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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3399

ARMED FORCES DAY

By the President of the United States
of America

A Proclamation

WHEREAS the survival of our cherished freedoms is dependent in large measure upon the capabilities of our armed forces to discourage totalitarian aggression; and

WHEREAS the armed forces of the United States serve as a unified team, at home and across the seas, in the pursuit of a durable peace; and

WHEREAS the strength of our armed forces rests not alone upon their active and reserve members, our industrial productivity, and our human resources, but also upon the understanding and support of an informed American people; and

WHEREAS we seek to acknowledge and to manifest our appreciation for the dedication and self-sacrifice of the members of our armed forces and their families;

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby proclaim the third Saturday of May in 1961 and the third Saturday of May in each succeeding year as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of the Treasury on behalf of the Coast Guard, to designate that day each year for appropriate ceremonies, demonstrations, and displays both at armed-forces installations and in civilian communities at the invitation of civil authorities. The Secretary of Defense, as my personal representative, shall assume responsibility for initiating, formulating, and supervising the program contemplated by this proclamation and for soliciting the participation and cooperation in such program by civil authorities and distinguished private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, and the Commissioners of the District of Columbia to provide for the observance of Armed Forces Day

within their jurisdictions each year in an appropriate manner designed to enhance public understanding and appreciation of the armed forces of the United States as defenders of freedom at home and abroad.

I also ask my fellow Americans, as an expression of support for their armed forces and as a symbol of their unity in devotion to the preservation of our country, to display prominently the flag of the United States on Armed Forces Day.

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 eighteenth day of March in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-2652; Filed, Mar. 22, 1961;
4:24 p.m.]

Rules and Regulations

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 47]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held in Washington, D.C., on the 14th day of March 1961.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 47, dated January 6, 1961, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on January 28, 1961 (26 F.R. 895), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as not to warrant revision at this time of the proposed amendments, and that in all respects the proposed amendments set forth in the above referred-to Notice No. 47 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth below.

It is further ordered, That this order shall become effective June 11, 1961, and shall remain in effect until further order of the Commission;

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

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

the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.33 amend paragraph (a) (2); cancel paragraph (k) (11) (15 F.R. 8280, Dec. 2, 1950) (21 F.R. 3008, May 5, 1956) to read as follows:

§ 73.33 Qualification, maintenance, and use of cargo tanks.

(a) * * *

(2) Cargo tanks to be used for the transportation of corrosive or flammable liquids shall be of the types prescribed by the regulations and maintained or retested in accordance with the requirements appearing in § 77.824 of this chapter.

* * * * *

(k) * * *

(11) Canceled.

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

Subpart A—General Information and Regulations

Add § 77.824 (15 F.R. 8364, Dec. 2, 1950) to read as follows:

§ 77.824 Retesting of cargo tanks.

(a) *Flammable liquid and poisonous liquid cargo tanks, specs. MC 300, MC 302, MC 303 and MC 305.* Every cargo tank constructed in compliance with specs. MC 300, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter) used for the transportation of any flammable liquid or poisonous liquid, class B, shall be retested as follows:

(1) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it has successfully fulfilled the testing requirements set forth in the applicable specification.

(2) *Specification tanks.* Every cargo tank complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifica-

tions MC 300, MC 302, MC 303 and MC 305 (§§ 78.321, 78.323, 78.324 and 78.326 of this chapter), shall be tested at least once in every 5-year period and shall not be returned to service until it has successfully fulfilled the testing requirements set forth under § 78.321-16 of this chapter. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.321-16 of this chapter.

(3) *Nonspecification tanks.* Every cargo tank not complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324 and 78.326 of this chapter), shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under § 78.321-16 of this chapter. No two such required tests shall be closer together than 6 months.

(b) *Pressurized flammable liquid and poisonous liquid cargo tanks, spec. MC 304.* Every cargo tank constructed in compliance with spec. MC 304 (§ 78.325 of this chapter) or footnote 1 of § 78.325 of this chapter, shall be retested as specified in § 78.325-16 of this chapter. Each cargo tank used for the transportation of commodities specified in § 78.325 of this chapter shall be withheld from service until it has successfully fulfilled the testing requirements. Each such cargo tank shall be retested as follows:

(1) Whenever any such cargo tank, new or old, is acquired by a motor carrier; except that suitable testing of new tanks when completed by the manufacturer and before such tanks are placed in service will be considered as complying with this requirement.

(2) When such cargo tank has been out of service for one year or longer.

(3) When or before the test date required by § 78.325-17 of this chapter to be painted on the tank is five years old.

(4) When or before the test date required by § 78.325-17 of this chapter to be painted on the tank is two years old, in the case of tanks not complying with all requirements of this specification but continuing in service as authorized in footnote 1 of § 78.325 of this chapter.

(c) *Corrosive liquid cargo tanks, specs. MC 310 and MC 311.* Every cargo tank constructed in compliance with specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter) used for the transportation of any corrosive liquid shall be retested as follows:

(1) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period

of one year or more shall not be returned again, to or placed in such service until it has successfully fulfilled the testing requirements set forth in the applicable specification.

(2) *Specification tanks.* Every cargo tank complying with specs. MC 310, MC 311 (§ 78.330 or 78.331 of this chapter), or the requirements set forth in footnote 1 of § 78.330 or 78.331 of this chapter, shall be tested at least once in every 5-year period and shall successfully fulfill the testing requirements set forth in the applicable specification. If tested no oftener than once every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning of such testing of such cargo tanks shall be from the time of the last test made in accordance with the testing requirements set forth in the applicable specification.

(3) *Nonspecification tanks.* Every cargo tank not complying with specs. MC 310, MC 311 (§ 78.330 or 78.331 of this chapter), or the requirements set forth in footnote 1 of § 78.330 or 78.331 of this chapter, shall be tested at least once in every calendar year and shall successfully fulfill the testing requirements set forth under § 78.330-16 or 78.331-16 of this chapter, whichever is applicable. No two such required tests shall be closer together than 6 months.

(d) *Compressed gas cargo tanks, spec. MC 330.* Every cargo tank constructed in compliance with spec. MC 330 (§ 78.336 of this chapter) used for the transportation of any compressed gas shall be retested in accordance with the requirements of § 73.33 of this chapter.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by the Commission under the provisions of § 73.33 (h) and (j) of this chapter shall be retested under the requirements set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall not be returned to service until it has successfully been retested in accordance with the test prescribed for its periodic retest if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, at its discretion, cause any cargo tank to be retested at any time in accordance with the requirements prescribed for its periodic retest.

(h) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in the applicable specification.

Subpart D—Vehicles and Shipments in Transit; Accidents

In § 77.854 add paragraph (h) (15 F.R. 8370, Dec. 2, 1950) to read as follows:

§ 77.854 Disabled vehicles and broken or leaking packages; repairs.

* * * * *

(h) *No repair with flame unless gas-free.* No repair of a cargo tank used for the transportation of any flammable liquid or poisonous liquid, or any compartment thereof, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless the tank or compartment shall first have been made gas-free.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart J—Specifications for Containers for Motor Vehicle Transportation

Amend entire § 78.321 (21 F.R. 7610, 7611, Oct. 4, 1956) (15 F.R. 8544, 8545, 8546, Dec. 2, 1950) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 7847, Oct. 3, 1957) (16 F.R. 11785, 11786, Nov. 21, 1951) (23 F.R. 4033, June 10, 1958) (22 F.R. 11033, Dec. 31, 1957) to read as follows:

§ 78.321 Specification MC 300:¹ cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.321-1 General requirements.

(a) Every cargo tank shall be constructed in accordance with the best

¹ Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.321-5(a), 78.321-8, and 78.321-9 through 78.321-12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "NO SPECIFICATION" in place of the specification number shown in the appropriate specification.

known and available practices, in addition to the other requirements of this specification.

§ 78.321-2 Material.

(a) *Properties of mild steel sheets.* All mild steel sheets shall be of open hearth steel or blue annealed steel meeting the following minimum requirements:

Yield point, minimum----- 25,000 psi.
Ultimate strength, minimum--- 45,000 psi.
Minimum elongation, standard 20 percent.
2-inch sample.

(b) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point, minimum----- 45,000 psi.
Ultimate strength, minimum--- 60,000 psi.
Minimum elongation, standard 25 percent.
2-inch sample.

(c) *Properties of stainless steel sheets.* All stainless steel sheets shall meet the following minimum requirements:

Yield point, minimum----- 32,000 psi.
Ultimate strength, minimum--- 75,000 psi.
Minimum elongation, standard 20 percent.
2-inch sample.

(d) *Cargo tanks constructed of a combination of mild and high-tensile steels or stainless steel.* Mild steel sheets as specified in § 78.321-3(a) may be used in combination with high-tensile steel sheets or stainless steel sheets as specified in § 78.321-3(b) in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements for the material used in the construction for that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods on condition that the stainless steel electrodes or filler rods used in the welding be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturers of the stainless steel electrodes or filler rods.

§ 78.321-3 Thickness.

(a) *Thickness of mild steel sheets.* The minimum thickness of mild steel tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table I and Table II:

TABLE IV—MINIMUM THICKNESS OF SHELL SHEETS EXPRESSED IN UNITED STATES STANDARD GAUGE

Distance between attachments of bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length		
	10 or less	Over 10 to 14	Over 14 to 18
Maximum shell radius of less than 70 inches ¹	16	15	Over 18
36 inches or less	16	15	14
Over 36 inches to 54 inches	15	14	13
Over 54 inches to 60 inches	15	14	12
Maximum shell radius of 70 inches or more, but less than 90 inches ¹	16	15	14
36 inches or less	15	14	13
Over 36 inches to 54 inches	14	13	12
Over 54 inches to 60 inches	14	13	11
Maximum shell radius of 90 inches or more, but less than 125 inches ¹	15	14	13
36 inches or less	14	13	12
Over 36 inches to 54 inches	14	13	11
Over 54 inches to 60 inches	13	12	11
Shell radius of 125 inches or more ¹	14	13	12
	13	12	11
	12	11	9

¹ If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

§ 78.321-4 Joints.
 of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used

(a) *Method of joining.* Mild steel tank sheets, high-tensile steel tank sheets, or combination thereof and stainless steel tank sheets shall be joined by fusion welding.

(b) *Strength of joints.* The tensile strength of each joint in a tank made

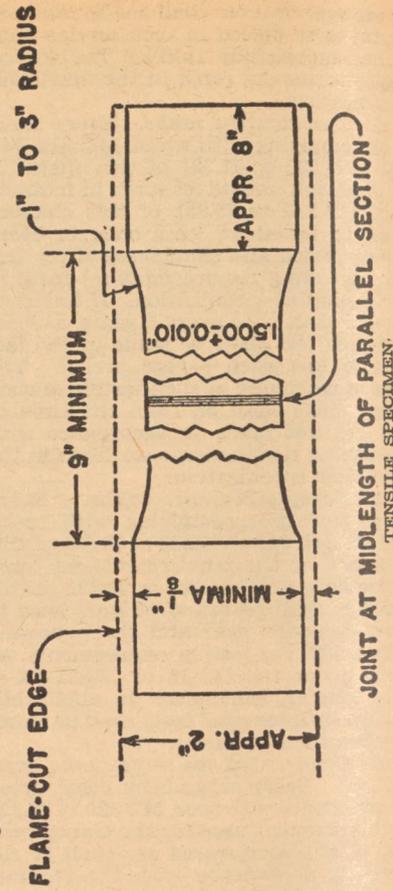


TABLE I—MINIMUM THICKNESS OF HEADS,¹ BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED) AND RING STIFFENERS

Volume capacity of tank in gallons per inch of length	10 or less	Over 10 to 14	Over 14 to 18	Over 18
United States Standard gauge number	14	13	12	11

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS EXPRESSED IN UNITED STATES STANDARD GAUGE

Distance between attachments of bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length		
	10 or less	Over 10 to 14	Over 14 to 18
Maximum shell radius of less than 70 inches ¹	14	14	Over 18
36 inches or less	14	14	13
Over 36 inches to 54 inches	14	13	12
Over 54 inches to 60 inches	14	13	11
Maximum shell radius of 70 inches or more, but less than 90 inches ¹	14	14	13
36 inches or less	14	13	12
Over 36 inches to 54 inches	14	12	11
Over 54 inches to 60 inches	13	12	11
Maximum shell radius of 90 inches or more, but less than 125 inches ¹	14	13	12
36 inches or less	13	12	11
Over 36 inches to 54 inches	12	11	10
Over 54 inches to 60 inches	12	11	9
Shell radius of 125 inches or more ¹	13	12	11
	12	11	10
	11	10	9
	11	10	8

¹ If other than circular cross-section, the radius used shall be the maximum for that portion of the cross-section under consideration.

(b) *Thickness of high-tensile and stainless steel sheets.* The minimum thickness of high-tensile and stainless steel tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as specified in Table III and Table IV:

TABLE III—MINIMUM THICKNESS OF HEADS,¹ BULKHEADS, BAFFLES (DISHED, CORRUGATED, REINFORCED OR ROLLED) AND RING STIFFENERS

Volume capacity of tank in gallons per inch of length	10 or less	Over 10 to 14	Over 14 to 18	Over 18
United States Standard gauge number	15	14	13	12

¹ Thickness of exterior head sheets shall never be less than the minimum requirements for shell sheets in any specific unit.

in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.

§ 78.321-5 Bulkheads, baffles, and ring stiffeners.

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. A tolerance of 10 percent shall be allowed for capacities of individual compartments or tanks.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

Width of tank	Section modulus
42 inches or less.....	¹ 0.0104L
Over 42 inches to 60 inches.....	¹ 0.0162L
Over 60 inches to 96 inches.....	¹ 0.0234L

¹ L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.321-3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

§ 78.321-6 Closures for manholes.

(a) No applicable provision.

§ 78.321-7 Overturn protection.

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

§ 78.321-8 Outlets.

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.321-9 Vents, valves and connections.

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

§ 78.321-10 Protection of fittings.

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected, in the event of collision, by steel bumpers or other equally effective devices.

§ 78.321-11 Emergency discharge control.

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

§ 78.321-12 Shear section.

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

§ 78.321-13 Anchoring of tank.

(a) No applicable provision.

§ 78.321-14 Gauging devices.

(a) No applicable provision.

§ 78.321-15 Pumps.

(a) No applicable provision.

§ 78.321-16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued

until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

§ 78.321-17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number ¹
 Manufacturer's Name ²
 Date of Manufacture ²
 ICC MC 300 ²
 Nominal Tank Capacity ----- U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1 1/4 inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.321-18 Certification.

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

³ Cargo tanks manufactured of mild steel shall be marked MC 300MS and cargo tanks manufactured of mild steel in combination with high-tensile steel shall be marked MC 300MSHTS.

own test, he shall similarly retain the test data.

§ 78.322 [Revocation]

Cancel entire § 78.322 (15 F.R. 8546, 8547, 8548, 8549, Dec. 2, 1950) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 7847, Oct. 3, 1957) (22 F.R. 11034, Dec. 31, 1957) (23 F.R. 4033, June 10, 1958).

Amend entire § 78.323 (23 F.R. 7664, Oct. 3, 1958) (15 F.R. 8549, 8550, 8551, Dec. 2, 1950) (22 F.R. 7847, 7848, Oct. 3, 1957) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 11034, Dec. 31, 1957) to read as follows:

§ 78.323 Specification MC 302; ¹ cargo tanks constructed of welded aluminum alloy (ASTM B209-57T), primarily for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.323-1 General requirements.

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

tion to the other requirements of this specification.

§ 78.323-2 Material.

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

Yield strength.....	26,000 psi.
Ultimate strength.....	34,000 psi.
Elongation, 2-inch sample.....	12 percent

NOTE 1: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASTM E8-36).

§ 78.323-3 Thickness of metal.

(a) The minimum thickness of tank sheets and ring stiffeners shall be as follows:

Aggregate capacity, United States gallons	Shell		Head, dished, corrugated or reinforced, and ring stiffener	
	United States gauge No.	Inch ¹	United States gauge No.	Inch ¹
600 or less.....	14	0.078	14	0.078
Over 600 to 1,200.....	12	.109	12	.109
Over 1,200: (a) Divided into compartments of 600 gallons or less.....	12	.109	10	.141
(b) If not divided into compartments or if divided into compartments of 1,200 or more.....	10	.141	8	.172

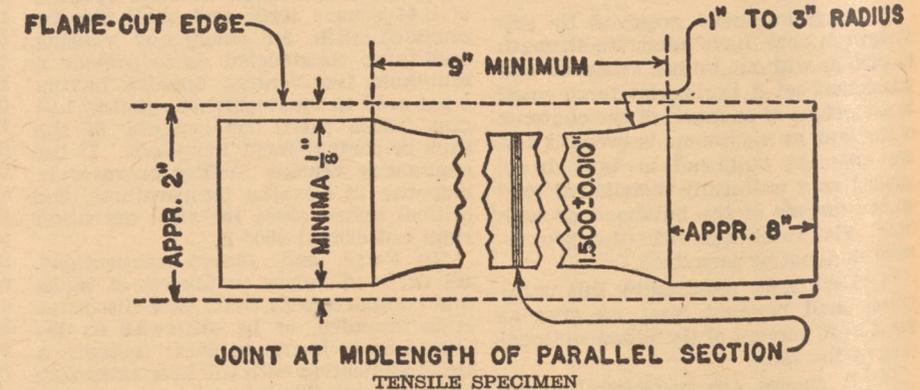
¹ Approximate.

