thence over Arkansas Highway 81 to the junction of Arkansas Highway 81 and the Arkansas-Louisiana State line, thence over Louisiana Highway 139 to the junction of Louisiana Highway 139 and U. S. Highway 80, thence over U. S. Highway 80 to West Monroe, and return over the same route. Service from Pine Bluff, Ark., over U. S. Highway 65 to junction of U. S. Highway 65 and Arkansas Highway 81 is for operating convenience only; (7) between McGehee, Ark., and Monroe, La., from McGehee over Arkansas Highway 4 to junction of Arkansas Highway 4 and U. S. Highway 65, which is south of McGehee, thence over U. S. Highway 65 to junction of U. S. Highway 65 and U. S. Highway 165, thence over U. S. Highway 165 to Monroe, and return over the same route. Service over U. S. Highway 65 between the junction of Arkansas Highway 4 and U. S. Highway 65, and junction of U. S. Highway 65, and U. S. Highway 165, is for operating convenience only; (8) between Greenville, Miss., and Bastrop, La., from Greenville over U. S. Highway 82 to Lake Village, thence over U. S. Highway 82 to Crossett, thence over Arkansas Highway 133 to the junction of Arkansas Highway 133 and Arkansas-Louisiana State line, thence over Louisiana Highway 142 to junction of Louisiana Highway 142 and Louisiana Highway 139, thence over Louisiana Highway 139 to Bastrop, and return over the same route. Service over Arkansas Highway 81 between Hamburg, Arkansas and junction of Arkansas Highway 81 and U. S. Highway 82, and service over Louisiana Highway 139 from junction of Louisiana Highway 142 and Louisiana Highway 139 to Bastrop, La., is for operating convenience only; (9) between Sterlington, La., and junction of U. S. Highway 165 and Louisiana Highway 2, from Sterlington over Louisiana Highway 2 to junction Louisiana Highway 2 and U. S. Highway 165, and return over the same route; (10) between Sterlington, La., and junction U. S. Highway 165 and Louisiana Highway 134, for operating convenience only, from Sterlington, La., over Louisiana Highway 553 to junction of Louisiana Highway 553 and Louisiana Highway 134, thence over Louisiana Highway 134 to junction of Louisiana Highway 134 and U. S. Highway 165, and return over the same route. Service authorized here will be for operating convenience only; (11) between Sterlington, La., and junction of U. S. Highway 165 and Louisiana Highway 553, from Sterlington, over Louisiana Highway 553 to junction of U. S. Highway 165 and Louisiana Highway 553, and return over the same route; Service is to be authorized to and from all intermediate points on the above specified routes.

NOTE: Applicant states that the above operating authority substantially duplicates, with some exceptions, the authority which applicant has operated since on or about March 18, 1948 by lease from Strickland Transportation Co., Inc., lessor, pursuant to order of the Commission dated March 18, 1948 in Docket MC-FC 31502. Said operating authority is a portion of the service authorized in Certificate No. MC 59680,

dated June 2, 1947 to Strickland Transportation Co., Inc. Applicant is authorized to transport similar commodities in the States of Arkansas, Louisiana and Mississippi.

HEARING: April 3, 1957, at the Arkansas Public Service Commission, Little Rock, Ark., before Joint Board No. 218.

No. MC 112196 (Sub No. 12), filed December 21, 1956, GEORGE R. MALLORY, doing business as MALLORY TRUCKING COMPANY, P. O. Box 412, Highway 99 and Hunts Lane, Colton, Calif. Applicant's attorney: Bruce R. Geernaert, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, from Oro Grande and Crestmore, Calif., and points within five (5) miles of each, to points in Mohave, Yuma, Pima, Pinal, Maricopa, and Yavapai Counties, Ariz. Applicant is authorized to conduct operations in Arizona and California.

Note: Applicant is authorized to transport *Cement* in bulk, from Crestmore and Oro Grande, Calif., to Yuma, Ariz. Duplication with present authority to be eliminated.

HEARING: April 4, 1957, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 114921 (Sub No. 1), filed January 7, 1957, (MRS.) FRANK MURPHY, doing business as MURPHY TRANSPORTATION, 423 South Hewitt St., Los Angeles, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (and other exceptions as more fully described in the application), (1) between Los Angeles, Calif., (points in Los Angeles area more fully described in application) and the international boundary line between the United States and Mexico near San Ysidro, from Los Angeles over U. S. Highway 101 to San Diego, thence over U. S. Highway 101 to the international boundary line between the United States and Mexico, and return over the same route, serving all intermediate and off-route points on and within 5 miles of either side of U. S. Highway 101, including the points of La Jolla, Pacific Beach, Mission Beach, Ocean Beach and Point Loma; (2) between Los Angeles, Calif., (points in Los Angeles area more fully described in application) and the international boundary line between the United States and Mexico near San Ysidro, from Los Angeles over U. S. Highway 101 to San Diego, thence via ferry from San Diego to North Island, thence over California Highway 75 to the junction of U. S. Highway 101, thence over U. S. Highway 101 to the international boundary line between the United States and Mexico and return over the same route, serving all intermediate and off-route points on and within 5 miles of either side of U. S. Highway 101 and California Highway 75, including the points of North Island, Coronado and Silver Strand; (3) be-

tween Los Angeles, Calif., (points in Los Angeles area more fully described in application) and San Diego, Calif., from Los Angeles over U. S. Highway 101 to junction of California Highway 78, thence over California Highway 78 to the junction of U. S. Highway 395, thence over U. S. Highway 395 to San Diego, and return over the same route, serving all intermediate and off-route points on and within 5 miles of either side of U. S. Highways 101 and 395 and California Highway 78. Applicant is authorized to transport similar commodities in California.

HEARING: April 8, 1957, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 115841 (Sub No. 15), filed February 1, 1957, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 First Ave., North, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531 Frank Nelson Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities requiring refrigeration in transit* and having prior movement by rail or motor vehicle in interstate commerce, in pool car distribution, between points in Alabama. Applicant is authorized to conduct operations in Alabama, Florida, North Carolina, Delaware, Maryland, Virginia, Georgia, Mississippi, South Carolina, Tennessee, New York, New Jersey, Louisiana, Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin, and the District of Columbia.

HEARING: April 9, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100.

No. MC 116084 (Sub No. 2), filed January 28, 1957, CAPITOL TANK LINE, INC., 3743 East Florence Avenue, Bell, Calif. Applicant's representative: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Los Angeles County, Calif. and points in Arizona.

HEARING: April 5, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116316, filed November 19, 1956, ARMORED MOTOR SERVICE OF ARIZONA, INCORPORATED, 527 East Portland, Phoenix, Ariz. Applicant's attorney: Yale McFate, 702 Mayer-Heard Bldg., Phoenix, Ariz. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coin, currency, securities and valuables*, in armored and/or armed guard car service, between points in Arizona.

Note: Applicant's second proviso authority in name of individual (MC 99537), has been canceled and superseded by new second proviso filing in name of corporation (MC 116316 Sub No. 1); if and when BMC 78 application is granted, corporation will request dismissal of any second proviso authority held by it.

HEARING: April 1, 1957, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116318 (Sub No. 2), filed January 28, 1957, RAYMOND C. MARONEY, doing business as DECORATORS DELIVERY SERVICE, 1111 North Olive Drive, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture parts and new furniture*, in blanket wrap packing, between Venice, Calif., and Zeeland, Mich.

HEARING: April 2, 1957, at the Federal Bldg., Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 116440, filed February 11, 1957, VAN-PAK, INC., 3401 Harding Road, Des Moines, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, in specially constructed container or pak in specially constructed semi-trailers, between points in the United States.

PRE-HEARING CONFERENCE: March 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner Allan F. Borroughs presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues in the proceeding; (2) The general character of the evidence to be offered by the applicant and other parties; (3) The number of witnesses to be presented and the time required for such presentation by both the applicant and protestants; (4) The time and place at which the hearing or hearings shall be held; and (5) Any other matter by which the hearing and further handling of the application can be expedited or simplified, or the Commission's handling thereof aided.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 211), filed February 6, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 80 Park Place, Newark, N. J. Applicant's attorney, Frederick M. Broadfoot, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) between Bound Brook, N. J., and Elizabeth, N. J.: From junction East Main St. and Mountain Ave. in Bound Brook, N. J., over East Main St. to junction Lincoln Blvd., Middlesex, N. J., thence over Lincoln Blvd. to junction South Lincoln Ave., thence over South Lincoln Ave. to junction Bound Brook Road, thence over Bound Brook Road to junction North Ave., Dunellen, N. J., thence over North Ave. to junction West Front St., Plainfield, N. J., thence over West Front St. to junction New St., thence over New St. to junction West 2nd St., thence over West 2nd St. to junction East 2nd St., thence over east 2nd St., to junction Watchung Ave., thence over Watchung Ave. to junction East 5th St., thence over

East 5th St., to junction South Ave., thence over South Ave. through Fanwood, N. J., Scotch Plains, N. J., to junction Westfield Plaza, Westfield, N. J., thence over Westfield Plaza (East Broad St.), to junction North Ave. thence over North Ave. to junction Lincoln Ave., Garwood, N. J., thence over Lincoln Ave. to junction South Ave., Cranford, N. J., thence over South Ave. to junction West First Ave., Roselle, N. J., thence over West First Ave. to junction Laurel St., thence over Laurel St. to junction West 2nd Ave. thence over West 2nd Ave. to junction East 2nd Ave., thence over East 2nd Ave. to junction Sheridan Ave., thence over Sheridan Ave. to junction East 3rd Ave., thence over East 3rd Ave. to junction Jersey Ave., Elizabeth, N. J., thence over Jersey Ave. to junction West Jersey St., thence over West Jersey St. to junction East Jersey St., thence over East Jersey St. to junction U. S. Highway 1, Elizabeth, N. J. Return over the same route to junction Watchung Ave. and East 2nd St., Plainfield, N. J., thence over Watchung Ave. to junction East Front St., thence over East Front St. to junction West Front St., thence over West Front St. to junction New St., Plainfield, N. J., thence via the same route to junction East Main St. and East St., Bound Brook, N. J., thence over East St. to junction East Union Ave., thence over East Union Ave. to junction Mountain Ave., thence over Mountain Ave. to junction East Main St., Bound Brook, N. J., serving all intermediate points. (2) Between Bound Brook, N. J., and Middlesex, N. J.: From junction East Union Ave. and East St., Bound Brook, N. J., over East Union Ave. to junction Union Ave., Middlesex, N. J., thence over Union Ave. to junction Beechwood Ave., thence over Beechwood Ave. to junction Grant Ave., thence over Grant Ave. to junction Harris Ave., thence over Harris Ave. to junction Madison Ave., thence over Madison Ave. to junction Lincoln Blvd., Middlesex, N. J., and return over the same route, serving all intermediate points. (3) Between Plainfield, N. J., and Cranford, N. J.: From junction East 5th St. and Richmond St., Plainfield, N. J., over Richmond St. to junction East 2nd St., thence over East 2nd St. to junction Westfield Ave., Scotch Plains, N. J., thence over Westfield Ave. to junction Plainfield Ave., thence over Plainfield Ave. to junction Brightwood Ave., Westfield, N. J., thence over Brightwood Ave. to junction Prospect St., thence over Prospect St. to junction Newton Place, thence over Newton Place to junction Elm St., thence over Elm St. to junction East Broad St., thence over East Broad St. to junction Westfield Plaza, thence over Westfield Plaza (East Broad St.), to junction South Ave., thence over South Ave. to junction Summit Ave., thence over Summit Ave. to junction Grove St., thence over Grove St. to junction Spruce Ave., Garwood, N. J., thence over Spruce Ave. to junction Center St., thence over Center St. to junction South Ave., thence over South Ave. to junction Lincoln Ave., Cranford, N. J., and return over the same route, serving all intermediate points. (4) Within Elizabeth, N. J.: From junction Jersey Ave. and Elmora Ave., over Elmora Ave. to junction South

Elmora Ave., thence over South Elmora Ave. to junction U. S. Highway 1 at Bayway Circle, Elizabeth, N. J., and return over the same route, serving all intermediate points. (5) Between Westfield, N. J., and Garwood, N. J.: From junction South Ave. and Summit Ave., Westfield, N. J., over South Ave. to junction Center St., Garwood, N. J., and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in New York and New Jersey.