NOTE 1: Flat heads without reinforcement no longer permitted.

§ 78.323-4 Joints.

(a) Sheets shall be joined by fusion welding. The tensile strength of each joint in a tank shall be not less than 15,000 psi. Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this

specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop within 6 months after the tests on such samples have been completed.



¹ Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition

of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to

§ 78.323-5 Bulkheads, baffles, and ring stiffeners.

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) *Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners.* Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. A tolerance of 10 percent shall be allowed for capacities of individual compartments or tanks.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR ALUMINUM RING STIFFENERS

Width of tank	Section modulus
42 inches or less.....	¹ 0.0180L
Over 42 inches to 60 inches.....	¹ 0.280L
Over 60 inches to 96 inches.....	¹ 0.400L

¹ L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.323-3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

§ 78.323-6 Closures for manholes.

(a) No applicable provision.

§ 78.323-7 Overturn protection.

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

§ 78.323-8 Tank outlets.

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.323-9 Vents, valves and connections.

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

§ 78.323-10 Protection of fittings.

(a) Draw-off valves and faucets projecting beyond the frame, or if the ve-

hicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

§ 78.323-11 Emergency discharge control.

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

§ 78.323-12 Shear section.

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

§ 78.323-13 Anchoring of tank.

(a) No applicable provision.

§ 78.323-14 Gauging devices.

(a) No applicable provision.

§ 78.323-15 Pumps.

(a) No applicable provision.

§ 78.323-16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be non-compartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar de-

June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.323-5 (a), 78.323-8, and 78.323-9 through 78.323-12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "NO SPECIFICATION" in place of the specification number shown in the appropriate specification.

RULES AND REGULATIONS

vices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

§ 78.323-17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number ¹

Manufacturer's Name ²

Date of Manufacture ²

ICC MC 302

Nominal Tank Capacity ----- U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.323-18 Certification.

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is em-

ployed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.324 (21 F.R. 7611, Oct. 4, 1956) (15 F.R. 8551, 8552, 8553, 8554, Dec. 2, 1950) (23 F.R. 2335, Apr. 10, 1958) (22 F.R. 7848, Oct. 3, 1957) (23 F.R. 4033, June 10, 1958) (22 F.R. 11034, 11035, Dec. 31, 1957) to read as follows:

§ 78.324 Specification MC 303; ¹ cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.324-1 General requirements.

(a) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

§ 78.324-2 Material.

(a) *Properties of high-tensile steel sheets.* All high-tensile steel sheets for

such cargo tanks shall be of ferrous alloy; commonly known as high-tensile steel, meeting the following minimum requirements:

Yield point----- 45,000 psi.
Ultimate strength----- 60,000 psi.
Elongation, 2-inch sample----- 25 percent.

(b) *Properties of stainless steel sheets.* All stainless steel sheets for such cargo tanks shall meet the following minimum requirements:

Yield point----- 32,000 psi.
Ultimate strength----- 75,000 psi.
Elongation, 2-inch sample----- 20 percent.

§ 78.324-3 Thickness of metal.

(a) The minimum thicknesses of tank sheets and ring stiffeners shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets as follows:

TABLE I—MINIMUM THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS

Distance between bulkhead attachments to shell in inches	Volume capacity of tank in gallons per inch of length									
	6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.
30 inches or less-----	17	0.056	16	0.062	15	0.070	14	0.078	13	0.094
Over 30 inches-----	16	.062	15	.070	14	.078	13	.094	12	.109

NOTE 1: Flat heads without reinforcement no longer permitted.

TABLE II—THICKNESS OF SHELL SHEETS

Distance between bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch of length									
	6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.
20 inches or less-----	19	0.044	18	0.050	17	0.056	16	0.062	15	0.070
Over 20 inches to 36 inches--	18	.050	17	.056	16	.062	15	.070	14	.078
Over 36 inches to 56 inches--	17	.056	16	.062	15	.070	14	.078	13	.094
Over 56 inches-----	16	.062	15	.070	14	.078	13	.094	12	.109

Distance between bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch of length									
	6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.
20 inches or less-----	18	0.050	17	0.056	16	0.062	15	0.070	14	0.078
Over 20 inches to 36 inches--	17	.056	16	.062	15	.070	14	.078	13	.094
Over 36 inches to 56 inches--	16	.062	15	.070	14	.078	13	.094	12	.109
Over 56 inches-----	15	.070	14	.078	13	.094	12	.109	11	.125

¹ Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to June 15, 1940, may be continued in service provided that they have been designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition,

of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 editions.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

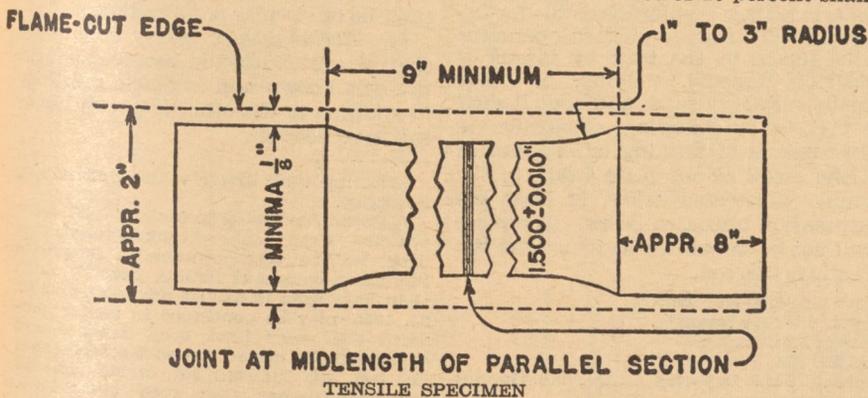
THICKNESS OF SHELL SHEETS

Distance between bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch of length									
	6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
	Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 90 inches or more but less than 125 inches, depending on spacing of shell stiffeners									
	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.
20 inches or less.....	17	0.056	16	0.062	15	0.070	14	0.078	13	0.094
Over 20 inches to 36 inches.....	16	.062	15	.070	14	.078	13	.094	12	.109
Over 36 inches to 56 inches.....	15	.070	14	.078	13	.094	12	.109	11	.125
Over 56 inches.....	14	.078	13	.094	12	.109	11	.125	10	.141
	Shell-sheet thicknesses in United States gauge and number of inches for that portion of the shell rolled to a radius of 125 inches or more depending upon spacing of shell stiffeners									
	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.	Gauge No.	Inch appr.
20 inches or less.....	16	0.062	15	0.070	14	0.078	13	0.094	12	0.109
Over 20 inches to 36 inches.....	15	.070	14	.078	13	.094	12	.109	11	.125
Over 36 inches to 56 inches.....	14	.078	13	.094	12	.109	11	.125	10	.141
Over 56 inches.....	13	.094	12	.109	11	.125	10	.141	9	.156

§ 78.324-4 Joints.

(a) Method of joining. Sheets shall be joined by fusion welding.

(b) Strength of joints. The tensile strength of each joint in a tank made of steel other than stainless steel shall be not less than 85 percent of that of the adjacent metal in the tank. The tensile strength of each joint in a stainless steel tank shall be not less than 60,000 psi. Compliance with either requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.



June 15, 1940, may be continued in service, provided that they fulfill the requirements set forth under §§ 77.824(a) and 77.854(h) of this chapter, and that they be provided with the accessories as specified in §§ 78.324-5, 78.324-8(a) and 78.324-9 through 78.324-12.

(c) On the required metal identification plate substitute "API Spec 1001, 1937," or "NFPA Spec 1929 (or 1933)" or "NO SPECIFICATION" in place of the specification number shown in the appropriate specification.

§ 78.324-5 Bulkheads, baffles, and ring stiffeners.

(a) When bulkheads not required. No bulkheads shall be required in any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80 percent full or in which no compartment of the tank is ever loaded less than 80 percent full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point.

(b) Number, dimensions and capacities of bulkheads, baffles, and ring stiffeners. Except as provided in paragraph (a) of this section, every cargo tank shall be divided into compartments and/or provided with baffles or ring stiffeners as follows:

(1) Every cargo tank having a total capacity in excess of 1,500 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. A tolerance of 10 percent shall

be allowed for capacities of individual compartments or tanks.

(2) Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches.

(3) Each bulkhead required by this paragraph shall have adequate strength to sustain without undue stress or any permanent set, a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head. Flat bulkheads without reinforcement shall not be permitted.

(4) Each baffle required by this paragraph shall have at least an area as great as 80 percent of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

(6) Ring stiffeners shall be continuous around the circumference of the tank shell, and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR STEEL RING STIFFENERS

Width of tank	Section modulus
42 inches or less.....	¹ 0.0104L
Over 42 inches to 60 inches.....	1.0162L
Over 60 inches to 96 inches.....	1.0234L

¹ L is the maximum distance from midpoint of unsupported shell on one side of ring stiffener to the midpoint of unsupported shell on the opposite side of the ring stiffener. See § 78.324-3 for minimum thickness of ring stiffeners.

(i) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

(c) Tank supports. The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener, shall not exceed 40 times the thickness of the tank shell at the point of support.

§ 78.324-6 Closures for manholes.

(a) No applicable provision.

§ 78.324-7 Overturn protection.

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or a dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

§ 78.324-8 Outlets.

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.324-9 Vents, valves and connections.

(a) Tank vents. Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent

with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

§ 78.324-10 Protection of fittings.

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

§ 78.324-11 Emergency discharge control.

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire, or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

§ 78.324-12 Shear section.

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

§ 78.324-13 Anchoring of tank.

(a) No applicable provision.

§ 78.324-14 Gauging devices.

(a) No applicable provision.

§ 78.324-15 Pumps.

(a) No applicable provision.

§ 78.324-16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water,

heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. This suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

§ 78.324-17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number ¹
 Manufacturer's Name ²
 Date of Manufacture ²
 ICC MC 303
 Nominal Tank Capacity ----- U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the space indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.324-18 Certification.

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.325 (20 F.R. 8112, 8113, 8114, 8115, Oct. 28, 1955) (24 F.R. 8064, 8065, Oct. 6, 1959) (21 F.R. 7611, Oct. 4, 1956) (23 F.R. 4033, June 10, 1958) (22 F.R. 11035, Dec. 31, 1957) to read as follows:

§ 78.325 Specification MC 304; ¹ cargo tanks constructed of mild (open hearth or blue annealed) steel, welded ferrous alloy (high-tensile steel) or aluminum, primarily for the transportation of flammable liquids, or poisonous liquids, class B, having Reid (ASTM D-323) vapor pressures of 18 psia. or more at 100° F., but less than those stated in § 73.300 of this chapter, in defining compressed gases.

§ 78.325-1 General requirements.

(a) *Design pressure.* The design pressure of each cargo tank shall be not less than 25 psig.

(b) *Cross-sectional design.* Tanks shall be of circular cross section.

(c) *Workmanship.* Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

¹ Existing tank motor vehicles continuing in service.

(a) *Specification cargo tanks of tank motor vehicles.* Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids, class B, which shall have been in service prior to December 31, 1955, may be continued in service, provided that they have been designed and constructed in accordance with specifications MC 300, MC 301, MC 302, or MC 303, and provided further that such tanks have, within six months of December 31, 1955, successfully passed the tests prescribed in § 78.325-16.

(b) *Existing nonspecification cargo tanks of tank motor vehicles.* Existing cargo tanks not meeting all requirements of this specification and continuing in service in accordance with paragraph (a) of this footnote, shall be marked by the number "304" applied adjacent to the existing specification number, which number and other data on the original metal identification plate shall remain legible.

§ 78.325-2 Material.

(a) *Mild steel and aluminum.* All mild steel and aluminum used in the shell, heads and bulkheads of the cargo tank, shall meet or exceed the following minimum requirements:

	Aluminum	
	Mild steel	Shell
Yield point.....	25,000 psi.....	23,000 psi.....
Ultimate strength.....	45,000 psi.....	31,000 psi.....
Elongation, 2-inch sample.....	20 percent.....	7 percent.....
	9,500 psi.....	23,000 psi.....
	25,000 psi.....	31,000 psi.....
	18 percent.....	7 percent.....

(b) *High-tensile and stainless steel.*

All high-tensile and stainless steel shall meet the following minimum requirements:

	Steel other than stainless	Stainless steel
Yield point.....	45,000 psi.....	32,000 psi.....
Ultimate strength.....	60,000 psi.....	75,000 psi.....
Elongation, 2-inch sample.....	25 percent.....	20 percent.....

(c) *Other material requirements.*

Cargo tanks shall be of all-steel or aluminum construction, except that gaskets need not be metallic and except that piping and valves need not be ferrous metal or aluminum. Nonmalleable materials shall not be used in the construction of the tank, its mountings and protective devices, or any valves, piping, or fittings. The metal and gaskets shall be substantially immune to chemical attack by the materials to be transported therein, or shall be suitably lined to prevent corrosive attack, or shall have the thickness of the material suitably increased over that required elsewhere in this specification by an amount sufficient to provide for such corrosion during the estimated useful life of the tank. All aluminum cargo tanks and appendances built to this specification shall be fabricated of alloys authorized for welded construction by (1) the 1952 edition, or (2) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions. A certification from the material supplier will suffice as evidence of compliance with this requirement.

§ 78.325-3 Thickness of metal.

(a) *Formulas.* Tanks for this service may be constructed of mild steel, high-tensile steel, stainless steel, or aluminum. The material thicknesses shall not be less than those obtained by applying the following formulas nor less than those specified in paragraph (d) of this section:

$$\text{Thickness of shell} = T_s = \frac{PD}{2S E_s}$$

$$\text{Thickness of heads} = T_h$$

$$= 0.85PL \text{ (for pressure on concave side only)}$$

$$S E_h$$

T_s = Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.
 T_h = Minimum thickness of head material, after forming, exclusive of allowance for corrosion and other loadings.
 P = Design pressure or maximum allowable working pressure, psi. The maximum allowable working pressure for aluminum shells shall be specified on the basis of the minimum tensile strength of the head material for the alloy used.
 D = Inside diameter of shell, inches.
 L = Inside crown radius of head, inches.
 S = Maximum allowable stress value, psi.— Equals one-fourth of specified minimum ultimate tensile strength.
 E_s = Lowest efficiency of any longitudinal joint in shell.
 E_h = Lowest efficiency of any joint in head.

- (1) The knuckle radius of the head shall not be less than three times the material thickness and the straight flange shall be not less than one inch.
- (2) For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be

increased by 67 percent, unless such heads are adequately braced to prevent excessive distortion.

(b) *Corrosion allowance.* Vessels or part of vessels subject to thinning by corrosion, erosion or mechanical abrasion, shall have provision made for the desired life of the vessel by a suitable increase in the thickness of the material over that determined by the design formulas, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

(c) *Other loadings.* In addition to the material requirements as specified in paragraphs (a) and (b) of this section, vessels shall be provided with stiffeners or other additional means of support if

	Gallons per inch of tank length					
	10 or less	Over 10 to 14	Over 14 to 18	Over 18 to 22	Over 22 to 26	Over 26 to 30
Heads, bulkheads, baffles, and ring stiffeners.....	14	13	12	11	10	9
SHIELD						
Distance between attachments of bulkheads, baffles or other shell stiffeners:						
36 inches or less.....	14	14	14	13	12	11
Over 36 inches to 64 inches.....	14	14	13	12	11	10
Over 64 inches to 96 inches.....	14	13	12	11	10	9

(e) *Thickness of high-tensile and stainless steel.* Minimum thicknesses of high-tensile and stainless steel tank sheets, in U.S. standard gauges, subject to the foregoing requirements in this section:

	Gallons per inch of tank length					
	10 or less	Over 10 to 14	Over 14 to 18	Over 18 to 22	Over 22 to 26	Over 26 to 30
Heads, bulkheads, baffles, and ring stiffeners.....	15	14	13	12	11	10
SHIELD						
Distance between attachments of bulkheads, baffles or other shell stiffeners:						
36 inches or less.....	16	16	15	14	13	12
Over 36 inches to 64 inches.....	16	15	14	13	12	11
Over 64 inches to 96 inches.....	15	14	13	12	11	10

§ 78.325-4 Joints.

(a) *Method of joining.* Joints in the tank structure shall be made by welding, and may be reinforced where desired. Care should be taken to avoid damage

by galvanic action due to the presence of dissimilar metals at joints.

(b) *Pipe joints.* Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type or of an equally strong metal union

necessary, to prevent overstress or large distortions due to the following other loadings:

- (1) Impact loads.
- (2) Weight of vessel and contents but not less than the water weight of tank and contents. For determining the weight of the water contents of the tank, a gallon of water (231 cubic inches) shall be considered to weigh 8.32828 pounds.
- (3) Superimposed loads such as operating equipment, insulation and piping.
- (4) Reactions of supporting lugs or saddles.
- (5) Effect of temperature gradients.
- (d) *Thickness of mild steel.* Minimum thicknesses of mild steel tank sheets in U.S. standard gauges, subject to the foregoing requirements in this section. (These thicknesses are to be multiplied by 1.44 for aluminum.)

type. The melting point of brazing material must not be less than 1000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

§ 78.325-5 Bulkheads, baffles, and ring stiffeners.