HEARING: April 1, 1957, at the New Jersey Board of Public Utility Commissioners State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 114376 (Sub No. 1), filed January 16, 1957, SANTA FE TRANSPORTATION COMPANY, 1100 S. San Pedro St., Los Angeles 21, Calif. Applicant's attorney: R. S. Outlaw, 80 E. Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail, and newspapers* in the same vehicle with passengers, and *checked baggage* in separate vehicles, restricted to traffic moving on rail tickets arriving at or departing from Pasadena, Calif. on trains of the Atchison, Topeka and Santa Fe Railway Company, between Long Beach, Calif. and Pasadena, Calif., from applicant's bus depot at First and American Avenues in Long Beach over American Avenue and Long Beach Blvd. to Atlantic Blvd. (California Highway 15), thence over Atlantic Blvd. to Huntington Drive, thence over Huntington Drive to Fair Oaks Ave., thence over Fair Oaks Ave. to Glenarm St., thence over Glenarm St. to Raymond Ave., and thence over Raymond Avenue to the depot of The Atchison, Topeka and Santa Fe Railway Company in Pasadena; and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in California.

HEARING: April 9, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 114376 (Sub No. 2), filed January 16, 1957, SANTA FE TRANSPORTATION COMPANY, 1100 S. San Pedro St., Los Angeles 21, Calif. Applicant's attorney: R. S. Outlaw, 80 E. Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail, and newspapers* in the same vehicle with passengers, restricted to traffic moving to or from points beyond Bakersfield or Los Angeles, Calif. and to passengers traveling on railroad tickets having an immediately prior or subsequent movement by rail over the lines of The Atchison, Topeka and Santa Fe Railway Company, between Los Angeles, Calif. and Glendale, Calif., from the junction of Avenue 26 and North Figueroa, the junction of applicant's authorized route, over North Figueroa to York Blvd., thence over York Blvd. to Pasadena Ave., thence over Pasadena Avenue to Mission Street, thence over Mission Street to Fair Oaks Avenue, thence over Fair Oaks Avenue to Glen-

arm St., thence over Glenarm St. to Raymond Avenue, thence over Raymond Avenue to the Pasadena Depot of The Atchison, Topeka and Santa Fe Railway Company, thence over Raymond Avenue to Colorado St., thence over Colorado St. to applicant's bus depot at Harvard and Orange Streets in Glendale, point of joinder on applicant's authorized route, and return over the same routes, serving all intermediate points. Applicant is authorized to conduct operations in California.

HEARING: April 9, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116418, filed January 28, 1957, OSCAR PORTER, doing business as PORTER BUS LINE, 170 Catherine Street, Ahsokie, N. C. Applicant's representative: Vaughan S. Winborne, Security Bank Bldg., Raleigh, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers*, under individual written contracts with particular passengers or groups of passengers for industrial and employment purposes, from Ahsokie, N. C., and points between Ahsokie and Winton, N. C., on U. S. Highway 13, including Winton, to Suffolk, Va.

NOTE: Carrier is authorized to operate as a common carrier, under Certificate No. MC 111805 Sub 2 transporting passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at points in Hertford County, N. C., and extending to points in Virginia east of a line beginning at the North Carolina-Virginia State line and extending along U. S. Highway 301 through Emporia, Richmond, Bowling Green, and Rosita, Va., to the Potomac River. Applicant should submit evidence at hearing to justify operations as a common and contract carrier under section 210.

HEARING: April 2, 1957, at the Post Office and U. S. Court Rooms, Norfolk, Va., before Joint Board No. 7.

No. MC 116432, filed February 11, 1957, CALVIN LAMONT COMPTON, doing business as CALVIN L. COMPTON, Port Tobacco, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round trip charter operations, beginning and ending at points in Charles County, Md., on and west of U. S. Highway 301, and extending to Washington, D. C., and points in Virginia.

HEARING: March 29, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

No. MC 34600 (Sub No. 1), filed January 25, 1957, CLIFFORD JAMES and EFFIE JAMES, Copartnership, doing business as CLIFFORD AND EFFIE JAMES, Route 2, Mayville, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed*, in special vehicles equipped for blower delivery, from points in Erie County, N. Y., to points in Erie,

Crawford, Warren, McKean, Potter, Tioga, Bradford and Susquehanna Counties, Pa. *Empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified, on return. Applicant is authorized to transport among other related commodities, feed from Buffalo, N. Y., to Ludlow, Pa. and points in Warren County, Pa.

No. MC 78400 (Sub No. 6), filed February 1, 1957, JOHN MEYER, LEO FLOTTMANN, ROY FLOTTMANN, AND OLIN FLOTTMANN, doing business as BEAUFORT TRANSFER CO., Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High St., Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Gerald, Mo., and Japan, Mo., over Franklin County Highway "H", serving all intermediate points, with authority to tack said authority to that held by applicant under Certificate Nos. MC 78400 and 78400 (Sub No. 3), dated March 28, 1955, and October 19, 1956, respectively, in order to render service between all points now authorized to be served and points herein sought to be authorized to be served. Applicant is authorized to transport the above-specified commodities in Illinois and Missouri.