(a) *When bulkheads not required.* No bulkheads shall be required in any cargo tank regardless of capacity which is used in service in which there is never less than 80% of the capacity volume of the tank while in transportation over the highway and which in service has its entire contents discharged at one unloading point, provided that this requirement shall not apply to tanks operating in or through any jurisdiction where State or local regulations require seasonal reduction of vehicle weight limitations during the time such reductions are in force.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,000 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B, and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* Every cargo tank or compartment of a cargo tank over 90 inches in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener and the nearest tank head or bulkhead shall not exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

Width of tank	Section modulus	
	Steel	Aluminum
42 inches or less.....	1 0.0104L	1 0.0180L
Over 42 inches to 60 inches.....	1 0.0162L	1 0.0280L
Over 60 inches to 96 inches.....	1 0.0234L	1 0.0400L

¹ L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See § 78.325-3 for minimum thickness of ring stiffeners.

(1) If a ring stiffener is welded to the shell, a portion of the shell may, for the purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If

welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

§ 78.325-6 Closures for manholes.

(a) No applicable provision.

§ 78.325-7 Overturn protection.

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage at or near the front of the tank.

§ 78.325-8 Tank outlets.

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.325-9 Safety relief devices, valves and connections.

(a) *Safety relief devices required.* Each cargo tank and each compartment of a tank shall be provided with one or more safety relief valves of the spring-loaded type, provided that emergency pressure relief devices may be used for part of the required capacity thereof. All such valves and devices shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank. The emergency pressure relief devices shall be either springloaded type, frangible type or fusible type.

(b) *Safety relief device capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 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 40 psig. they shall have a discharge capacity not less than that of an unobstructed opening of one square inch for each 35 square feet 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; alternatively, such valve or valves may at a pressure of 30 psig. have a total discharge capacity not less than that of an unobstructed opening of one square inch for each 350 square feet of exterior area of the tank or compartment to which they are connected, if in addition thereto, each such tank or compartment be provided with one or more frangible-type or fusible-type safety devices having a total discharge capacity

not less than that of an unobstructed opening of 9 square inches for each 350 square feet of exterior area. The bursting pressure of the frangible-type devices shall be not less than 30 psig. nor more than 40 psig. Fusible elements, if used, shall have a fusing temperature no higher than 200° F. They shall not be exposed to contact with the tank lading or be in contact with any part of the tank or its accessories so exposed.

(c) *Marking inlets and outlets.* All tank inlets and outlets, except safety relief valves, shall be marked to indicate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling level.

(d) *Markings on relief valves.* Each safety relief valve shall be plainly and permanently marked (1) with the pressure in psig. at which it is set to start to discharge, (2) with the actual rate of discharge of the device in cubic feet per minute of air at 60° F. and atmospheric pressure and (3) with the manufacturer's name and catalogue number. The rated discharge capacity of the device shall be determined at a pressure of 30 psig.

(e) *Connections to relief valves.* Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.

(f) *Protection of relief valves.* Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If the pressure setting or adjustment is external, the safety relief valves shall be provided with suitable means for sealing the adjustment.

(g) *Shut-off valves.* No shut-off valves shall be installed between the safety relief valves and the tank except in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.

(h) *Connection of safety relief valve to vapor space.* Safety relief valves shall have direct communication with the vapor space of the tank.

(i) *Prevention of excessive hydrostatic pressure.* Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve installed.

(j) *Strength of piping, fittings, hose and hose couplings.* Hose, piping and fittings shall be designed for a bursting pressure at least 100 psig. and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.

(k) *Provision for expansion and vibration.* Suitable provision shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring and vibration of all pipe. Slip joints shall not be used for this purpose.

§ 78.325-10 Protection of fittings.

(a) Piping, fittings and valves projecting beyond the frame, or if the vehicle be frameless beyond the shell, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices. Any other part of any cargo tank connected with its cargo space and similarly protruding shall be similarly protected.

§ 78.325-11 Emergency discharge control.

(a) *Automatic excess-flow valves.* Each cargo tank outlet shall be provided with a suitable automatic excess-flow valve or, in lieu thereof, may be fitted with a quick-closing internal valve designed, installed and operated so as to assure against escape of the contents in event of failure of the outlet. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve, except that safety device connections and liquid level gauging devices, which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, are not required to be equipped with excess-flow valves.

(b) *Excess-flow valve settings.* Excess-flow valves shall be so installed and adjusted that they close automatically at the rated flows of gas or liquid as specified by the valve manufacturer.

(c) *Capacity of connections to valves.* The connections or lines on each side of an excess-flow valve, including valve fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(d) *By-pass of valve.* Excess-flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(e) *Utilization of stop-check valves forbidden.* The use of combination stop-check valves to satisfy with one valve the requirements of paragraphs (b), (c) and (f) of this section is forbidden.

(f) *Filling and discharge shut-off valves.* Filling and discharge lines shall be provided with shut-off valves located as close to the tank outlet as is possible. If such valves are not manually operated they shall be of an automatic quick-closing internal valve type or an automatic shut-off type provided that if such valves are used, the lines must have manually-operated shut-off valve located in the line ahead of the hose connection. Stop-check or excess-flow

valves shall not be used to satisfy the requirements of this section.

§ 78.325-12 Shear section.

(a) There shall be provided between each excess-flow valve seat or internal valve seat, and draw-off valves, a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the excess-flow valve seat or the internal valve seat intact in case of accident to the draw-off valve or piping.

§ 78.325-13 Anchoring of cargo tank.

(a) *Hold-down devices.* Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation on lagged tanks is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

§ 78.325-14 Gauging devices.

(a) *Gauge device design.* Every cargo tank except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) *Fixed level indicators.* All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F. to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) *Dip tubes.* A fixed length dip tube gauging device, when used, shall

consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by these regulations. On spherical tanks and on vertically-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by these regulations.

§ 78.325-15 Pumps.

(a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

§ 78.325-16 Method of test.

(a) *Test pressure.* For each existing specification MC 300, MC 301, MC 302, and MC 303 tank not complying with all requirements of this specification and continuing in service in accordance with the provisions of § 78.325 footnote 1(a) (see § 78.325-17 regarding marking of such tanks), the standard test pressure for each required test shall be 50 psig. For each tank complying with all requirements of this specification, whether new or existing, the standard test pressure for each required test shall be 40 psig.

(b) *Method of test.* Every cargo tank, and all piping, valves, and other accessories thereof which are subject to the pressure of the tank contents, except safety valves, shall be tested by complete filling (including domes, if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure above specified. The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes. While under pressure, the tank shall be inspected for leakage, corroded areas, bad dents, or other conditions which indicate weakness that might render the tank unsafe for transportation service, and it shall not be placed in or returned to service if any evidence of such unsafe condition is discovered, until the deficiencies have been corrected and the tests repeated and passed successfully. Tank insulation and jacket need not be removed unless it is found to be impossible to reach the test pressure and to maintain a condition of pressure equilibrium after the test pressure is reached. All tank accessories shall be leakage tested after installation and proved tight at not less than the design pressure of the tank, except that hose used on such tanks may be tested either before or after installation.

RULES AND REGULATIONS

(c) *Retest requirements.* See § 77.824 (b) of this chapter.

§ 78.325-17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding or other equally suitable means; and upon it shall be marked by stamping, embossing or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number ¹
 Manufacturer's Name ²
 Date of Manufacture ²
 ICC MC 304
 Design Pressure psig.
 Test Pressure psig.
 Nominal Tank Capacity U.S. Gallons.
 In compartments of and
 U.S. Gallons.

(b) *Test date and pressure markings.* The date of the last test shall be painted on the tank in letters not less than 1/4 inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section. The test pressure shall be similarly indicated by painting on tanks requiring the test pressure of 50 psig. in accordance with § 78.325-16 (a).

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.325-18 Certification.

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test and examination, he shall similarly retain the test data and examination data.

Amend entire § 78.326 (22 F.R. 11035, 11036, 11037, 11038, Dec. 31, 1957) (23 F.R. 7665, Oct. 3, 1958) to read as follows:

§ 78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction, primarily for the transportation of flammable liquids, or poisonous liquids, class B.

§ 78.326-1 General requirements.

(a) Every cargo tank shall be constructed in accordance with the best

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

known and available practices, in addition to the other requirements of this specification.

§ 78.326-2 Material.

(a) All sheets for shell, heads, bulkheads, and baffles of such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation), GM40A (5086 commercial designation), or GM31A (5454 commercial designation) conforming to American Society for Testing Ma-

terials Specification B209-57T (as revised to include 5454).

§ 78.326-3 Thickness of sheets.

(a) The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets, as follows:

TABLE I—THICKNESS OF HEAD, BULKHEAD, BAFFLE SHEETS AND RING STIFFENERS ¹

Thickness in decimal of inches.....	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
	Heads or bulkheads—dished, corrugated or reinforced			
	0.096	0.109	0.130	0.151

¹ Thickness of exterior head sheets shall never be less than the maximum requirements for shell sheets.

TABLE II—THICKNESS OF SHELL SHEETS

Distance between bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length			
	10 or less	Over 10 to 14	Over 14 to 18	Over 18
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners			
36 inches or less.....	0.087	0.087	0.096	0.109
Over 36 inches to 54 inches.....	.087	.087	.109	.130
Over 54 inches.....	.096	.109	.130	.151
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 70 inches or more, but less than 90 inches, depending on spacing of shell stiffeners			
36 inches or less.....	0.087	0.096	0.109	0.130
Over 36 inches to 54 inches.....	.096	.109	.130	.151
Over 54 inches.....	.109	.130	.151	.173
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 90 inches or more, but less than 125 inches, depending on spacing of shell stiffeners			
36 inches or less.....	0.096	0.109	0.130	0.151
Over 36 inches to 54 inches.....	.109	.130	.151	.173
Over 54 inches.....	.130	.151	.173	.194
	Shell-sheet thickness in decimals of an inch for that portion of the shell rolled to a radius of 125 inches or more, depending on spacing of shell stiffeners			
36 inches or less.....	0.109	0.130	0.151	0.173
Over 36 inches to 54 inches.....	.130	.151	.173	.194
Over 54 inches.....	.151	.173	.194	.216

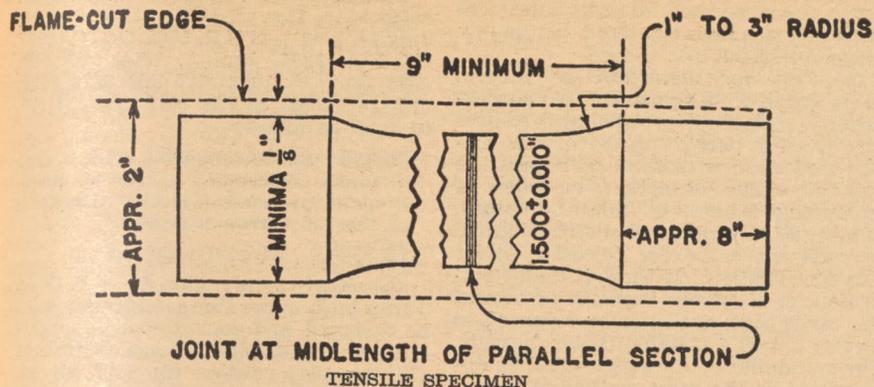
§ 78.326-4 Joints.

(a) *Method of joining.* All joints in and to tank shells, head and bulkheads shall be welded.

(b) *Strength of joints.* All welded aluminum joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall not be less than 85 percent of the annealed properties of the adjacent material. Aluminum alloys for high-strength welded construction shall be joined by an inert gas arc welding process using filler metals R-GR40A, E-GR40A (5154 alloy)

or R-GM50A, E-GM50A (5356 alloy) conforming to American Society of Testing Materials Specification No. B285-54T (American Welding Society Specification No. A5, 10-54T). Compliance with this requirement shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made

of the same combination of materials, by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed.



§ 78.326-5 Bulkheads, baffles and ring stiffeners.

(a) *When bulkheads not required.* The bulkhead requirements in paragraph (b) of this section do not apply to any cargo tank, regardless of capacity, which is used in a service in which the entire tank is never loaded less than 80% full or in which no compartment of the tank is ever loaded less than 80% full, provided that the entire contents of the tank or of one or more compartments of the tank is discharged at each unloading point. Flat bulkheads and baffles without reinforcement are not permitted.

(b) *When bulkheads required.* Except as provided in paragraph (a) of this section every cargo tank having a total capacity in excess of 1,800 gallons shall be divided by bulkheads into compartments, none of which shall exceed 1,200 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) *Double bulkheads.* Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids, class B and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be arranged for venting and be equipped and maintained with drainage facilities operative at all times.

(d) *Baffles or shell stiffeners.* Every cargo tank, and every compartment of a cargo tank over 90 inches in length, shall be provided with baffles or ring stiffeners, the number of which shall be such that the linear distance between any two adjacent baffles or ring stiffeners, or between any tank head or bulkhead and the baffle or ring stiffener nearest it, shall in no case exceed 60 inches. Ring stiffeners shall be continuous around the circumference of the tank shell and shall have at least the section modulus required by the following table:

MINIMUM SECTION MODULUS REQUIRED FOR RING STIFFENERS

Width of tank	Section modulus
42 inches or less.....	1.0180L
Over 42 inches to 60 inches.....	1.0280L
Over 60 inches to 96 inches.....	1.0400L

¹L is the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener. See § 78.326-3 for minimum thickness of ring stiffeners.

(1) If a ring stiffener is welded to the shell, a portion of the shell may, for purposes of computing the section modulus, be considered as a part of the ring section. If welded at one side of the ring stiffener only, such portion shall not exceed 20 times the shell thickness adjacent to the weld. If welded at both sides of the ring stiffener, such portion shall not exceed 40 times the shell thickness adjacent to the weld, or the width of the ring stiffener between welds plus 20 times the shell thickness adjacent to the welds, whichever is less.

(e) *Tank supports.* The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener shall not exceed 40 times the thickness of the tank shell at the point of support.

§ 78.326-6 Closures for manholes.

(a) No applicable provision.

§ 78.326-7 Overturn protection.

(a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation

of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

§ 78.326-8 Tank outlets.

(a) Outlet fixtures shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.326-9 Vents, valves and connections.

(a) *Tank vents.* Each cargo tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of 0.44 square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed 200° F.

(b) *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

§ 78.326-10 Protection of fittings.

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

§ 78.326-11 Emergency discharge control.

(a) Each cargo tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed 200° F.

§ 78.326-12 Shear section.

(a) There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

§ 78.326-13 Anchoring of cargo tank.

(a) *Hold-down devices.* Adequate hold-down devices shall be provided to

anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles or similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops and anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to starting, stopping and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance except that insulation is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those otherwise imposed on the cargo tank.

§ 78.326-14 Gauging devices.

(a) No applicable provision.

§ 78.326-15 Pumps.

(a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

§ 78.326-16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 psig. applied to the whole tank and dome if it be noncompartmented. If compartmented, each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be maintained for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of fail-

ure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77.824 (a) of this chapter.

§ 78.326-17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number¹
 Manufacturer's Name²
 Date of Manufacture²
 ICC MC 305
 Nominal Tank Capacity ----- U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.326-18 Certification.

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his

¹ Carriers are not required to number their cargo tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

own test, he shall similarly retain the test data.

Amend entire § 78.330 (15 F.R. 8554, 8555, 8556, Dec. 2, 1950) (24 F.R. 5644, July 14, 1959) (24 F.R. 8065, Oct. 6, 1959) (19 F.R. 3265, June 3, 1954) (23 F.R. 4033, June 10, 1958) (25 F.R. 6628, 6629, July 14, 1960) (21 F.R. 7611, Oct. 4, 1956) to read as follows:

§ 78.330 Specification MC 310;¹ cargo tanks constructed of ferrous materials, primarily for the transportation of corrosive liquids.

§ 78.330-1 General requirements.

(a) *Must comply with A.S.M.E. Code.* Tanks built under this specification shall be designed and constructed in accordance with and fulfill all requirements of (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, (4) 1956 edition, or (5) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, which are hereafter referred to as "the Code."

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, and tested as a separate tank.

§ 78.330-2 Material.

(a) As specified in paragraphs U-12, U-13, and U-20 of the Code, 1949 edition, no revisions. Tanks may be constructed of ferrous materials listed in Table U-2 including the stainless steels or of nickel or nickel alloys as listed in Table U-3 of the Code. Use of other materials listed in Table U-3 may be authorized by the Commission upon submission of satisfactory supporting data. Materials for tanks transporting hydrogen peroxide over 52 percent by weight, must comply with the 1956 edition of the Code, but shall be limited to Aluminum Association Nos. 1060, 1260, 5254, and 5652. Other aluminum alloys may be authorized by the Commission upon submission of satisfactory supporting data.

¹ Existing tank motor vehicles continuing in service.

(a) *Specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T-117(a), T-118 (a) and (b), T-120, T-121, T-122, T-123, and T-124 of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle, prescribed by order of the Commission dated November 6, 1934, and vacated on June 15, 1940.

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 77.824(c) of this chapter and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories specified in § 78.330-6, -9, -10, and -12.

(c) On the required metal identification plate substitute "ICC Spec T-118," or "ICC 7.5-S-1" or "NO SPECIFICATION" as appropriate.

(b) *Lining.* Except as provided in paragraph (c) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities transported therein. It shall be of substantially uniform thickness and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(c) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (b) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in § 78.330-3 corresponding to its capacity, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized as set forth elsewhere in this appendix, or

(4) for the transportation of hydrofluoric acid of 60 percent or higher concentration, they be passivated in the following or an equally effective method: By filling the tank to not less than 90 percent of its capacity with hydrofluoric acid of 58 percent strength and allowing it to stand at least 48 hours at a temperature of 80° F., then 7 hours at 140° F., the internal pressure being maintained at atmospheric pressure the meanwhile.