No. MC 112188 (Sub No. 2), filed January 24, 1957, GEORGE MCBREEN, 1841 N. W. 22nd Avenue, Portland, Ore. Applicant's attorney: John M. Hickson, Failing Bldg., Portland, Ore. For authority to operate as a *common carrier*, over regular routes, transporting: *Motion picture films and theater advertising matter, motion picture machine parts and accessories*, (1) between Portland, Ore., and LaGrande, Ore., from Portland over U. S. Highway 30 to LaGrande, and return over the same route, serving all intermediate points, including but not limited to LaGrande, The Dalles and Hood River, and the off-route points of Union, Hermiston and Umatilla, over U. S. Highway 730 and Oregon Highway 207, also all points within 10 miles of the above routes and points; (2) between Hood River, Ore., and White Salmon, Wash., from Hood River over the Hood River Toll Bridge (across the Columbia River at Hood River) to Bingen, thence over U. S. Highway 830 to White Salmon, and return over the same route, serving the intermediate point of Bingen; (3) between Hermiston, Ore., and Goldendale, Wash., from Hermiston over unnumbered highway in a northerly direction to the junction of U. S. Highway 730, thence over U. S. Highway 730 to Umatilla, thence over U. S. Highway 30, thence over U. S. Highway 30 to the junction of U. S. Highway 97, thence over U. S. Highway 97 to Goldendale, Wash., and return over the same route, serving the intermediate point of Umatilla, Ore. Applicant is authorized to transport similar commodities in Oregon and Washington.

No. MC 113312 (Sub No. 6), filed November 5, 1956, published in the FEDERAL REGISTER of December 27, 1956, at Page 10350, LESTER F. MEYER, doing business as PIONEER BULK CARRIERS, 10 Clayton Blvd., Smyrna, Del. Applicant's representative: G. A. Bruestle, S. E. Cor. Broad & Spring Garden Streets, Philadelphia 23, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphate of ammonia*, in bulk, in dump vehicles, from Bristol, Pa., to Centreville, Md., and Laurel and Smyrna, Del.

NOTE: The hearing previously assigned was cancelled upon the filing of verified statements on behalf of applicant.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240 (49 CFR 1.240), September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 6510. Authority sought for purchase by McKAY AND MacLEOD CORP., 7 East Race Street, Salamanca, N. Y., of the operating rights and property of F. D. McKAY, INC., 7 East Race Street, Salamanca, N. Y., and for acquisition by BRUCE MacLEOD, also of Salamanca, of control of such rights and property through the purchase. Applicants' attorney: Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act, in the State of New York, covering the transportation of *general commodities*, without exceptions, as a *common carrier* over regular routes between Niagara Falls and Buffalo, between Buffalo and Salamanca, between Jamestown and Binghamton, between Binghamton and Bloomingburg, between Bloomingburg and Newburgh, between Newburgh and Beacon, between Beacon and the junction of New York Highway 9D and U. S. Highway 9, between the junction of New York Highway 9D and U. S. Highway 9 and New York City, between Buffalo and Hamburg, between Hamburg and Salamanca, between Buffalo and East Aurora, between East Aurora and Olean, between the junction of New York Highway 16 and New York Highway 39 and Arcade, between Arcade and Canadea, between Canadea and Wellsville, between the junction of New York Highway 16 and New York Highway 408 and Garwoods, between Garwoods and Arkport, between Arkport and Andover, between Dayton and Conewango, between Conewango and the junction of New York Highway 241 and New York Highway 17, between Hornell and Painted Post, and between Hornell and the junction of New York Highway 21 and New York Highway 17, serving certain intermediate and off-route

points. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania and New Jersey. Application has not been filed for temporary authority under section 210 (a) (b).

NOTE: MC 80413 Sub 6, filed February 11, 1957, is a matter directly related.

No. MC-F 6514. Authority sought for purchase by RINGLE TRUCK LINES, INC., 601 South Grand Avenue, Fowler, Ind., of a portion of the operating rights of MELVIN TRUCKING CO., 1818 South Washington Street, Peoria, Ill., and for acquisition by GLEN RINGLE, also of Fowler, of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Robert C. Smith, 512 Illinois Bldg., Indianapolis 4, Ind. Operating rights sought to be transferred: *Dump truck bodies and parts thereof, and road building equipment*, as a *common carrier* over irregular routes from Streator, Ill., to St. Louis, Mo., and Indianapolis, Ind.; *dump truck bodies, hydraulic hoists and parts thereof, and snow plows and parts thereof*, from Streator, Ill., to Fort Wayne, Ind., Omaha, Nebr., Kansas City, Mo., Minneapolis and St. Paul, Minn., Janesville, Wis., and Cincinnati, Columbus, Toledo, Cleveland, Springfield, and Barnesville, Ohio; *glass containers, glass container caps, corrugated cardboard, fibreboard sheets, and containers and wooden boxes*, used by glass manufacturing plants, from Streator, Ill., to Kansas City, Kans., Omaha, Nebr., certain points in Wisconsin, certain points in Missouri and certain points in Iowa, from Alton, Ill., to Kansas City, Kans., Kansas City and St. Joseph, Mo., Omaha, Nebr., certain points in Wisconsin and points in Iowa, and from Gas City, Ind., to Kansas City, Kans., Omaha, Nebr., and certain points in Missouri; *glass containers, and glass container caps*, from Muncie, Ind., to Kansas City, Kans., Omaha, Nebr., certain points in Wisconsin, certain points in Missouri, and points in Iowa, from Hillsboro, Ill., to Kansas City, Kans., Omaha, Nebr., points in Illinois and Iowa, certain points in Wisconsin and certain points in Missouri, and from Hillsboro, Ill., to points in Lake County, Ind., moving through Cook or Will Counties, Ill.; *glass and glassware*, from Streator and Alton, Ill., to Milwaukee and Waukesha, Wis.; *glass products*, and incidental thereto, *materials, machinery, equipment, and supplies*, used by a glass manufacturing plant, from Streator, Ill., to Hannibal and Cape Girardeau, Mo., certain points in Illinois and certain points in Indiana, from Gas City, Terre Haute and Evansville, Ind., to St. Louis, Hannibal, and Cape Girardeau, Mo., and points in Indiana and Illinois, from Streator, Ill., Gas City, Terre Haute and Evansville, Ind., to certain points in Kentucky and certain points in Iowa, between Streator, Ill., on the one hand, and on the other, Gas City, Terre Haute, and Evansville, Ind., between Gas City, Ind., on the one hand, and on the other, Terre Haute and Evansville, Ind., and between Milwaukee, Wis., and Rock Island, Ill. Vendee is authorized to operate as a *contract carrier* in Indiana, Illinois,