§ 78.330-3 Thickness of metal.

(a) The minimum thickness of metal for cargo tanks shall be as follows:

Tank capacity	Minimum thickness (inches)
Not more than 1,200 gallons.....	1/4
Over 1,200 to 1,800 gallons.....	5/16
Over 1,800 gallons.....	3/8

§ 78.330-4 Joints.

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank provided that joints in tanks for hydrogen peroxide of concentration exceeding 52 percent shall be made by welding only.

§ 78.330-5 Bulkheads, baffles, ring stiffeners, tank supports and compartmentation.

(a) No applicable provision.

§ 78.330-6 Closures for manholes.

(a) The manhole cover shall be designed to provide a secure closure of the manhole. All covers, not hinged to the tanks, shall be attached to the outside of the dome by at least 1/8-inch chain or its equivalent. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

§ 78.330-7 Overturn protection.

(a) No applicable provision.

§ 78.330-8 Outlets.

(a) *Outlet construction.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, and no tanks for the transportation of hydrogen peroxide in concentrations exceeding 52 percent by weight, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlets.* Bottom outlets, when permitted in accordance with paragraph (a) of this section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet or sump if the sump is integral with the tank.

(c) *Bottom washout chambers.* Except as specified in subparagraph (1) of this paragraph, tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

(1) Bottom washout chambers are not permitted on tanks used for the transportation of hydrogen peroxide of concentration exceeding 52 percent by weight.

§ 78.330-9 Vents, valves and connections.

(a) When installed, venting, 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.

§ 78.330-10 Protection of fittings.

(a) Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected in the event of collision by steel bumpers or other equally effective devices.

§ 78.330-11 Emergency discharge control.

(a) See § 78.330-8(b).

§ 78.330-12 Shear section.

(a) *Discharge connections.* There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

§ 78.330-13 Anchoring of tank.

(a) No applicable provision.

§ 78.330-14 Gauging devices.

(a) No applicable provision.

§ 78.330-15 Pumps and compressors.

(a) No applicable provision.

§ 78.330-16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1 1/2 times the design pressure but not less than 10 psig. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures shall be in place while test is made, and the pressure shall be gauged at the top of the tank.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Retest requirements.* See § 77-824(c) of this chapter.

§ 78.330-17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number ¹
 Manufacturer's Name ²
 Date of Manufacture ²
 ICC MC 310 ³
 Nominal Capacity ----- U.S. Gallons

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1/4 inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.330-18 Certification.

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of the specification, shall be procured and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data. Where such tanks are used for hydrogen peroxide in concentrations exceeding 52 percent by weight, such certificate or test data shall indicate that the tank complies with special provisions of this specification for that lading.

Amend entire § 78.331 (18 F.R. 6782, 6783, 6784, 6785, Oct. 27, 1953) (19 F.R. 6275, Sept. 29, 1954) (24 F.R. 8065, Oct. 6, 1959) (23 F.R. 4033, June 10, 1958) (22 F.R. 7848, Oct. 3, 1957) (21 F.R. 7611, Oct. 4, 1956) (22 F.R. 2237, Apr. 4, 1957)

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

³ Substitute "ICC Spec-T-118," or "ICC 7.5-S-1," or "ICC MC 310-H₂O₂," or "NO SPECIFICATION," as appropriate.

(20 F.R. 8115, Oct. 28, 1955) to read as follows:

§ 78.331 Specification MC 311; ⁴ cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.

§ 78.331-1 General requirements.

(a) *Tank design.* (1) *Ferrous materials.* Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, or (4) the 1959 edition of Section VIII of the Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply. Such tanks shall not have head, bulkhead, baffle or shell thicknesses less than that specified in § 78.331-3 (a) and (b), nor shall the spacing of bulkheads, baffles or shell stiff-

⁴ Existing tank motor vehicles continuing in service.

(a) *Specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T-117(a), T-118 (a) and (b), T-120, T-121, T-122, T-123 and T-124 of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle prescribed by order of the Commission dated November 6, 1934, and vacated on June 15, 1940.

(1) Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, may be continued in service provided they have been designed and constructed in accordance with the requirements of specification MC 310 (§ 78.330 of this chapter).

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in paragraph (a) of this footnote, which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under § 78.331-16 and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories specified in §§ 78.330-6, -9, -10 and -12 of specification MC 310 or §§ 78.331-6, -10 and -12 of specification MC 311.

(c) *Qualification of existing tank motor vehicles which conform to specification MC 311.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, and which meet all of the construction requirements of this specification may be continued in service provided such cargo tanks are marked ICC MC 311X on the plate required by § 78.331-17.

(d) On the required metal identification plate substitute "ICC Spec T-118," or "ICC 7.5-S-1," or "MC 311X," or "NO SPECIFICATION" as appropriate.

eners exceed that specified in those paragraphs.

(2) *Nonferrous materials.* Methods of design, fabrication, and construction for nonferrous materials shall be such as to result in a cargo tank having properties at least equal to those of a ferrous cargo tank.

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed and tested as a separate tank.

§ 78.331-2 Material.

(a) *A.S.M.E. Code materials.* Cargo tanks required to comply with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code must be manufactured of materials authorized by the Code except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.

(b) *Ferrous metal properties.* Materials used in cargo tanks built to conform with the tables in § 78.331-3 must have the following minimum physical properties:

Yield point.....	25,000 psi.
Ultimate strength.....	45,000 psi.
Minimum elongation, 2-inch sample.....	20 percent.

(c) *Aluminum properties.* Aluminum materials must have the following minimum physical properties:

Yield point.....	12,000 psi.
Ultimate strength.....	17,000 psi.
Minimum elongation, 2-inch sample.....	6 percent.

(d) *Lining.* Except as provided in paragraph (e) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be of substantially uniform thickness, and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(e) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (d) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein.

(2) The material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that speci-

fed in § 78.331-3 corresponding to its type, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized.

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND Baffles (DISHED, CORRUGATED, REINFORCED OR ROLLED)—FOR MILD, HIGH-TENSILE AND STAINLESS STEELS

Weight of product at 60° F. in pounds per gallon	Volume capacity of tank in gallons per inch of length		
	10 or less	Over 10 to 14	Over 14 to 18
Less than 10.....	12 gauge.....	10 gauge.....	9 gauge.....
10 to 13.....	10 gauge.....	8 gauge.....	8 gauge.....
Over 13 to 16.....	8 gauge.....	3/16 inch.....	1/4 inch.....

¹ Wherever gauges are specified, the references shall be to U.S. Standard gauge.

(b) *Shell thickness.* Tanks built under this specification that are not constructed in accordance with § 78.331-2(a), shall have shell thicknesses conforming with those in the following tables:

TABLE II—FOR LIQUIDS LESS THAN 10 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

Distance between attachments of bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length		
	10 or less	Over 10 to 14	Over 14 to 18
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	12 gauge.....	12 gauge.....	12 gauge.....
	12 gauge.....	10 gauge.....	10 gauge.....
	12 gauge.....	10 gauge.....	9 gauge.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	12 gauge.....	10 gauge.....	10 gauge.....
	12 gauge.....	9 gauge.....	9 gauge.....
	12 gauge.....	9 gauge.....	8 gauge.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	12 gauge.....	10 gauge.....	9 gauge.....
	12 gauge.....	9 gauge.....	8 gauge.....
	12 gauge.....	8 gauge.....	3/16 inch.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	10 gauge.....	9 gauge.....	9 gauge.....
	10 gauge.....	8 gauge.....	8 gauge.....
	10 gauge.....	8 gauge.....	3/16 inch.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	10 gauge.....	9 gauge.....	8 gauge.....
	9 gauge.....	8 gauge.....	8 gauge.....
	9 gauge.....	8 gauge.....	3/16 inch.....

TABLE III—FOR LIQUIDS OVER 10 TO 13 POUNDS PER GALLON
[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

Distance between attachments of bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length		
	10 or less	Over 10 to 14	Over 14 to 18
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	10 gauge.....	10 gauge.....	10 gauge.....
	10 gauge.....	8 gauge.....	8 gauge.....
	10 gauge.....	8 gauge.....	3/16 inch.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	10 gauge.....	10 gauge.....	8 gauge.....
	10 gauge.....	8 gauge.....	3/16 inch.....
	10 gauge.....	8 gauge.....	1/4 inch.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	10 gauge.....	10 gauge.....	8 gauge.....
	10 gauge.....	8 gauge.....	3/16 inch.....
	10 gauge.....	8 gauge.....	1/4 inch.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	10 gauge.....	8 gauge.....	3/16 inch.....
	8 gauge.....	3/16 inch.....	1/4 inch.....
	3/16 inch.....	1/4 inch.....	1/4 inch.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	8 gauge.....	3/16 inch.....	1/4 inch.....
	3/16 inch.....	1/4 inch.....	1/4 inch.....
	1/4 inch.....	1/4 inch.....	5/16 inch.....

TABLE IV—FOR LIQUIDS OVER 13 TO 16 POUNDS PER GALLON

[Minimum Shell Thickness in United States Standard Gauge and Inches—For Mild, High-tensile and Stainless Steel]

Distance between attachments of bulkheads, baffles or other shell stiffeners	Volume capacity of tank in gallons per inch of length		
	10 or less	Over 10 to 14	Over 14 to 18
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	8 gauge.....	8 gauge.....	8 gauge.....
	8 gauge.....	8 gauge.....	3/16 inch.....
	8 gauge.....	3/16 inch.....	1/4 inch.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	8 gauge.....	8 gauge.....	8 gauge.....
	8 gauge.....	8 gauge.....	3/16 inch.....
	8 gauge.....	3/16 inch.....	1/4 inch.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	8 gauge.....	8 gauge.....	8 gauge.....
	8 gauge.....	8 gauge.....	3/16 inch.....
	8 gauge.....	3/16 inch.....	1/4 inch.....
36 inches or less..... Over 36 inches to 54 inches..... Over 54 inches to 60 inches.....	8 gauge.....	8 gauge.....	8 gauge.....
	8 gauge.....	8 gauge.....	3/16 inch.....
	8 gauge.....	3/16 inch.....	1/4 inch.....

(c) *Cargo tanks built of nonferrous metals.* Cargo tanks constructed of materials other than mild, high-tensile or stainless steel shall have shell and head thicknesses designed in accordance with the following formula:

$$\text{Thickness for materials other than steel} = \text{Steel thickness from tables} \times \sqrt[3]{\frac{3 \times 10^7}{\text{Modulus of elasticity of material to be used}}}$$

§ 78.331-4 Joints.

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding.

§ 78.331-5 Bulkheads, baffles, ring stiffeners, tank supports and compartmentation.

(a) Flat heads or flat bulkheads without reinforcement are not permitted. The use of baffles is not a specification requirement.

§ 78.331-6 Closures for manholes.

(a) The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

§ 78.331-7 Overturn protection.

(a) All closures for filling openings and outlets shall be protected from damage in the event of overturn of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or the use of substantial metal guards securely attached to the cargo tank or frame of the motor vehicle.

§ 78.331-8 Outlets.

(a) *Outlet construction.* No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlets.* Bottom outlets, when permitted in accordance with paragraph (a) of this section, shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation. Bottom outlets must be equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

(c) *Bottom washout chambers.* Cargo tanks may be equipped with bottom

washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

§ 78.331-9 Vents, valves and connections.

(a) *Safety vent.* Each cargo tank or compartment thereof must be equipped with suitable pressure relief devices as required by the Code, or shall be fitted with suitable rupture discs in the dome or manhole assemblies in lieu of mechanical pressure-relief valves. Such discs shall be designed to rupture at not to exceed $1\frac{1}{2}$ times the design pressure.

(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.

§ 78.331-10 Protection of fittings.

(a) Draw-off valves and fittings of cargo tanks projecting beyond the frame, or if the vehicle be frameless, beyond the shell, shall be adequately protected in the event of a collision by steel bumpers or other equally effective devices.

§ 78.331-11 Emergency discharge control.

(a) See § 78.331-8(b).

§ 78.331-12 Shear section.

(a) *Discharge connections.* There shall be provided between each shut-off valve seat and discharge valve a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge valve or piping.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

§ 78.331-13 Anchoring of tank.

(a) No applicable provision.

§ 78.331-14 Gauging devices.

(a) Every cargo tank, and every compartment must be equipped with a means of indicating outage.

§ 78.331-15 Pumps and compressors.

(a) No applicable provision.

§ 78.331-16 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, or with a corrosive liquid permitted to be transported in the cargo tank, the temperature of

which shall not exceed 100° F. during the test, and applying a pressure of $1\frac{1}{2}$ times the design pressure but not less than 3 psig. The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(c) *Test of heating system.* After an interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 psig. Systems employing flues for the heating of the contents of cargo tanks shall be suitably tested to insure against the leakage of the contents of the tanks either into the flues or into the atmosphere.

(d) *Retest requirements.* See § 77.824 (c) of this chapter.

§ 78.331-17 Marking of cargo tanks.

(a) *Metal identification plate.* There shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number ¹
 Manufacturer's Name ²
 Date of Manufacture ²
 ICC MC * * * *
 Maximum Working Pressure
 Material
 Lining

Nominal Capacity ----- U.S. Gallons
 Density of Cargo, Maximum --- Lb./Gallon

¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "MAKE UNKNOWN" and/or "DATE OF MANUFACTURE UNKNOWN."

³ For MC 311 cargo tanks insert MC 311-IIS for steel tanks designed in accordance with Table II of § 78.331-3(b); MC 311-IIIS for steel tanks designed in accordance with Table III of § 78.331-3(b); and MC 311-IVS for steel tanks designed in accordance with Table IV of § 78.331-3(b). For aluminum tanks substitute AL for S.

(b) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of this section.

(c) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.331-18 Certification.

(a) A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Amend entire § 78.336 (15 F.R. 8556, Dec. 2, 1950) (24 F.R. 8065, Oct. 6, 1959) (25 F.R. 6629, July 14, 1960) (21 F.R. 9364, Nov. 30, 1956) (20 F.R. 8115, 8116, Oct. 28, 1955) (21 F.R. 676, Jan. 31, 1956) (23 F.R. 2335, 2336, Apr. 10, 1958) (24 F.R. 908, Feb. 6, 1959) to read as follows:

§ 78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases. For qualification of existing cargo tanks for continued service, see § 73.33 (b), (c), (d), (e), (f), (g), (h) and (i) of this chapter.

§ 78.336-1 General requirements.

(a) *Code construction.* Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, or (4) the 1959 edition of section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions (any or all of which hereinafter referred to as "the Code").

EXCEPTION: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed.

(b) *Design pressure.* The design pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115° F. or as prescribed for a particular commodity in § 73.315 (a) (1) of this chapter, except that in no case shall the design pressure of any container be less than 100 psig. nor more than 500 psig. When corrosion factor is prescribed by these regulations (see § 73.315(a) (1) Note 4 of this chapter) the wall thickness of the tank calculated in accordance with the Code (see paragraph (a) of this section) shall be increased by 20 percent or 0.10 inch, whichever is less.

NOTE 1. The term "design pressure" as used in this specification is identical to the term "maximum allowable working pressure"

as used in the Code (see paragraph (a) of this section).

(c) *Grouping openings.* Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

EXCEPTIONS. (1) Chlorine tanks shall be equipped with a nozzle located in the top of the tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dwg. 103-3, dated January 23, 1958. There shall be no other opening in the tank. (2) The openings for liquid level gauging devices, or for safety relief devices may be installed separately at the other location or in the side of the shell. (3) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere. (4) Loading and unloading connections may be located in the bottom of the tank.

(d) *Reflective design.* Every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright non-tarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

(e) *Insulation for carbon dioxide, chlorine and nitrous oxide cargo tanks.* See § 73.33(p) of this chapter.

§ 78.336-2 Material.

(a) *General.* All material used for the construction of the tank and appurtenances shall be suitable for use with the commodity to be transported therein. See also § 73.33(n) of this chapter.

(b) *For chlorine.* All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine must be made of steel complying with requirements of A.S.T.M. Specification A-300-52T titled "Steel Plates for Pressure Vessels for Service at Low Temperatures," Class 1, Grade "A", flange or fire box quality. Impact test specimens made by the plate manufacturers shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50° F.

§ 78.336-3 Thickness of metal.

(a) Material thickness shall be as required by the Code (see § 78.336-1(a)), except that material of thickness less than 3/16 inch shall not be used for the shell, heads and protective housings specified in § 78.336-10, except for chlorine tanks, the wall thickness shall be not less than 5/8 inch, including corrosion allowance.

§ 78.336-4 Joints.

(a) Joints shall be as required by the Code (see § 78.336-1(a)).

§ 78.336-5 Bulkheads, baffles and ring stiffeners.

(a) No applicable provision.

§ 78.336-6 Closures for manholes.

(a) No applicable provision.

§ 78.336-7 Overturn protection.

(a) See § 78.336-10.

§ 78.336-8 Outlets.

(a) See § 78.336-1(c).

§ 78.336-9 Safety relief devices, valves and connections.

(a) *Safety relief devices.* See § 73.315 (i) of this chapter.

(b) *Piping, valves and fittings.* See § 73.33(m) of this chapter. For manifold of cargo tank containers, see § 73.301(f) of this chapter.

(c) *Marking inlets and outlets.* All tank inlets and outlets, except safety relief valves, shall be marked to designate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling density.

(d) *Refrigerating and heating coils.* See § 73.33(q) of this chapter.

§ 78.336-10 Protection of fittings.

(a) All valves, fittings, accessories, safety relief devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

EXCEPTIONS. (1) Liquid and vapor valves, fittings, and accessories installed in the bottom of the tank shall be adequately protected against mechanical damage, but the housing and cover plate may be omitted. (2) In lieu of a housing closed with a cover plate, tanks used for the transportation of carbon dioxide may have all valves, piping, fittings, accessories, safety relief devices, and the like installed within the motor vehicle framework, or a suitable collision-resisting subframe, guard or housing. (3) On chlorine tanks the protective housing and cover plate shall conform to the standard of The Chlorine Institute, Inc. Dwg. 107-2, dated June 4, 1959, and shall be of a design to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

(b) The protective housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

§ 78.336-11 Emergency discharge control.

(a) *Excess-flow valves.* See § 73.33 (o) of this chapter.

(b) *Shut-off valves.* See § 73.33(o) (3) of this chapter.

§ 78.336-12 Shear section.

(a) No applicable provision.

§ 78.336-13 Anchoring of tank.

(a) *Hold-down devices.* Adequate "hold-down" devices shall be provided which will anchor each cargo tank to the cradle, frame or chassis in a suitable and safe manner that will not introduce undue concentration of stresses. The means of attachment of any cargo tank to the cradle, frame, or chassis of a motor vehicle shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a factor of safety of not less than

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four, based on the ultimate strength of the material to be used. Hold-down devices (on vehicles with frames) shall incorporate turnbuckles or similar positive devices for drawing the tank down tight on the frame of the motor vehicle.

(b) *Stops and anchors.* Suitable stops or anchors shall be attached to the motor vehicle and the cargo tank to prevent relative movement between them due to stopping, starting and turning. Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance, except that insulation is permitted to cover such stops and anchors.

(c) *Anchoring integral cargo tanks.* Whenever any tank motor vehicle is so designed and constructed that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame, such cargo tanks shall be designed to withstand the stresses thereby imposed in addition to those covered by the Code (see § 78.336-1(a)).

§ 78.336-14 Gauging devices.

(a) See § 73.315(h) of this chapter.

§ 78.336-15 Pumps and compressors.

(a) See § 73.33(m) (7) of this chapter.

§ 78.336-16 Method of test.

(a) Original test at time of manufacture shall be as required by the Code (see § 78.336-1(a)). For retest requirements, see § 73.33(k) of this chapter.

§ 78.336-17 Marking of cargo tanks.

(a) *Metal identification plate.* In addition to the markings required by the Code (see § 78.336-1(a)) every cargo tank shall have a metal plate permanently affixed on one of the heads of the tank. This plate shall be permanently affixed by means of soldering, brazing, or welding around its perimeter. Neither the plate itself nor the means of attachment to the tank shall be subject to destructive attack by the contents of the tank. On uninsulated tanks the plate shall be in a place readily accessible for inspection. On insulated tanks an additional identical plate shall be permanently affixed to the jacket readily accessible for inspection. Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself the following information in characters at least 3/8 inch high:

Manufacturer's Name ----- Serial No. ----
 Owner's Serial Number -----
 ICC Specification Number MC 330 -----
 Water capacity (pounds) -----
 Design pressure (psig.) -----
 Original test date -----
 Tank retested at ----- (psig.) on -----

(b) *Additional markings.* In addition to the above markings, cargo tanks must be marked as required by § 77.823 of this chapter.

§ 78.336-18 Certification.

(a) A copy of the manufacturer's data report required by the Code (see § 78.336-1(a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives, 63 Vesey Street, New York 7, N.Y. In addition, the manufacturer

or owner shall register each tank with the Bureau of Explosives in the following form:

Place -----
 Date -----

Cargo Tank
 Manufacturer for ----- Company
 Location -----
 Manufactured by ----- Company
 Location -----
 Consigned to ----- Company
 Location -----
 Size ---- feet outside diameter by ---- long

Marks on tank as prescribed by § 78.336-17 are as follows:
 Manufacturer's Name ----- Serial No. ----
 Owner's Serial Number -----
 ICC specification -----
 Code symbol -----
 Date of manufacturer -----
 Water capacity (pounds) -----
 Design pressure (psig.) -----

It is hereby certified that this tank is in complete compliance with the requirements of I.C.C. Specification No. -----

(Signed) -----
 (Manufacturer or owner)

[F.R. Doc. 61-2586; Filed, Mar. 23, 1961; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (4) of § 6.311 is amended as set out below.

§ 6.311 Department of Agriculture.

* * * * *
 (i) *Commodity Stabilization Service.* * * *
 (4) One Assistant Deputy Administrator, Price Support.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
 Executive Assistant to the Commissioners.

[F.R. Doc. 61-2594; Filed, Mar. 23, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 617, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Brown-Tail Moth

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.45-2 of the regulations supplemental to the gypsy moth

and brown-tail moth quarantine (7 CFR 301.45-2), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.45-2a are hereby revised to read as follows:

§ 301.45-2a Administrative instructions designating regulated areas under the gypsy moth and brown-tail moth quarantine and regulations.

Infestations of either the gypsy moth or the brown-tail moth have been determined to exist, in the quarantined States, in the respective counties, cities, towns, plantations, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated, as follows, as a single, continuous gypsy moth regulated area, which is further divided into a suppressive area and a generally infested area; and a single, continuous brown-tail moth regulated area, within the meaning of the provisions in this subpart:

(a) *Gypsy moth regulated area.*

Connecticut. All counties in the State.
Maine. Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of, and including, the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Edgington, Edinburgh, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Howland, Hudson, Kenduskeag, LaGrange, Levant, Lincoln, Lowell, Mattamiscontis, Maxfield, Milford, Newburgh, Newport, Orono, Orrington, Passadumkeag, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Medford, Milo, Orneville, Parkman, Sangerville, Sebec, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of, and including, Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, DeLois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

Massachusetts. All counties in the State.
New Hampshire. Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge.

New York. Counties of Albany, Clinton, Columbia, Delaware, Dutchess, Fulton, Greene, Montgomery, Nassau, Orange, Otsego, Putnam, Rensselaer, Rockland, Sara-

toga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester; towns of Chesterfield, Crown Point, Elizabethtown, Essex, Jay, Keene, Lewis, Minerva, Moriah, North Hudson, Schroon, Ticonderoga, Westport, Willsboro, and Wilmington, in Essex County; towns of Benson, Hope, and Wells, in Hamilton County; all of Herkimer County except the towns of Ohio, Russia, and Webb; town of Brookfield in Madison County; towns of Bridgewater, Deerfield, Kirkland, Marcy, Marshall, New Hartford, Paris, Sangerfield, Utica, Westmoreland, and Whitestown, in Oneida County.

Rhode Island. All counties in the State.
Vermont. Counties of Addison, Bennington, Chittenden, Grand Isle, Orange, Rutland, Washington, Windham, and Windsor; towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford, in Caledonia County; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; all of Franklin County except the towns of Bakersfield, Berkshire, Enosburg, Montgomery, and Richford; and the town of Elmore in Lamolle County.

(b) *Gypsy moth suppressive area.*

Counties of Nassau, Orange, Rockland, Sullivan, and Westchester; and the towns of Colchester, Deposit, Franklin, Hamden, Hancock, Masonville, Sidney, Tompkins, and Walton, in Delaware County; the town of Brookfield in Madison County; the towns of Bridgewater, Deerfield, Kirkland, Marcy, Marshall, New Hartford, Paris, Sangerfield, Utica City, Westmoreland, Whitestown, in Oneida County; and the towns of Burlington, Butternuts, Edmeston, Exeter, Hartwick, Laurens, Milford, Morris, New Lisbon, Oneonta, Otsego, Pittsfield, Plainfield, and Unadilla, in Otsego County; in New York.

(c) *Gypsy moth generally infested area.* All gypsy moth regulated area not included in the gypsy moth suppressive area constitutes the gypsy moth generally infested area.

(d) *Brown-tail moth regulated area.* All of the above described gypsy moth regulated area, exclusive of that in the State of New York, constitutes the brown-tail moth regulated area.

These administrative instructions shall be effective March 24, 1961, when they shall supersede P.P.C. 617, Revised, 7 CFR 301.45-2a, effective May 21, 1957.

The amendment adds the town of Minerva in Essex County, New York, to the regulated area.

Certain towns in Madison, Oneida, and Otsego Counties, New York, have been removed from the gypsy moth generally infested area and transferred to gypsy moth suppressive area. This is now feasible because reductions in gypsy moth populations in these towns warrant their protection from reinfestation from the generally infested area.

Putnam and Suffolk Counties and portions of Delaware, Dutchess, and Ulster Counties, New York, are removed from the area designated as gypsy moth suppressive area and included in the area designated as gypsy moth generally infested area because of increase in gypsy moth populations therein.

Since the revisions adds new territories to the generally infested area and to the suppressive area to be protected from reinfestation, the revision should be made effective as soon as possible in order to control the interstate movement of ar-

ticles that might spread the gypsy moth. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the revision are impracticable and contrary to the public interest, and good cause is found for making the effective date hereof less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U.S.C. 161, 162)

Done at Washington, D.C., this 20th day of March 1961.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 61-2609; Filed, Mar. 23, 1961; 8:48 a.m.]

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

[Amdt. 8]

PART 729—PEANUTS

Allotment and Marketing Quota Regulations for 1959 and Subsequent Crops

I. Basis and purpose. (a) The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344) to amend (1) § 729.1011(1)(2), as amended, by expanding the definition of "farm peanut history acreage" to clarify the formula used in prorating Soil Bank diversion credits, and (2) § 729.1017 for clarification and to provide for the use of reserved peanut acreage to make adjustments necessitated by Amendment 10 to the Farm Constitution and Allotment Record Regulations (26 F.R. 1262).

(b) Farmers in the southernmost areas the of United States will soon begin planting the 1961 crop of peanuts and farmers in the other peanut-producing areas of the nation are completing their plans for the production of peanuts in 1961. Hence, it is essential that State and county Agricultural Stabilization and Conservation Committees be placed in a position to utilize reserved acreage as provided herein at the earliest possible date. It is, therefore, hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), is impracticable and contrary to the public interest and this amendment shall be effective upon the filing of this document with the Director, Office of the Federal Register.

II. Paragraph (1)(2) of § 729.1011, as amended, is hereby amended to read as follows:

§ 729.1011 Definitions.

* * * * *

(1) * * *

(2) In the determination of "farm peanut history acreage", the maximum acreage which may be regarded as devoted to peanuts and to all other allotment crops under the Soil Bank Act is the sum of (i) the acreage on the farm in the conservation reserve at the regular rate under a contract which has not been cancelled and has not expired (see Part 485 of this title), plus (ii) the acreage on the farm placed in the conservation reserve at the regular rate for which the conservation contract has been fulfilled and has expired but for which a period after the expiration of the contract equal to the period of the contract has not ended, less (iii) any part of the acreage changed under the provisions of the contract from cropland to permanent vegetation which is not properly maintained in permanent vegetation. Also, the acreage which may be regarded as devoted to peanuts under the Soil Bank Act shall not exceed the amount by which the farm allotment¹ exceeds the final acreage of peanuts on the farm. If the farm has an allotment for peanuts and allotments for one or more other commodities and the acreage placed in the conservation reserve at the regular rate, computed as specified above, is less than the sum of the amounts by which the respective allotments¹ exceed the acreage actually planted (final acreage in the case of peanuts) to each allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each allotment commodity. To prorate this acreage, a factor shall be obtained, carried to four places beyond the decimal, by dividing the maximum acreage which may be regarded as devoted to all allotment crops under the Soil Bank Act by the sum of the amounts by which the respective allotments¹ exceed the acreage actually planted (final acreage in the case of peanuts) to each allotment crop on the farm. The factor thus obtained shall then be applied to the amount by which the final acreage of peanuts on the farm. The result shall be the acreage regarded as devoted to peanuts under the Soil Bank Act.

III. Section 729.1017 is hereby amended to read as follows:

§ 729.1017 Reserve for late allotments, corrections, missed farms and adjustments.

The county committee shall estimate the acreage that will be needed in the county as a reserve (a) to establish allotments for old farms on which not more than one acre of peanuts was picked or threshed in any year during the base period if either of the following

¹ After deducting acreage released to the county committee and the amount of any reduction for violation of marketing quota regulations in a prior year, but before adding reapportioned acreage or the amount of any increase granted for peanuts of a type determined to be in short supply.

RULES AND REGULATIONS

conditions are met: (1) The measured acreage of peanuts on the farm determined pursuant to § 729.1040 is in excess of one acre, or (2) the measured acreage of peanuts on the farm determined pursuant to § 729.1040 is one acre or less and the producers who share in the peanuts on the farm also share in the peanuts produced on another farm, (b) for the correction of errors in farm allotments, (c) to establish allotments for missed farms, and (d) to make adjustments necessitated by Amendment 10 to the Farm Constitution and Allotment Record Regulations (26 F.R. 1262). The reserve estimated by the county committee to be needed for such purposes shall be subject to adjustment by the State committee and shall be held as a State reserve.

(Secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended, sec. 112, 70 Stat. 195, as amended; 7 U.S.C. 1358, 1375, 1836)

Done at Washington, D.C., this 20th day of March 1961.

H. D. GODFREY,
Administrator,

Commodity Stabilization Service.

[F.R. Doc. 61-2610; Filed, Mar. 23, 1961; 8:48 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER F—ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Supp. 3]

PART 842—BEET SUGAR AREA

Approved Local Areas for 1959 Crop
§ 842.5 Approved local areas for the 1959 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1959-crop sugar beets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, disease, freeze or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugar beets on farms in such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area.

(a) California.

Entire Counties

Butte.	Riverside.
Colusa.	San Joaquin.
Fresno.	San Luis Obispo.
Glenn.	Santa Barbara.
Imperial.	Sutter.
Madera.	Tulare.
Merced.	Ventura.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Alameda: T. 3 S., R. 3 W.
Kern: T. 26 S., R. 23 E.; T. 27 S., R. 23 E.;
T. 26 S., R. 24 E.

Monterey: T. 12 S., R. 2 E.; T. 13 S., R. 2 E.; T. 14 S., R. 3 E.; T. 15 S., R. 4 E.; T. 19 S., R. 8 E.

Sacramento: T. 4 N., R. 3 E.; T. 5 N., R. 3 E.; T. 3 N., R. 4 E.

Santa Clara: T. 6 S., R. 1 W.; T. 8 S., R. 2 E.; T. 12 S., R. 4 E.; T. 11 S., R. 5 E.

Yolo: T. 10 N., R. 3 W.; T. 11 N., R. 3 E.

(b) Colorado.

Entire Counties

Adams.	Morgan.
Alamosa.	Otero.
Baca.	Prowers.
Bent.	Pueblo.
Conejos.	Weld.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Larimer: T. 9 N., R. 68 W.; T. 5 N., R. 69 W.; T. 9 N., R. 69 W.; T. 10 N., R. 69 W.
Logan: T. 7 N., R. 52 W.; T. 8 N., R. 52 W.; T. 6 N., R. 53 W.; T. 7 N., R. 53 W.

(c) Idaho.

Entire Counties

Bingham.	Gem.
Bonneville.	Jefferson.
Fremont.	Madison.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Ada: T. 3 N., R. 1 E.; T. 4 N., R. 1 E.
Bannock: T. 10 S., R. 37 E.
Cassia: T. 11 S., R. 21 E.; T. 10 S., R. 22 E.; T. 11 S., R. 22 E.; T. 13 S., R. 22 E.; T. 10 S., R. 23 E.; T. 11 S., R. 24 E.; T. 9 S., R. 24 E.; T. 10 S., R. 24 E.; T. 9 S., R. 25 E.
Franklin: T. 14 S., R. 38 E.; T. 15 S., R. 38 E.; T. 15 S., R. 39 E.; T. 16 S., R. 39 E.; T. 16 S., R. 40 E.
Jerome: T. 9 S., R. 16 E.; T. 9 S., R. 20 E.; T. 10 S., R. 21 E.
Mindoka: T. 8 S., R. 22 E.; T. 9 S., R. 22 E.; T. 10 S., R. 22 E.; T. 7 S., R. 23 E.; T. 8 S., R. 23 E.; T. 9 S., R. 23 E.; T. 10 S., R. 23 E.; T. 6 S., R. 24 E.; T. 7 S., R. 24 E.; T. 8 S., R. 24 E.; T. 9 S., R. 24 E.; T. 10 S., R. 24 E.; T. 7 S., R. 25 E.; T. 8 S., R. 25 E.
Owyhee: T. 1 N., R. 4 W.; T. 3 N., R. 4 W.; T. 4 N., R. 5 W.; T. 4 N., R. 6 W.
Payette: T. 8 N., R. 4 W.; T. 7 N., R. 5 W.
Twin Falls: T. 10 S., R. 14 E.; T. 11 S., R. 16 E.; T. 9 S., R. 17 E.

(d) Illinois.

Entire Counties

Cook.	McHenry.
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(e) Indiana.

Entire Counties

Lake.

(f) Iowa.

Entire Counties

Cerro Gordo.	Winnebago.
Kossuth.	

(g) Kansas.

Entire Counties

Wichita.

(h) Michigan.