Ohio, Kentucky, Iowa, Missouri, West Virginia, Wisconsin, Pennsylvania, Nebraska, Tennessee, Alabama, Michigan, Arkansas, Kansas, Minnesota and Mississippi. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6516. Authority sought for purchase by STAR WEST CARTAGE CO., INC., 430 East Wacker Drive, Chicago, Ill., of the operating rights of THE CLOUD EXPRESS COMPANY, 4341 South Emerald Avenue, Chicago, Ill., and for acquisition by GEORGE NELSON, ANTON P. NELSON and CHARLES NELSON, all of Chicago, of control of such rights through the purchase. Applicants' representative: Anton P. Nelson, 430 East Wacker Drive, Chicago, Ill. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes between certain points in Illinois, Indiana, Michigan, and Wisconsin. Vendee is authorized to operate as a *contract carrier* in Illinois and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6517. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Ore., of the operating rights and property of ARIZONA EXPRESS, INC., 56 East Fifth Street, Tucson, Ariz. Applicants' attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Ore. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Phoenix, Ariz., and Mammoth, Ariz., between Tucson, Ariz., and Mammoth, Ariz., between Oracle Junction, Ariz., and Kelvin, Ariz., between Douglas, Ariz., and Cochise, Ariz., between Cochise, Ariz., and Willcox, Ariz., and between Los Angeles, Calif., and Tucson, Ariz., serving certain intermediate and off-route points; alternate routes for operating convenience only between Gila Bend and Phoenix, Ariz., and between junction Arizona Highways 87 and 387 and junction Arizona Highways 187 and 84. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, California, Idaho, Utah, Montana, North Dakota, Minnesota, Michigan, Wisconsin, Arizona, Nevada, Illinois, Wyoming and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6518. Authority sought for purchase by J AND L LINES, INC., P. O. Box 611, Winchester, Va., of the operating rights and property of JEFFERSON FREIGHT LINES, INC., 612 East Cork Street, Winchester, Va., and LAMBERT TRANSFER CO., INC., P. O. Box 611, Winchester, Va., and for acquisition by EARL HAINES, also of Winchester, of control of such rights and property through the purchase. Applicants' attorney: S. Harrison Kahn,

726-734 Investment Bldg., 1511 K Street, N. W., Washington 5, D. C. Operating rights sought to be transferred: (JEFFERSON FREIGHT LINES, INC.) *Fresh meats and packinghouse products*, as a *common carrier* over regular routes, between Baltimore, Md., and Harpers Ferry, W. Va., serving certain intermediate and off-route points; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, over irregular routes, from Baltimore, Md., to Winchester, Va.; *general commodities*, with certain exceptions including household goods and commodities in bulk, from Baltimore, Md., to Broadway, Bridgewater, Elkton, Harrisonburg, and Timberville, Va.; *general commodities*, with certain exceptions excluding commodities in bulk and including household goods, between points in Berkeley County, W. Va., on the one hand, and, on the other, points in Frederick County, Va.; *household goods*, as defined by the Commission, between certain points in Virginia, on the one hand, and, on the other, points in West Virginia, Maryland, Delaware, Pennsylvania, New York, and the District of Columbia; *fruit products, pickles, sauerkraut, ice, spray materials, fertilizer, corn, shelled corn, feed, seed, cottonseed meal, peanut meal, livestock, coal, fresh product, fertilizer, spraying materials, fruit, barrel staves, sugar, malt beverages, roofing in rolls, glass containers, onions, vinegar, wool, hides, tin cans, canned goods, oils, greases, bottles, glasses, prune juice, supercell, insecticides, fungicides, feed materials, flour, machinery, lumber, tombstone material, butter, eggs, cornmeal, poultry, and petroleum products, in containers*, from, to or between points and areas, varying with the commodity transported, in Maryland, West Virginia, Virginia, Pennsylvania, New York, South Carolina, North Carolina, Ohio, Delaware, New Jersey, and the District of Columbia; (LAMBERT TRANSFER CO., INC.) *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes between Harrisonburg, Va., and Baltimore, Md., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Winchester, Va., and Falls Church, Va., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *oils and greases*, over irregular routes, from Marcus Hook and Philadelphia, Pa., to Woodstock, Mt. Jackson, Harrisonburg, and The Plains, Va.; *linoleum and congoleum floor coverings, felt bases, and cement*, from Marcus Hook, Pa., to Woodstock, Va.; *livestock*, from certain points in Virginia to Baltimore, Frederick, and Westminster, Md., and West Chester, Pottstown, York Springs, and Spring City, Pa.; *apples and peaches*, from certain points in Virginia to Washington, D. C., Baltimore, Md., Philadelphia, Pa., and New York, N. Y.; *canned goods*, from Westminster and Frederick, Md., to Woodstock, Va.; *coal*, from Tower City,

Minersville, and Williamstown, Pa., to Woodstock, Maurertown, Mt. Jackson, New Market, and Edinburg, Va. Vendee holds no authority from the Interstate Commerce Commission. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6519. Authority sought for purchase by BARBER TRANSPORTATION CO., 321 Sixth Street, Rapid City, S. Dak., of the operating rights and property of LEMMON MOTOR EXPRESS, INC., Lemmon, S. Dak., and for acquisition by MILO H. BARBER, also of Rapid City, of control of such rights and property through the purchase. Applicants' attorneys: Lee Reeder and Wentworth E. Griffin, Suite 1010, 1012 Baltimore Bldg., Kansas City, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Lemmon, S. Dak., and St. Paul, Minn., serving the intermediate point of Minneapolis, Minn.; *household goods*, as defined by the Commission, over irregular routes between Lemmon, S. Dak., on the one hand, and, on the other, points in Minnesota. Vendee is authorized to operate as a *common carrier* in South Dakota, Wyoming, Illinois and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6520. Authority sought for purchase by MOORE'S TRUCKING CO., Stelton Road, New Market, N. J., of the operating rights of SHEPARD WAREHOUSES, INC., 667 Washington Street, New York, N. Y., and for acquisition by LILLIAN MOORE, also of New Market, of control of such rights through the purchase. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, New York, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between points in New York, New Jersey and Connecticut within 35 miles of New York, N. Y., including New York, N. Y. Vendee is authorized to operate as a *common carrier* in New Jersey, New York and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6521. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., of the operating rights of LINCOLN MOTOR EXPRESS, INC., (PHILIP STROME, RECEIVER), 73 Washington Street, Salem, Mass., and for acquisition by GEORGE VIGEANT, also of New Bedford, of control of such rights through the purchase. Applicants' representative: George Vigeant, Jr., Vice-President, Old Colony Transportation Co., Inc., 56 Prospect Street, New Bedford, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Boston, Mass., and Beverly, Mass., serving all intermediate and certain off-route points; *groceries, meats, and agricultural commodities*, between

Revere, Mass., and Lynn, Mass., and between Salem, Mass., and Beverly, Mass., serving all intermediate points. Vendee is authorized to operate as a common carrier in Massachusetts, Rhode Island, New York, New Jersey and Connecticut. Application has been filed for temporary authority under section 210a (b).

By the Commission,

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-1456; Filed, Feb. 26, 1957;
8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request 53-DPAV-46 (h)]

CALIFORNIA TRANSPORT CORP. AND
FRONTIER REFINING CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY, AS AMENDED

Pursuant to section 708 of the Defense Production Act of 1950 as amended, there are published the following additions to the list of companies which have accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply, as Amended," dated May 8, 1956. The request and original list of acceptances were published in 21 F. R. 5703, July 28, 1956; and additional acceptances were published in 21 F. R. 6687, September 5, 1956; 21 F. R. 6964, September 14, 1956; and 21 F. R. 7640, October 4, 1956.

California Transport Corp., 1200 State St., Perth Amboy, N. J.
The Frontier Refining Co., 4040 East Louisiana Ave., Denver 22, Colo.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: February 21, 1957.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 57-1458; Filed, Feb. 26, 1957;
8:51 a. m.]

[ODM (DPA) Request 53A-DPAV-56 (a-1)]

CALIFORNIA TRANSPORT CORP. AND
FRONTIER REFINING CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN AMENDED PLAN OF ACTION UNDER VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are published the following additions to the list of companies which have accepted the request to participate in the Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply, dated August 10, 1956, as amended December 3, 1956. The request and original list of acceptances were published in 21 F. R. 10262, December 20, 1956.

California Transport Corp., 1200 State St., Perth Amboy, N. J.

The Frontier Refining Co., 4040 East Louisiana Ave., Denver 22, Colo.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: February 21, 1957.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 57-1459; Filed, Feb. 26, 1957;
8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2235]

OPERATOR CONSOLIDATED MINES CO.

ORDER AND NOTICE OF HEARING

FEBRUARY 18, 1957.

I. Operator Consolidated Mines Company (hereinafter called "registrant"), a corporation organized and incorporated under the laws of the State of Nevada, filed an application for registration of its common stock, ten cents (\$.10) par value, with the San Francisco Mining Exchange ("the Exchange") on October 25, 1935, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 ("the 1934 act") and the rules and regulations adopted by the Commission thereunder, and filed a duplicate original Form 10 with the Commission. The registration of such securities on the Exchange became effective on June 1, 1936.

II. On January 10, 1957, registrant filed with the Commission a current report on Form 8-K, pursuant to section 13 of the 1934 act, for the month of December, 1956. The Commission has reason to believe that the Form 8-K so filed was false and misleading in the following regards:

1. In claiming an exemption from registration under the Securities Act of 1933 ("the 1933 act") for the issuance and sale to California Uranium Mines, Inc. ("California Uranium") of 1,360,000 shares of registrant's common stock, pursuant to an agreement of lease and option of November 27, 1956 which provided for the transfer to registrant by Ajax Tungsten Corporation ("Ajax") of certain interests in various mining claims and equipment in the New Coso Mining District, Inyo County, California. In this regard registrant falsely stated that 1,133,840 shares of said total shares had previously been registered with the Commission under the 1933 act and omitted to state that a public distribution of some or all of said total shares was intended to be made without registration, in violation of the 1933 act.

2. In representing that the property acquired by registrant from Ajax under the agreement was more than adequate consideration for said 1,360,000 shares valued at par, issued by registrant to California Uranium, but also representing that the only consideration to be received by Ajax as seller of the property was \$65,000 in cash and minimum monthly production royalties. In this regard the only disclosed consideration paid by California Uranium for said 1,-

360,000 shares was \$15,000 paid by California Uranium to Ajax as a down payment on the said \$65,000 to be paid to Ajax on registrant's behalf.

3. In representing that there was no existing or prior relationship whatsoever with registrant between California Uranium or Ajax, directly or indirectly, other than that Archie B. Meiklejohn is Secretary of both registrant and California Uranium.

III. It is ordered, That a public hearing, pursuant to section 19 (a) (2) of the 1934 act, be held at 10:00 a. m., P. s. t., on Wednesday, March 13, 1957, at the offices of the Los Angeles Branch office of the Commission, Room 1737, U. S. Post Office and Court House, Los Angeles, California, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, as set forth in paragraph II above.

It is further ordered, That Mr. William W. Swift is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the San Francisco Mining Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceeding should file with the Hearing Officer or the Secretary of the Commission on or before March 6, 1957, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1460; Filed, Feb. 26, 1957;
8:52 a. m.]

[File No. 70-3541]

AMERICAN NATURAL GAS CO. AND MICHIGAN
CONSOLIDATED GAS CO.

ORDER AUTHORIZING ISSUE AND SALE OF COMMON STOCK BY PARENT COMPANY PURSUANT TO UNDERWRITTEN RIGHTS OFFERING, AND CHARTER AMENDMENT BY SUBSIDIARY, AND ISSUE AND SALE OF COMMON STOCK BY SUCH SUBSIDIARY TO PARENT COMPANY

FEBRUARY 20, 1957.