Entire Counties

Arenac.	Ionia.
Clinton.	Isabella.
Gladwin.	St. Clair.
Gratiot.	Sanilac.
Ingham.	Shiawassee.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Bay: Gibson, Kawkawlin, Pinconning.
Eaton: Delta, Roxand.

Huron: Caseville, Grant, Hume, Lake, Lincoln, Meade, Oliver, Paris, Rubicon, Sheridan, Sherman, Sigel, Verona.

Jackson: Henrietta.

Lapeer: Burlington, Goodland.

Lenawee: Blissfield, Ogden.

Midland: Lincoln, Midland, Porter.

Monroe: Frenchtown, LaSalle, Whiteford.

Montcalm: Crystal.

Saginaw: Richland, Taymouth.

Tuscola: Koylton, Millington.

(i) Minnesota.

Entire Counties

Brown.	Marshall.
Chippewa.	Martin.
Clay.	Nicollet.
Dakota.	Redwood.
Faribault.	Scott.
Jackson.	Sibley.
Kandiyohi.	Wilkin.
McLeod.	

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Renville: Melville.
West Polk: Angus, Brislet, Esther, Farley, Grand Forks, Higdem, Northland, Sandsville, Sullivan.

(j) Montana.

Entire Counties

Big Horn.	Phillips.
Blaine.	Richland.
Broadwater.	Rosebud.
Missoula.	

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Lake: T. 19 N., R. 21 W.
Ravalli: T. 5 N., R. 20 W.; T. 6 N., R. 20 W.; T. 8 N., R. 20 W.

(k) Nebraska.

Entire Counties

Dawson.	Merrick.
Hamilton.	Phelps.
Kearney.	Red Willow.
Lincoln.	

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Buffalo: T. 8 N., R. 15 W.; T. 9 N., R. 15 W.
Hall: T. 10 N., R. 12 W.
Keith: T. 13 N., R. 39 W.
Scotts Bluff: T. 22 N., R. 54 W.; T. 23 N., R. 54 W.; T. 22 N., R. 55 W.; T. 22 N., R. 56 W.; T. 23 N., R. 56 W.; T. 23 N., R. 57 W.; T. 22 N., R. 58 W.
Sheridan: T. 31 N., R. 46 W.

(l) Nevada.

Entire Counties

Churchill.

(m) New Mexico.

None.

(n) North Dakota.

Entire Counties

Cass.	Walsh.
McKenzie.	Williams.
Pembina.	

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Grand Forks: Johnstown, Meckinock, Turtle River.

(o) Ohio.

Entire Counties

Allen.	Henry.
Fulton.	Putnam.
Hardin.	Van Wert.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Hancock: Madison, Orange.
Wood: Middleton.

(p) Oregon.

Entire Counties

Umatilla.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Malheur: T. 19 S., R. 44 E.; T. 18 S., R. 45 E.; T. 20 S., R. 45 E.; T. 21 S., R. 45 E.; T. 16 S., R. 46 E.; T. 18 S., R. 46 E.; T. 19 S., R. 46 E.; T. 20 S., R. 46 E.; T. 21 S., R. 46 E.; T. 22 S., R. 46 E.; T. 17 S., R. 47 E.; T. 18 S., R. 47 E.; T. 19 S., R. 47 E.; T. 21 S., R. 47 E.; T. 22 S., R. 47 E.

(q) South Dakota.

Entire Counties

Fall River.

(r) Texas.

Entire Counties

Castro. Hale.
Deaf Smith.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Farmer: Harrah.

(s) Utah.

Entire Counties

Carbon. Sevier.
Millard. Weber.
Sanpete.

(t) Washington.

Entire Counties

Adams. Walla Walla.
Benton. Yakima.

(u) Wisconsin.

Entire Counties

Brown. Manitowoc.
Calumet. Outagamie.
Dodge. Racine.
Fond du lac. Sheboygan.
Jefferson. Washington.
Kenosha. Waukesha.
Kewaunee.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Columbia: Hampden.
Winnebago: Clayton.

(v) Wyoming.

Entire Counties

Big Horn. Laramie.
Converse. Washakie.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Goshen: T. 19 N., R. 61 W.
Park: T. 56 N., R. 98 W.; T. 56 N., R. 99 W.;
T. 57 N., R. 99 W.

Statement of bases and considerations.
One of the conditions of eligibility of a sugar beet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugar beet crop. The purpose of this supplement is to give notice that specific counties and

local producing areas have qualified under the requirements with respect to the 1959 crop of sugar beets and that any sugar beet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpretations or applies sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

EMERY E. JACOBS,
Deputy Administrator, Production Adjustment, Commodity Stabilization Service.

MARCH 21, 1961.

[F.R. Doc. 61-2612; Filed, Mar. 23, 1961; 8:49 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 849.2 Rev., Supp. 1]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA

Prevented Acreage Credit; 1959 Crop § 849.3 Approved local areas for the 1959 crop of sugar beets.

For purposes of considering eligibility for prevented acreage credit, the respective Agricultural Stabilization and Conservation County Committees have determined with respect to the local producing areas listed herein that on ten percent or more of the sugar beet farms in each area, or on ten percent or more of the total proportionate share acreage established for farms in each area, the planting of sugar beets was prevented because of drought, flood, storm, freeze, disease or insects or the planting or harvesting was prevented by other similar abnormal and uncontrollable conditions determined by the Deputy Administrator for Production Adjustment in accordance with § 849.2 of this chapter.

(a) California.

County and areas

Kern: T. 11 N., R. 19 W.; T. 11 N., R. 20 W.; T. 11 N., R. 21 W.; T. 26 S., R. 23 E.; T. 26 S., R. 24 E.; T. 26 S., R. 25 E.; T. 26 S., R. 26 E.; T. 27 S., R. 22 E.; T. 27 S., R. 26 E.; T. 28 S., R. 23 E.; T. 28 S., R. 26 E.; T. 29 S., R. 26 E.; T. 30 S., R. 27 E.; T. 31 S., R. 27 E.; T. 31 S., R. 29 E.; T. 32 S., R. 26 E.; T. 32 S., R. 28 E.; T. 32 S., R. 29 E.

(b) Colorado.

County and areas

Pueblo: T. 22 S., R. 63 W.
Delta: T. 14 S., R. 95 W.

(c) Michigan.

County and areas

Huron: Bloomfield, Gore-Rubicon, Sheridan, Sigel, Sandbeach, Meade, Verona.
Ionia: Sebewa.
Monroe: Ash, La Salle, Frenchtown, Raisinville.
St. Clair: Brockway, Burtchville, Clyde, Ft. Gratiot.
Sanilac: Bridgehampton, Elk, Elmer, Flynn, Maple Valley, Marion, Marlette, Minden, Moore, Speaker, Watertown, Wheatland.

(d) New Mexico.

County and areas

Torrance: T. 8 N., R. 9 E.

(e) Utah.

County and areas

Sevier: A, B, C.
San Pete: F, G, J, K, L, M, N.
Millard: A, B, D, E, F, G.
Carbon: Carbon.

Statement of bases and considerations.
One of the conditions of eligibility of a sugar beet producer for prevented acreage credit as provided in § 849.2 of this chapter is that the farm of such producer be located in a local producing area for which the Agricultural Stabilization and Conservation County Committee determines that the planting or harvesting of sugar beets was adversely, seriously and generally affected by certain uncontrollable natural conditions on ten percent or more of the sugar beet farms in the area or on ten percent or more of the total proportionate share acreage established for farms in the area.

The purpose of this supplement is to give notice that specific local producing areas have qualified under the requirements of § 849.2 with respect to the 1959 crop of sugar beets.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpretations or applies sec. 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

EMERY E. JACOBS,
Deputy Administrator, Production Adjustment, Commodity Stabilization Service.

MARCH 21, 1961.

[F.R. Doc. 61-2613; Filed, Mar. 23, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 697; Amdt. 271]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

Failures have occurred in the wing spar boom attach joints at both the outer wing joint and at the innerwing joint of Viscount 700 Series aircraft. Although the spar material on 700 Series aircraft is considered more critical, it is necessary to require inspection of both the 745D and the 810 Series aircraft since all Viscount aircraft are equally susceptible to bolt overtightening. Furthermore, to preclude further occurrence of spar cracking, it is necessary to remove, inspect, and refit bolts in accordance with the manufacturer's instructions within a specified time. Subsequent investigation shows that stress corrosion is a factor along with bolt tightening. Therefore compliance is required in terms of calendar time.

Since safety of the aircraft is involved, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount 745D and 810 Series aircraft.

Compliance required as indicated.

As a result of reported cracks in the inner and outer wing spar attachment joint lugs, inspections were made and seven aircraft were found to have cracks in the lugs. These cracks may occur on any one of the fingers of the lugs and appear to originate in the taper holes and then generally progress in a direction parallel to the lug. Accordingly, the following must be accomplished:

(a) Not later than April 30, 1961, inspect for cracks using the ultrasonic method or an FAA approved equivalent all the inner wing to outer wing spar boom attachment joint lugs, top and bottom, right and left, and the center section to inner wing spar attachment joint lugs, top and bottom, right and left, in the region of the taper bolt holes.

(1) If cracks are found in any of the lower spar boom joints, replacement with new spar booms is required prior to further flight.

(2) If there are no cracks in any of the lower spar boom joints, aircraft having cracks in the top spar boom joints within the limits specified in (i) are serviceable provided the inspection of (a) is repeated on all top joints within three months' calendar time, commencing from the initial inspection date and every three months' calendar time thereafter.

(i) Not more than one crack is present in any one top joint, permitting a maximum of one crack in each of the four top joints, i.e., a total of four cracks per aircraft. The extent of permissible cracks are those extending completely between two adjacent holes of one lug only; extending completely to end of lug on one lug only; or between the bolt hole nearest the boom body and a line one inch from this hole towards the body of the boom, on one lug only.

(3) If cracks beyond the limits specified in a (a) (2) (i) are found in any of the top spar boom joints, replacement with a new top spar boom is required prior to further flight; except that, when there are no cracks in any of the lower spar boom joints and the extent of the cracking in the top spar boom joints has been reported to Vickers-Armstrong for evaluation and the operator has obtained and presented to the FAA approval for flight from Vickers-Armstrong based upon such evaluation, the aircraft may be flown in accordance with CARs 1.76 and 1.77 to a base where replacement with a new top spar boom can be accomplished.

(b) Not later than December 31, 1961, the following revised method of fitting wing spar taper attachment bolts must be accomplished to prevent further occurrence of spar cracking.

Remove all wing spar taper attachment bolts, top and bottom, right and left. Bolts must be stripped and replated with cadmium before refitted in accordance with the revised procedure detailed in the applicable PTL referenced below. After refitting of bolts, conduct an ultrasonic inspection of the joint, for cracks, at this time. Note particu-

larly the sequence given in the PTL for the removal and refitting of the center section to inner wing attachment bolts.

(Vickers-Armstrong Co. PTL 230 (700 Series) Issue 3, as amended and PTL 97 (810 Series) Issue 2, as amended cover this subject.)

This amendment shall become effective March 24, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 17, 1961.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61-2579; Filed, Mar. 23, 1961;
8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-25]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Control Area Extension

The purpose of this amendment to § 601.1353 is to correct the description of the Charleston, W. Va., control area extension.

The Charleston control area extension is presently described in part as bounded on the northwest by VOR Federal airway No. 45. However, in Airspace Docket No. 60-NY-66 (25 F.R. 7205), VOR Federal airway No. 45 was renumbered VOR Federal airway No. 493. Therefore, action is taken herein to delete VOR Federal airway No. 45 from the description of the Charleston control area extension and to substitute VOR Federal airway No. 493 therefor.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary. This amendment may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.1353 (25 F.R. 2794) "No. 45" is deleted and "No. 493" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 17, 1961.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 61-2580; Filed, Mar. 23, 1961;
8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Ad- ministration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 61-2320, appearing at page 2248 of the issue for Friday, March 17, 1961, the amendment of § 200.77 should read: "Section 200.77 is amended to delete paragraph (o)."

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONU- MENTS

Shenandoah National Park, Virginia; "Fishing for Fun" in Certain Streams

On page 13787 of the FEDERAL REGISTER of December 28, 1960, there was published a notice and text of a proposed amendment to § 7.15(a) (1) and (3) of Title 36, Code of Federal Regulations. The purpose of the amendment is to designate certain streams where "fishing for fun" only is permitted and to limit hours of fishing.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER. (39 Stat. 535; 16 U.S.C. 3)

R. TAYLOR HOSKINS,
Superintendent,
Shenandoah National Park.

Section 7.15 is amended by revising paragraph (a) (1) and (3) to read as follows:

§ 7.15 Shenandoah National Park.

(a) *Fishing*—(1) *Applicability of regulations.* The regulations in this section shall govern fishing on those portions of all streams lying wholly within the Park, except for the Rapidan and Staunton Rivers and their tributaries

where "fishing for fun" only is permitted with the following restrictions in addition to those set out in subparagraphs (3), (7), and (8) of this paragraph:

- (i) Fishing is restricted to artificial flies or lures having one barbless hook.
- (ii) No fish of any size may be in possession at any time. All fish caught

must be handled carefully and returned immediately to the stream.

Along those portions of the streams which follow the boundary line of the Park, the State of Virginia laws and regulations governing fishing shall apply.

* * * * *

(3) *Season.* The opening date of the trout fishing season and the permissible hours of fishing shall conform with those of the State of Virginia and shall close on the same date as the State, or October 15, whichever date is earlier.

[F.R. Doc. 61-2597; Filed, Mar. 23, 1961; 8:47 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 3]

[Docket No. 13961]

CERTAIN BROADCAST APPLI- CATIONS FORMS

Order Extending Time for Filing Comments

In the matter of amendment of section IV (Statement of Program Service) of Broadcast Applications Forms 301, 303, 314, and 315, Docket No. 13961.

The Commission having under consideration (1) the above-captioned proceedings; and (2) the petition filed on March 14, 1961, by the National Association of Broadcasters requesting that the time for filing comments in said proceedings be extended to May 1, 1961; and

It appearing that good and sufficient cause has been shown for said extension and that the public interest would be served thereby;

It is ordered, This 21st day of March 1961, that the time for filing comments in the above-captioned proceedings is extended to and including May 1, 1961,

and the time for filing reply comments is extended to and including May 10, 1961.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2605; Filed, Mar. 23, 1961;
8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 61-WA-5]

SPECIAL USE AIRSPACE

Reopening of Comment Period

In a notice of proposed rule making published in the FEDERAL REGISTER on February 4, 1961 (26 F.R. 1098), it was stated that the Federal Aviation Agency was considering the alteration of the lateral size and designated altitudes of the Vieques Island, P.R., Restricted Area (R-7104).

In accordance with the terms of the notice, the time for public comment expired 45 days after the date of publica-

tion of the notice. However, the Department of the Navy has informed the Federal Aviation Agency that it wishes to present additional data on the matter. This request appears to be reasonable. Therefore, in order to provide the Navy and other interested persons a further opportunity to submit additional written data, views or arguments, the date for filing such material is extended herein to April 15, 1961.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-5 is extended to April 15, 1961. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

Issued in Washington, D.C., on March 22, 1961.

R. E. THOMAS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-2627; Filed, Mar. 23, 1961;
8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55339]

COAL, COKE, AND BRIQUETTES IMPORTED FROM CERTAIN COUNTRIES

Taxable Status

MARCH 20, 1961.

Coal, coke made from coal, and coal or coke briquettes imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1961, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in section 4531, Internal Revenue Code of 1954:

Belgium.
Canada.
Japan.
Korean Republic.
Netherlands.
United Kingdom.

Certain countries from which there have been no importations of coal or allied fuels since January 1, 1959, are not included in the above list. Further information concerning the taxable status of coal or allied fuels imported during the taxable year 1961 from countries not listed above will be furnished upon application therefor to the Bureau of Customs.

[SEAL]

D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 61-2598; Filed, Mar. 23, 1961;
8:47 a.m.]

Office of the Secretary

[1961 Department Circular No. 1058]

3% PERCENT TREASURY BONDS OF 1966

Offering of Bonds

MARCH 20, 1961.

I. Offering of bonds. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3% percent Treasury Bonds of 1966, at par, in exchange for a like face amount of 2½ percent Treasury Bonds of 1963, dated December 15, 1954, due August 15, 1963. Interest will be adjusted as of March 15, 1961, as set forth in Section IV hereof. Subscriptions are invited up to an amount not to exceed \$3,000,000,000, or thereabouts. If subscriptions exceed this amount they will be subject to allotment. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to issue in exchange to Government Investment

Accounts an aggregate amount not to exceed \$250,000,000 of the bonds offered hereunder and the bonds offered simultaneously under Department Circular No. 1059. The books will be open only on March 20 through March 22, 1961, for the receipt of subscriptions for this issue. Delivery of the new bonds will be made on March 30, 1961.

2. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the 2½ percent Treasury Bonds of 1963, due August 15, 1963, solely for the 3% percent Treasury Bonds of 1966. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. Description of bonds. 1. The bonds will be dated March 15, 1961, and will bear interest from that date at the rate of 3% percent per annum, payable on a semiannual basis on November 15, 1961, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1966, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Only the Federal Reserve Banks and the Treasury De-

partment are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Subscriptions will be received without deposit from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by the deposit of 2½ percent Treasury Bonds of 1963, due August 15, 1963, in the face amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered bonds submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in Section V hereof.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par for bonds allotted hereunder must be made on or before March 30, 1961, or on later allotment, and may be made only in 2½ percent Treasury Bonds of 1963, due August 15, 1963. Coupons dated August 15, 1961, and all subsequent coupons, must be attached to the bonds in coupon form when surrendered. Accrued interest from February 15 to March 15, 1961 (\$1.93370 per \$1,000), on the bonds surrendered will be paid subscribers, in the case of bearer bonds following their acceptance, and in the case of registered bonds following discharge of registration. In the case of registered bonds, payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. Assignment of registered bonds. 1. After allotment Treasury Bonds of 1963 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States,

Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3% percent Treasury Bonds of 1966"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3% percent Treasury Bonds of 1966 in the name of -----"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3% percent Treasury Bonds of 1966 in coupon form to be delivered to -----". Detached assignment forms may be used for the convenience of subscribers.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-2590; Filed, Mar. 23, 1961;
8:46 a.m.]

[1961 Department Circular No. 1059]

3% PERCENT TREASURY BONDS OF 1967

Offering of Bonds

MARCH 20, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3% percent Treasury Bonds of 1967:

(1) at par in exchange for 2½ percent Treasury Notes of Series A-1963, dated April 15, 1958, due February 15, 1963;

(2) at par in exchange for 2¼ percent Treasury Bonds of 1959-62, dated June 1, 1945, due June 15, 1962; or

(3) at 100.30 percent of their face value in exchange for 2¼ percent Treasury Bonds of 1959-62, dated November 15, 1945, due December 15, 1962. The cash payment due from the subscriber (\$3.00 per \$1,000) to the Treasury on account of the issue price of the new bonds issued in exchange for the 2¼ percent Treasury bonds due December 15, 1962, will be deducted from the accrued interest payable to the subscriber as provided in Section IV, payment, hereof.

Interest will be adjusted as of March 15, 1961, as set forth in Section IV hereof. Subscriptions are invited up to an amount not to exceed \$5,000,000,000, or

thereabouts. If subscriptions exceed this amount they will be subject to allotment. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to issue in exchange to Government Investment Accounts an aggregate amount not to exceed \$250,000,000 of the bonds offered hereunder and the bonds offered simultaneously under Department Circular No. 1058. The books will be open only on March 20 through March 22, 1961, for the receipt of subscriptions for this issue. Delivery of the new bonds will be made on March 30, 1961.

2. *Nonrecognition of gain or loss for Federal income tax purposes.* Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 3% percent Treasury Bonds of 1967. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated March 15, 1961, and will bear interest from that date at the rate of 3% percent per annum, payable on a semiannual basis on November 15, 1961, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1967, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions

generally may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Subscriptions will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by the deposit of any of the eligible securities enumerated in paragraph one of section I hereof, in the face amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered bonds submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in section V hereof.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before March 30, 1961, or on later allotment, and may be made only in a like face amount of the eligible securities enumerated in paragraph one of Section I hereof. Coupons dated August 15, 1961, and all subsequent coupons, must be attached to the Treasury Notes of Series A-1963 when surrendered, and accrued interest from February 15 to March 15, 1961 (\$2.03039 per \$1,000), will be paid to subscribers. Coupons dated June 15, 1961, and all subsequent coupons, must be attached to the 2¼ percent Treasury Bonds of 1959-62, in coupon form, when surrendered. Accrued interest from December 15, 1960, to March 15, 1961 (\$5.56319 per \$1,000), on the bonds due June 15, 1962, will be paid to subscribers. Accrued interest from December 15, 1960, to March 15, 1961 (\$5.56319 per \$1,000), on the bonds due December 15, 1962, will be credited, the payment (\$3.00 per \$1,000) due to the United States (paragraph 1.3) of Section I hereof) will be charged, and the difference (\$2.56319 per \$1,000) will be paid to subscribers. Payments to subscribers will be made in the case of bearer securities following their acceptance and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. After allotment Treasury Bonds of

1959-62 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3 7/8 percent Treasury Bonds of 1967"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3 7/8 percent Treasury Bonds of 1967 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3 7/8 percent Treasury Bonds of 1967 in coupon form to be delivered to _____". Detached assignment forms may be used for the convenience of subscribers.

VI. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-2591; Filed, Mar. 23, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on March 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after March 1, as using humane methods on March 1, or a later date in March will be listed in a supplemental

list. Previously published lists represented establishments reported in February or March 1961, as humanely slaughtering and handling the designated species of livestock on February 1 or some later date in February 1961 (26 F.R. 1742 and 2006). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establish-

ment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	()	()	()	()	()	()
Do.	2AT	()	()	()	()	()	()
Do.	2C	()	()	()	()	()	()
Do.	2E	()	()	()	()	()	()
Do.	2F	()	()	()	()	()	()
Do.	2H	()	()	()	()	()	()
Do.	2LT	()	()	()	()	()	()
Do.	2SD	()	()	()	()	()	()
Do.	2WN	()	()	()	()	()	()
Swift and Co.	3AC	()	()	()	()	()	()
Do.	3AE	()	()	()	()	()	()
Do.	3AF	()	()	()	()	()	()
Do.	3AN	()	()	()	()	()	()
Do.	3AW	()	()	()	()	()	()
Do.	3B	()	()	()	()	()	()
Do.	3C	()	()	()	()	()	()
Do.	3CC	()	()	()	()	()	()
Do.	3D	()	()	()	()	()	()
Do.	3E	()	()	()	()	()	()
Do.	3F	()	()	()	()	()	()
Do.	3FF	()	()	()	()	()	()
Do.	3K	()	()	()	()	()	()
Do.	3L	()	()	()	()	()	()
Do.	3N	()	()	()	()	()	()
Do.	3R	()	()	()	()	()	()
Do.	3S	()	()	()	()	()	()
Do.	3UU	()	()	()	()	()	()
Do.	3W	()	()	()	()	()	()
Do.	3Z	()	()	()	()	()	()
Do.	6C	()	()	()	()	()	()
Lykes Bros., Inc., of Georgia	8.	()	()	()	()	()	()
The Cudahy Packing Co.	10	()	()	()	()	()	()
Hygrade Food Products Corp.	12	()	()	()	()	()	()
Do.	12A	()	()	()	()	()	()
Do.	12C	()	()	()	()	()	()
Do.	12D	()	()	()	()	()	()
Do.	12G	()	()	()	()	()	()
Do.	12P	()	()	()	()	()	()
Mickelberrys Food Products Co.	16	()	()	()	()	()	()
John Morrell and Co.	17	()	()	()	()	()	()
Do.	17A	()	()	()	()	()	()
Do.	17D	()	()	()	()	()	()
C. Finkbeiner, Inc.	18	()	()	()	()	()	()
The Cudahy Packing Co.	19	()	()	()	()	()	()
The Cudahy Packing Co., of Nebraska	19E	()	()	()	()	()	()
Wilson and Co., Inc.	20N	()	()	()	()	()	()
Do.	20Q	()	()	()	()	()	()
Do.	20Y	()	()	()	()	()	()
Brander Meat Co.	25	()	()	()	()	()	()
American Packing Co.	26	()	()	()	()	()	()
The Sperry and Barnes Co.	27C	()	()	()	()	()	()
Patrick Cudahy, Inc.	28	()	()	()	()	()	()
Kreinberg and Krasny, Inc.	30	()	()	()	()	()	()
Rosglein Provision Co.	32	()	()	()	()	()	()
Valleydale Packers, Inc.	34	()	()	()	()	()	()
Armour and Co.	35	()	()	()	()	()	()
Montana Packing Co., Inc.	37	()	()	()	()	()	()
Armour and Co.	40	()	()	()	()	()	()
Sunnyland Packing Co.	43	()	()	()	()	()	()
Stark Wetzel and Co., Inc.	44	()	()	()	()	()	()
Do.	44A	()	()	()	()	()	()
Consolidated Dressed Beef Co., Inc.	47	()	()	()	()	()	()
Lackawanna Beef and Provision Co.	49	()	()	()	()	()	()
Nevada Meat Packing Co.	52	()	()	()	()	()	()
Midwestern Beef, Inc.	53	()	()	()	()	()	()
Glover Packing Co., of Amarillo	60	()	()	()	()	()	()
Weiland Packing Co., Inc.	61	()	()	()	()	()	()
Malone Packing Co.	63	()	()	()	()	()	()
The Quaker Oats Co.	67E	()	()	()	()	()	()
Minchs Wholesale Meats, Inc.	72	()	()	()	()	()	()
Eastern Packing Co.	74E	()	()	()	()	()	()
Armour and Co.	75	()	()	()	()	()	()
The Braun Brothers Packing Co.	79	()	()	()	()	()	()
City Packing Co.	80	()	()	()	()	()	()
Edgar Packing Co.	84	()	()	()	()	()	()
Excel Packing Co., Inc.	86	()	()	()	()	()	()
The E. Kahns Sons Co.	89	()	()	()	()	()	()
Hygrade Food Products Corp.	90	()	()	()	()	()	()
Sugardale Provision Co.	92	()	()	()	()	()	()
The P. Brennan Co.	94	()	()	()	()	()	()
The Val Decker Packing Co.	95	()	()	()	()	()	()
Wm. G. Rehms Sons	96	()	()	()	()	()	()
John Engelhorn and Sons	97	()	()	()	()	()	()
A. Kochs Sons	98	()	()	()	()	()	()
Armour and Co.	100	()	()	()	()	()	()
H. Graver Co.	103	()	()	()	()	()	()
Swift and Co.	104	()	()	()	()	()	()
Aurora Packing Co., Inc.	110	()	()	()	()	()	()
Wilson and Co., Inc.	111	()	()	()	()	()	()
Hoffman Packing Co., Inc.	112	()	()	()	()	()	()
West Coast Meat Co., Inc.	117	()	()	()	()	()	()
Wilson and Co., Inc.	119	()	()	()	()	()	()
E. J. Archie and Sons, Inc.	122	()	()	()	()	()	()
Peyton Packing Co.	126	()	()	()	()	()	()
Superior Packing Co.	127	()	()	()	()	()	()
The Luer Packing Co.	128	()	()	()	()	()	()

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
John Roth and Son, Inc	130	☉				☉	
Tobin Packing Co., Inc	133	☉				☉	
Armour and Co.	139	☉	☉	☉		☉	
Edward J. Kluener, Inc	142	☉				☉	
Stead Weiler Packing Co.	153	☉				☉	
Joel E. Harrell and Son, Inc	162	☉				☉	
Swift and Co.	168A	☉				☉	
Armour and Co.	177	☉				☉	
Peerless Packing Co.	180	☉				☉	
Montrose Beef Co.	181	☉				☉	
The Bath Packing Co.	186	☉				☉	
Do	186C	☉				☉	
Fort Dodge Packing Co., Inc	187	☉				☉	
Krey Packing Co.	192	☉				☉	
John Morrell and Co.	196	☉				☉	
Hynes Packing Co.	197	☉				☉	
George A. Hornel and Co.	199	☉				☉	
Do	199I	☉				☉	
Do	199N	☉				☉	
Cudahy Packing Co.	202	☉				☉	
The Cudahy Packing Co.	203A	☉				☉	
EMGE Packing Co., Inc	205	☉				☉	
Heinz Riverside Abattoir, Inc	210	☉				☉	
Penn Packing Co.	212	☉				☉	
Elburn Packing Co.	213	☉				☉	
Knelp Packing Co.	213C	☉				☉	
Lincoln Meat Co.	217	☉				☉	
York Packing Co., Inc	220	☉				☉	
Gwaltney, Inc.	221A	☉				☉	
Armour and Co.	222	☉				☉	
Hygrade Food Products Corp.	224B	☉				☉	
Custom Processing Co., Inc	227	☉				☉	
Gold Merit Packing Co., Inc	232	☉				☉	
Walt I. Schilling and Co., Inc	235	☉				☉	
Raskin Packing Co.	237	☉				☉	
Armour and Co.	238	☉				☉	
Greenwood Packing Plant	242	☉				☉	
John Morrell and Co.	246	☉				☉	
The Danahy Packing Co.	247	☉				☉	
Swift and Co.	249	☉				☉	
Suber Edwards and Co.	250	☉				☉	
The Jones Dairy Farm	263	☉				☉	
Pacific Meat Co., Inc	267	☉				☉	
Houston Packing Co.	271	☉				☉	
Wilson and Co., Inc	273	☉				☉	
Bookey Packing Co.	276	☉				☉	
Agar Packing Co., Inc	282	☉				☉	
Figge and Hutweller Co.	283	☉				☉	
Solano Meat Co.	285	☉				☉	
Roessler Packing Co. of Erie	286	☉				☉	
Arbogast and Bastian Co.	290	☉				☉	
The H. H. Meyer Packing Co	291	☉				☉	
San Jose Meat Co.	292	☉				☉	
Stoux City Dressed Fork, Inc	298	☉				☉	
Gus Juegling and Son, Inc	301	☉				☉	
Waldeck Packing Co.	302	☉				☉	
Great Falls Meat Co.	303	☉				☉	
Commercial Packing Co., Inc	305	☉				☉	
Do	305A	☉				☉	
Star Packing Co.	306	☉				☉	
Survall Packing Co.	307	☉				☉	
Yellow Springs Co.	311	☉				☉	
Webb Packing Co., Inc	312	☉				☉	
Webb Packing Co.	316	☉				☉	
Estelar Packing Co.	319	☉				☉	
Turlock Meat Co.	320	☉				☉	
Frisco Packing Co.	325	☉				☉	
C and M Meat Packing Corp.	327	☉				☉	
Royal Packing Co.	329	☉				☉	
Sokolik Packing Co.	331A	☉				☉	
Shapiro Packing Co., Inc	332	☉				☉	
Great Western Packing Co., Inc	334	☉				☉	
Nobles Independent Meat Co.	335	☉				☉	
Des Moines Packing Co.	340	☉				☉	
Peters Packing Co., Inc	341	☉				☉	
Anza Packing Co.	341	☉				☉	
Samuels E. Tex Packing Co.	351	☉				☉	
Fremo Meat Packing Co.	353	☉				☉	
McCandless Packing Co., Inc	354	☉				☉	
Do	355	☉				☉	

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Heil Packing Co.	357	☉				☉	
Marks Meat Co.	362	☉				☉	
Meyers Packing Co.	363	☉				☉	
United Dressed Beef Co.	364	☉				☉	
James Allan and Sons	365	☉				☉	
Fischer Packing Co.	374	☉				☉	
The John Hilberg and Sons Co.	375	☉				☉	
Cross Bros. Meat Packers, Inc	376	☉				☉	
Emge Packing Co., Inc	380	☉				☉	
Smithfield Packing Co., Inc	382	☉				☉	
American Stores Co.	384	☉				☉	
Liebmann Packing Co.	388	☉				☉	
Dugdale Packing Co.	390	☉				☉	
Roth Packing Co.	394	☉				☉	
The Northside Packing Co.	395	☉				☉	
Dubuque Packing Co.	396	☉				☉	
Logan Packing Co.	397	☉				☉	
Watsonville Dressed Beef, Inc	398	☉				☉	
Superior Packing Co.	399	☉				☉	
Los Baños Abattoir	400	☉				☉	
Seebeek Packing Co.	404	☉				☉	
Vendinot Bros.	406	☉				☉	
Endlich Packing Co., Inc	410	☉				☉	
Alpine Packing Co.	412	☉				☉	
The L. H. Day Packing Co.	413	☉				☉	
First Morn Meats	414	☉				☉	
Philadelphia Boneless Beef Co.	418	☉				☉	
Murray Packing Co., Inc	421	☉				☉	
F. W. Kneip, Inc of Iowa	422	☉				☉	
The Collins Packing Co.	423	☉				☉	
Hebron Packing Co., Inc	425	☉				☉	
Lone Star Packing Co.	433	☉				☉	
Monarch Meat Packing Co.	435	☉				☉	
Queen Packing Corp.	436	☉				☉	
Schneider Packing Co.	439	☉				☉	
Omaha Dressed Beef Co.	441	☉				☉	
Prime Packing Co., Inc	443	☉				☉	
Del Curto Meat Co.	445	☉				☉	
Peerless Packing Co., Inc	448	☉				☉	
Rosenthal Packing Co. of Paris	451	☉				☉	
Swift and Co.	459	☉				☉	
Morris Rifkin and Sons Inc	460	☉				☉	
Pioneer Provision Co.	461	☉				☉	
Lancaster Packing Co.	462	☉				☉	
Beowar Packing Co.	467	☉				☉	
Cornhusker Packing Co.	468	☉				☉	
Eckert Packing Co.	471	☉				☉	
Middletown Beef Co., Inc	483	☉				☉	
St. Cloud Meat Packing Co.	485	☉				☉	
East Tennessee Packing Co.	487	☉				☉	
Memphis Butchers Association, Inc	488	☉				☉	
Nebraska Beef Co.	489	☉				☉	
Golding Packing Co., Inc	490	☉				☉	
Mid State Packers Inc.	497	☉				☉	
Triangle Meat Distributors, Inc	499	☉				☉	
Heim Brothers Packing Co	501	☉				☉	
Greenlee Packing Co	506	☉				☉	
Swift and Co.	507	☉				☉	
B. Rothschild and Co.	508	☉				☉	
Greensfelder Packing Co.	509	☉				☉	
Armour and Co.	521	☉				☉	
Illinois Packing Co.	524	☉				☉	
Pearl Packing Co., Inc	528	☉				☉	
Armour and Co.	532	☉				☉	
Smallwood Packing Co., Inc	535	☉				☉	
Omaha Packing Co.	537	☉				☉	
Rosenthal Packing Co., Inc	537A	☉				☉	
Oscar Mayer and Co., Inc	537C	☉				☉	
Do	538	☉				☉	
Midwest Packing Co.	546	☉				☉	
Little Dressed Meats, Inc	549	☉				☉	
Pittie Packing Co., Inc	550	☉				☉	
Salter Packing Co.	551	☉				☉	
Black Hills Packing Co.	554	☉				☉	
Mid South Packers, Inc	557	☉				☉	
The Cudahy Packing Co.	559	☉				☉	
D and W Packing Co.	560	☉				☉	
Henry Land Packing Co.	562	☉				☉	
John Morrell and Co.	564	☉				☉	