American Natural Gas Company ("American Natural"), a registered holding company, and its subsidiary Michigan Consolidated Gas Company ("Michigan Consolidated") have filed a joint

application-declaration and amendments thereto pursuant to sections 6 (a), 6 (b), 7, 10, and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder, regarding the following proposed transactions:

I. *American Natural issue of common stock.* On or about February 27, 1957, American Natural proposes to issue to holders of its 4,421,132 outstanding shares of common stock (par value \$25 per share) transferable warrants, expiring on or about March 14, 1957, to purchase 442,114 additional shares of its common stock. The warrants will evidence a number of rights equal to the number of shares outstanding, and 10 rights will be required to purchase each share of the additional common stock. The company has arranged for its New York transfer agent, without charge to stockholders, to take orders (subject to the agent's ability to find a seller or purchaser, as the case may be) to buy sufficient rights (not exceeding 9) to permit the holder to purchase one or more full shares, or to sell rights (not exceeding 9) not required to complete a subscription.

Each holder of outstanding shares of American Natural's common stock will also be given the privilege of subscribing at the subscription price for any number of shares of the additional common stock not purchased through the exercise of rights, subject to allotment if sufficient shares are not available to meet the demand. Allotments will be made proportionately to the number of rights exercised, not to the number of shares requested.

Prior to any offering to holders of outstanding shares of its common stock, American Natural proposes, in accordance with the competitive-bidding requirements of Rule U-50, publicly to invite bids for the purchase of such shares of additional common stock as shall not be purchased through the exercise of rights or under the conditional purchase privilege.

The price at which the additional common stock will be offered to holders of American Natural common stock, and to be paid by the successful bidders for the unsubscribed shares, will be determined by the company at least 24 hours prior to the time for submission of bids. Such price will be not more than the last reported sale price of American Natural common stock on the New York Stock Exchange at the time the price is so determined, and not less than such last reported sale price less 15 percent.

American Natural may stabilize the price of its common stock for the purpose of facilitating the offering. Such stabilizing transactions, if any, will be effected by the purchase of common stock on the stock exchanges where it is listed or traded, in the open market or otherwise. Such stabilizing activities, if any, will not begin prior to one day before determination of the subscription price, and may be terminated at any time, and in any case not later than one hour after the time fixed for the acceptance of a bid for the purchase of unsubscribed stock. In connection with such stabilizing transactions American Natural will at

no time acquire a long position in shares of its common stock in excess of 10 percent of the number of additional shares of common stock being offered. American Natural proposes to sell any shares acquired in stabilizing transactions in ordinary brokerage transactions on the New York Stock Exchange.

II. *Michigan Consolidated amendment of charter and issue of common stock.* Michigan Consolidated, which now has outstanding 5,477,000 shares of 5,500,000 authorized shares of common stock (par value \$14 per share), proposes to increase its authorized common stock to 7,700,000 shares by amendment to its Certificate of Incorporation, pursuant to the general corporate laws of the State of Michigan.

Thereafter, Michigan Consolidated proposes to issue and sell to American Natural, and the latter proposes to buy, 1,786,000 shares of Michigan Consolidated's common stock for \$25,004,000 in cash, representing the aggregate par value thereof. Funds for this purpose will be provided through the sale by American Natural of the additional shares of its common stock, as aforesaid.

Michigan Consolidated further proposes to pay to American Natural a special cash dividend of \$4,998,000 out of its retained earnings (amounting to \$9,975,456 at September 30, 1956), and to issue and sell to American Natural, and the latter proposes to buy, an additional 357,000 shares of common stock of Michigan Consolidated for \$4,998,000 in cash.

The sale to American Natural of the 1,786,000 additional shares of its common stock for \$25,004,000 in cash will provide Michigan Consolidated with funds to repay or reduce short-term loans incurred for construction purposes and to pay construction costs. The payment by Michigan Consolidated to American Natural of the \$4,998,000 cash dividend and the concurrent reinvestment of the same amount by American Natural in 357,000 additional shares of Michigan Consolidated's common stock will have the effect of converting this portion of Michigan Consolidated's retained earnings into common stock, assuring a larger permanent common equity for the latter company.

Michigan Consolidated states that during the spring or early summer of 1957 it proposes to issue and sell (pursuant to a later filing with this Commission) from \$25,000,000 to \$30,000,000 of bonds, the proceeds to be used for construction purposes and to repay any short-term loans then outstanding.

Michigan Public Service Commission, the regulatory commission of the State in which Michigan Consolidated is organized and doing business, has authorized the amendment of the company's charter and its issuance and sale to American Natural of 2,143,000 additional shares of its common stock as herein proposed.

The fees and expenses to be incurred by American Natural in connection with the proposed transactions are estimated at \$202,000, including fees for professional services as follows: Accounting, \$32,000; legal, \$22,000; engineering, \$7,500. The fees and expenses to be incurred by Michigan Consolidated are

estimated at \$82,000, including fees for professional services as follows: Legal, \$2,000. The fee of Brown, Wood, Fuller, Caldwell & Ivey, counsel for the prospective underwriters, is estimated at \$8,500, and it will be payable by the successful bidders in the event of acceptance of a bid for the underwriting. Supporting data have been filed with respect to the fees of the professional claimants, and the amounts do not appear to be unreasonable.

Due notice having been given of the filing of said application-declaration (Holding Company Act Release No. 13338), 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 deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1461; Filed, Feb. 26, 1957; 8:52 a. m.]

[File No. 70-3553]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING PROPOSAL TO ISSUE AND SELL ADDITIONAL SHARES OF COMMON STOCK THROUGH SUBSCRIPTION WARRANTS

FEBRUARY 20, 1957.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), an application-declaration regarding a proposal to issue and sell through subscription warrants 646,850 additional shares of its authorized but unissued common stock. Applicant-declarant has designated sections 6 (a), 7 and 12 (c) of the act, and Rules U-42 and U-50 promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes to offer to the holders of its outstanding common stock rights to subscribe for additional shares of GPU common stock at the rate of one additional share of common stock for each fifteen shares of GPU common stock held of record, at a price which will be not more than the closing price on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire approximately 18 days

after the final date of the mailing of the subscription warrants.

In lieu of issuing rights to record holders of less than fifteen shares, GPU will purchase such rights for cash and remit such cash to said record holders. In addition, GPU will, upon request of initial record holders of warrants, purchase such number of the rights represented thereby as such holders do not desire to exercise. Holders of rights in excess of fifteen but not exactly divisible by fifteen may, upon subscribing for the maximum number of whole shares covered by such rights, subscribe for one additional share without furnishing additional rights, subject to availability to GPU of such additional shares. If additional shares are not available GPU will purchase the excess rights. During the subscription period, and for not more than thirty business days thereafter, stockholders and warrant holders will have the privilege of purchasing from GPU unsubscribed shares to the extent such shares are available for such purpose, at the prevailing market price but not less than the subscription price.

The rights offering will not be underwritten, but GPU will utilize the services of security dealers to solicit the exercise by initial record holders of rights, and to participate in the disposition of shares, if any, not subscribed or otherwise disposed of by GPU under the terms of the rights offering. The price or prices at which such sale of unsubscribed shares will be effected through security dealers will be fixed by GPU at not higher than prevailing market prices plus 30 cents per share, and not less than the subscription price. Fees for the services of security dealers in connection with the rights offering will be fixed by GPU.

In connection with the rights offering GPU may effect stabilization transactions in its common stock or rights, but at no time will GPU acquire a net long position exceeding 64,685 shares.

The net proceeds realized by GPU from the sale of the additional common stock will be applied (a) to repay GPU's outstanding bank loans and (b) to the making of additional investments in GPU's domestic subsidiary companies, or to the reimbursement of GPU's treasury for such investments theretofore made, and for other corporate purposes.

The fees and expenses (other than security dealers' fees) to be incurred by GPU in connection with the proposed transactions are estimated at an aggregate of \$190,000, including counsel fees—\$15,000; depository agent's fees and expenses—\$35,000; clearing agent's fees and expenses—\$7,000; accountant's fees—\$7,000; and registrar's fees \$1,500.

GPU requests that the Commission grant an exemption from the competitive bidding requirements of Rule U-50 to the extent such rule may be applicable to the sale of unsubscribed shares.

The application-declaration states that no State or Federal regulatory body, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 6, 1957, request of this Commission in writing that a hearing be held in respect

of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 57-1462; Filed, Feb. 26, 1957;
8:53 a. m.]

[File Nos. 54-219 and 59-13]

STANDARD SHARES, INC.

ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO CARRY OUT PROVISION OF
PLAN

FEBRUARY 20, 1957.

On February 16, 1956, the Commission approved a plan filed by Standard Shares, Inc. ("Shares"), a registered holding company which was formerly named Standard Power & Light Corporation and which is in process of transformation into an investment company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), which plan proposes, among other things, the disposition of Shares' holdings of common stock of Duquesne Light Company ("Duquesne") to less than 5 percent of the number of shares of such stock outstanding. One of the steps of such disposition is the reduction of such holdings by not less than 100,000 shares by March 12, 1957. (Holding Company Act Release No. 13101). On March 13, 1956, the United States District Court for the District of Delaware approved the Commission's Findings and Opinion and Order on said plan and ordered the enforcement and the carrying out of the terms and provisions of said plan.

In its order of February 16, 1956, the Commission reserved jurisdiction with respect to "entertaining of such further proceedings, entering of such further orders and the taking of such further action as the Commission may deem to be necessary or appropriate in connection with said plan, as amended, transactions a part of or incidental thereto, and the consummation thereof, as may be deemed to be necessary or appropriate to effectuate the requirements of section 11 (b) of the act." In its order of March 13, 1956, the United States District Court for the District of Delaware reserved jurisdiction "to entertain such further proceedings, to make such further findings, to enter such supplemental orders and decrees, to take such further action,

and to grant such other and further relief as it may deem appropriate in connection with the Plan, the transactions incident thereto, and the consummation thereof, including the review, if application therefor is duly made, of subsequent orders of the Commission relating to the Plan."

Shares holds 321,000 shares of Duquesne stock of which about 150,000 shares are low cost tax basis shares and expects during April or May, 1957, to acquire 246,500 additional shares of which at least 100,000 shares are to be low cost tax basis shares. Shares states that it has found it impracticable to sell the entire 100,000 shares of low cost tax basis stock except by means of a secondary distribution and registration under the Securities Act of 1933. However, in view of the anticipated acquisition by Shares of the 246,500 additional shares of Duquesne stock, Shares now desires to dispose of approximately 250,000 shares of low cost tax basis Duquesne stock, as promptly as practicable. It, therefore, requests approval of an amendment to its plan extending the time to July 1, 1957, in which it is required to dispose of at least 100,000 shares of Duquesne stock, or such later date as the Commission may fix upon subsequent application. Such extension of time will permit the disposition by Shares of 250,000 shares of Duquesne common stock by means of one secondary distribution and one registration statement under the Securities Act of 1933 and will also permit Shares to retain the Duquesne common stock with a high cost tax basis, a feature asserted to be essential to its long range investment company program.

The Commission having considered the entire record in connection with said request by Shares for an extension of time to comply with its order of February 16, 1956 and finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors to approve said application to amend said plan of Shares:

It is ordered, Pursuant to section 11 (e) and other applicable provisions of the act, that said application to amend said plan be, and the same hereby is, approved, subject to the condition that this order shall not be operative to authorize the requested extension of time for compliance with said order of this Commission until said Court, upon application thereto, enters an order granting such extension of time.

It is further ordered, That jurisdiction be, and it hereby is, reserved to entertain such further proceedings, enter such further orders and to take such further action in connection with said plan, as amended, transactions a part of or incidental thereto, and the consummation thereof, as may be deemed to be necessary or appropriate to effectuate the requirements of section 11 (b) of the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

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8:53 a. m.]