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Texas Meat Packers, Inc.	565	(C)	(C)				
Frosty Morn Meats, Inc.	576	(C)	(C)			(C)	
Armour and Co.	579	(C)	(C)			(C)	
Kingsford Packing Co., Inc.	581	(C)	(C)			(C)	
City of Austin Municipal Abattoir	590	(C)	(C)			(C)	
Swift and Co.	591	(C)	(C)			(C)	
San Antonio Packing Co.	596	(C)	(C)			(C)	
New York Central Packing Co.	602	(C)	(C)			(C)	
National Tea Co.	610	(C)	(C)			(C)	
Kummer Packing Co.	612	(C)	(C)			(C)	
Acme Meat Co., Inc.	618	(C)	(C)			(C)	
Hill Packing Co.	623E	(C)	(C)			(C)	
Big Foot Packing Co., Inc.	627	(C)	(C)			(C)	
E. A. Miller and Sons Packing Co., Inc.	628	(C)	(C)			(C)	
General Meat Co.	632	(C)	(C)			(C)	
Ember Bros. Packers	633	(C)	(C)			(C)	
Zipron Bro., Inc.	635	(C)	(C)			(C)	
R and C Packing Co.	645	(C)	(C)			(C)	
Spencer Packing Co.	648	(C)	(C)			(C)	
The William Schludberg T. J. Kurdle Co.	649	(C)	(C)			(C)	
John Morrell and Co.	650	(C)	(C)			(C)	
Negie Packing Co.	653	(C)	(C)			(C)	
Milwaukee Dressed Beef Co.	654	(C)	(C)			(C)	
Baum's Bologna, Inc.	657	(C)	(C)			(C)	
St. Louis Dressed Beef Co.	659	(C)	(C)			(C)	
Glenn Packing Co.	661	(C)	(C)			(C)	
Grown Dressed Beef Co.	663	(C)	(C)			(C)	
Union Packers Sons, Inc.	671	(C)	(C)			(C)	
Jacob Bauers Sons, Inc.	673	(C)	(C)			(C)	
Armour and Co.	678	(C)	(C)			(C)	
Cascade Meats, Inc.	680	(C)	(C)			(C)	
Haas Davis Packing Co., Inc.	682	(C)	(C)			(C)	
Nations Brothers Packing Co.	684	(C)	(C)			(C)	
The William Fokes Sons Co.	685	(C)	(C)			(C)	
The Sucher Packing Co.	689	(C)	(C)			(C)	
Bryan Meat Co.	693	(C)	(C)			(C)	
Kramer Beef Co.	695	(C)	(C)			(C)	
Davenport Packing Co., Inc.	716	(C)	(C)			(C)	
Crawford County Packing Co.	717	(C)	(C)			(C)	
The Joseph N. Rice Co.	719	(C)	(C)			(C)	
Coast Packing Co.	724	(C)	(C)			(C)	
Swift and Co.	726	(C)	(C)			(C)	
The Quaker Oats Co.	734E	(C)	(C)			(C)	
Jacob Schlachters Sons Co.	739	(C)	(C)			(C)	
Howard Pancero and Co.	747	(C)	(C)			(C)	
Ruchti Bros.	749	(C)	(C)			(C)	
Luck Brothers Cooperative Packing Co.	753	(C)	(C)			(C)	
Monroe Packing Co., Inc.	755	(C)	(C)			(C)	
Settz Packing Co., Inc.	756A	(C)	(C)			(C)	
Philadelphia Dressed Beef Co.	758	(C)	(C)			(C)	
Earl C. Gibbs, Inc.	770	(C)	(C)			(C)	
Earl C. Gibbs Meat Co.	773	(C)	(C)			(C)	
Modern Meat Packing Co.	774	(C)	(C)			(C)	
Atlas Packing Co.	775	(C)	(C)			(C)	
The Cuddehly Packing Co.	778	(C)	(C)			(C)	
Bryan Brothers Packing Co.	780	(C)	(C)			(C)	
Diamond Meat Co., Inc.	781	(C)	(C)			(C)	
Wimp Packing Co., Inc.	791	(C)	(C)			(C)	
Baums Meat Packing	792	(C)	(C)			(C)	
Max Bauer Meat Packer	800	(C)	(C)			(C)	
The G. Erhardt Sons, Inc.	811	(C)	(C)			(C)	
McFarland, Inc.	810	(C)	(C)			(C)	
Midwest Packing Co., Inc.	812	(C)	(C)			(C)	
William N. Peters, Inc.	813	(C)	(C)			(C)	
Rochester Independent Packer, Inc.	817	(C)	(C)			(C)	
Henry Meyers Sons, Inc.	822	(C)	(C)			(C)	
Home Packing Co.	823	(C)	(C)			(C)	
Penford Packing Co.	827	(C)	(C)			(C)	
Bristol Packing Co.	828	(C)	(C)			(C)	
Berehems Meat Co.	830	(C)	(C)			(C)	
Norman Peters Packing Co.	834	(C)	(C)			(C)	
Nat Buring Packing Co of Ark, Inc.	837B	(C)	(C)			(C)	
Frederick County Products, Inc.	838	(C)	(C)			(C)	
Herman Kempers Sons	839	(C)	(C)			(C)	
Geeltoot Packing Co.	840	(C)	(C)			(C)	
G. Barnusch Packing Co.	843	(C)	(C)			(C)	
N. J. Garden State Provision Co., Inc.	851	(C)	(C)			(C)	

determined that in DeWitt County, Texas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of March 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-2614; Filed, Mar. 23, 1961; 8:49 a.m.]

Done at Washington, D.C., this 21st day of March 1961.

C. H. PAIS,
Director, Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 61-2608; Filed, Mar. 23, 1961; 8:48 a.m.]

Office of the Secretary
TEXAS

Designation of Area for Production
Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 238-61]

PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

Functions Assigned to Civil Rights Division

Amendment of section 10(a) of Order No. 175-59, relating to recommendations referred to the Department by the President's Committee on Equal Employment Opportunity.

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and as Attorney General of the United States, section 10(a) of Order No. 175-59 of January 19, 1959, relating to functions assigned to the Civil Rights Division of the Department of Justice, is hereby amended by adding at the end thereof the following new item:

(10) Functions of the Department of Justice under subsections (b) and (c) of section 312 of Executive Order No. 10925 of March 6, 1961, entitled "Establishing the President's Committee on Equal Employment Opportunity."

This order shall become effective upon the effective date of Executive Order No. 10925 of March 6, 1961.

Dated: March 17, 1961.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 61-2595; Filed, Mar. 23, 1961; 8:47 a.m.]

[Order No. 239-61]

PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

Assignment of Functions

By virtue of the authority vested in me by Executive Order No. 10925 of March 6, 1961, and as Attorney General of the United States, I hereby order as follows:

1. Pursuant to section 102(c) of Executive Order No. 10925, I hereby designate John L. Seigenthaler, Assistant to the Attorney General, as the alternate for the Attorney General on the President's Committee on Equal Employment Opportunity.

2. I hereby assign to the alternate for the Attorney General the responsibility for conducting the studies of departmental employment practices, and for preparing the reports and recommendations, required by section 202 of Executive Order No. 10925.

3. (a) The regulations prescribed by Order No. 155-55 of November 21, 1955, entitled "Regulations for Effectuating the Policy and Provisions of Executive Order No. 10590 in the Department of Justice," are hereby reaffirmed. All references in those regulations to the "Pres-

ident's Committee on Government Employment Policy" shall be deemed to be references to the "President's Committee on Equal Employment Opportunity."

(b) The designation made by Order No. 179-59 of March 31, 1959, of Laurence H. Axman of the Civil Division as the Employment Policy Officer of the Department of Justice is hereby reaffirmed, and Mr. Axman is hereby redesignated as the Employment Policy Officer of the Department of Justice. The Employment Policy Officer is hereby authorized to designate Deputy Employment Policy Officers, in individual cases, to perform functions of the Employment Policy Officer at places outside of Washington, D.C., whenever travel considerations make it impracticable for the Employment Policy Officer to perform those out-of-town functions, and a qualified officer or employee of the department is available at, or near, the place where those functions are to be performed.

(c) Order No. 179-59 is hereby revoked.

4. This order shall become effective upon the effective date of Executive Order No. 10925 of March 6, 1961.

Dated: March 17, 1961.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 61-2596; Filed, Mar. 23, 1961; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (INTENTIONAL SECURITY AFFAIRS)

Delegation of Authority Regarding Security Trade Controls on Foreign Excess Personal Property

The Deputy Secretary of Defense approved the following on March 10, 1961:

I. *Purpose.* The purpose of this directive is to set forth the security trade control policy governing the sales of United States military foreign excess property.

II. *Applicability and scope.* This directive is applicable to sales of all foreign excess personal property and contractor inventory located in foreign areas, except as provided by the Assistant Secretary of Defense (International Security Affairs) in supplementary instructions.

III. *Policy.* It is the policy of the Department of Defense that United States military foreign excess personal property will not be sold directly or indirectly to the Sino-Soviet Bloc, and other areas designated by the Assistant Secretary of Defense (International Security Affairs).

IV. *Controls.* Adequate safeguards and controls will be exercised over sales to preclude property under the control of the DoD from reaching the Sino-Soviet Bloc and other areas by:

A. Inclusion of appropriate terms and conditions in the contract of sale.

B. Assuring that buyers are acceptable from the United States viewpoint.

C. Obtaining knowledge of the buyers' intended use and destination of the property.

D. The use of measures designed to preclude diversion and, when appropriate, to verify that property reached the acceptable destination designated by the buyer(s).

V. *Delegation of authority.* The Assistant Secretary of Defense (International Security Affairs), after coordination with the Assistant Secretary of Defense (Installations and Logistics) is authorized, subject to the authority, direction, and control of the Secretary of Defense as provided by law, to take the necessary action, including the issuance of instructions, to supplement or to make exceptions to this directive.

Delegation of authority published at 24 F.R. 3255 is hereby superseded and canceled.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-2589; Filed, Mar. 23, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI61-388-RI61-401]

ATLANTIC REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

MARCH 16, 1961.

Atlantic Refining Company (Operator), Docket No. RI61-388; Atlantic Refining Company, Docket No. RI61-389; Nafco Oil & Gas, Inc., Docket No. RI61-390; Sun Oil Company, Docket No. RI61-391; Humble Oil & Refining Company, Docket No. RI61-392; Texaco Inc. (Operator), et al., Docket No. RI61-393; Texaco Inc., Docket No. RI61-394; Columbian Carbon Company, Docket No. RI61-395; Edwin L. Cox, Docket No. RI61-396; Edwin L. Cox (Operator), et al., Docket No. RI61-397; Cities Service Petroleum Company (Operator), et al., Docket No. RI61-398; United Carbon Company, Inc., Docket No. RI61-399; Henderson Trusts, Docket No. RI61-400; Pan American Petroleum Corporation (Operator), et al., Docket No. RI61-401.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia, except the sale by Pan American Petroleum Corporation (Operator), et al., which is made at a pressure base of 15.025 psia and the sale by Columbian Carbon Company made at 15.325 psia.

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R161-388...	Atlantic Refining Co. (Operator), P.O. Box 2819, Dallas 21, Tex.	10	4	El Paso Natural Gas Co. (El Paso), (Denton Gas Plant, Lea County, New Mex.).	\$21,686	2-16-61	3-19-61	8-19-61	13.9836	17.0816	G-18566
R161-389...	Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	11	4	El Paso (Langlie-Mattix Field, Lea County, New Mex.).	2,833	2-16-61	3-19-61	8-19-61	13.3495	15.5744	G-18913
		15	6	do.	730	2-16-61	3-19-61	8-19-61	13.3495	15.5744	G-18913
		17	5	El Paso (S. Eunice Field, Lea County, New Mex.).	1,128	2-16-61	3-19-61	8-19-61	13.3495	15.5744	G-18913
		18	7	El Paso (Langlie-Mattix Field, Lea County, New Mex.).	162	2-16-61	3-19-61	8-19-61	13.3495	15.5744	G-18913
		19	5	do.	2,023	2-16-61	3-19-61	8-19-61	13.3495	15.5744	G-18913
		26	7	El Paso (Slaughter Field, Cochran, Hockley, and Terry Counties, Tex.).	19,919	2-16-61	3-19-61	8-19-61	14.0611	17.0979	G-18913
		28	21	El Paso (Spraberry Field, Midland, Glasscock, Upton, and Reagan Counties, Tex.).	28,451	2-16-61	3-19-61	8-19-61	14.1724	17.2295	G-18913
		29	9	El Paso (Payton Field, Ward and Pecos Counties, Tex.).	3,834	2-16-61	3-19-61	8-19-61	14.1724	15.7092	G-18913
		139	3	El Paso (Crosby Devonian Field, Lea County, New Mex.).	1,610	2-16-61	3-19-61	8-19-61	13.3495	15.5744	G-18913
		140	5	El Paso (Block 9 Field, Andrews County, Tex.).	11,115	2-16-61	3-19-61	8-19-61	8.0768	13.68225	
		208	4	El Paso (Headlee Gas Plant, Ector County, Tex.).	372	2-16-61	3-19-61	8-19-61	11.0528	17.1148	
R161-390...	Nafco Oil & Gas, Inc., Vaughn Building, Dallas, Tex.	7	5	Tennessee Gas Transmission Co. (Carthage Field, Panola County, Tex.).	7,475	2-15-61	3-18-61	8-18-61	12.62	14.4248	
R161-391...	Sun Oil Co., 1608 Walnut Street, Philadelphia 3, Pa.	110	2	Natural Gas Pipeline Co. of America (Natural Gas Pipeline) (Camrick Field, Beaver County, Okla.).	430	2-15-61	3-21-61	8-21-61	16.8	17.0	RI60-185
R161-392...	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	253	2	Natural Gas Pipeline (Camrick Field, Beaver County, Okla.).	146	2-16-61	3-21-61	8-21-61	16.8	17.0	
		191	13	Natural Gas Pipeline (Camrick SE. Field, Texas County, Okla.).	5,323	2-16-61	3-21-61	8-21-61	16.8	17.0	² RI60-186
		213	4	Natural Gas Pipeline (Camrick SE. Field, Beaver County, Okla.).	62	2-16-61	3-21-61	8-21-61	16.8	17.0	³ RI60-186
		215	4	do.	205	2-16-61	3-21-61	8-21-61	16.8	17.0	⁴ RI60-186
		220	4	do.	47	2-16-61	3-21-61	8-21-61	16.8	17.0	⁵ RI60-186
		227	3	do.	36	2-16-61	3-21-61	8-21-61	16.8	17.0	⁶ RI60-186
		229	3	do.	10	2-16-61	3-21-61	8-21-61	16.8	17.0	⁷ RI60-186
		242	2	do.	365	2-16-61	3-21-61	8-21-61	16.8	17.0	⁸ RI60-186
		202	7	Panhandle Eastern Pipe Line Co. (Enns Field, Texas County, Okla.).	4,982	2-24-61	3-27-61	8-27-61	16.6	16.8	⁹ RI60-186
		200	4	Natural Gas Pipeline (Beaver County, Okla.).	65	2-27-61	5-10-61	10-10-61	16.8	17.0	¹⁰ RI60-361
		190	4	Natural Gas Pipeline (Texas County, Okla.).	3	2-27-61	3-30-61	8-30-61	16.4	17.0	¹¹ G-14261
R161-393...	Texaco Inc. (Operator), et al., P.O. Box 2332, Houston, Tex.	133	27	Natural Gas Pipeline (Camrick SE. Field, Texas and Beaver Counties, Okla.).	491	2-16-61	3-21-61	8-21-61	16.8	17.0	¹² RI60-183
R161-394...	Texaco Inc., P.O. Box 2332, Houston, Tex.	195	1	Natural Gas Pipeline (Camrick SE. Field, Texas County, Okla.).	68	2-16-61	3-21-61	8-21-61	16.6	17.0	
		198	1	Natural Gas Pipeline (Camrick SE. Field, Beaver County, Okla.).	428	2-16-61	3-21-61	8-21-61	16.6	17.0	
R161-395...	Columbian Carbon Co., 380 Madison Avenue, New York 17, N.Y.	1	4	Hope Natural Gas Co. (Mingo, Logan, and McDowell Counties, W. Va.).	1,036	2-17-61	3-20-61	8-20-61	26.0	27.0	G-11751
R161-396...	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex.	15	5	Panhandle Eastern Pipe Line (Texas County, Okla.).	248	2-20-61	3-23-61	8-23-61	16.6	16.8	¹³ RI60-203
R161-397...	Edwin L. Cox (Operator), et al., 2100 Adolphus Tower, Dallas, Tex.	19	3	Natural Gas Pipeline (Beaver County, Okla.).	568	2-20-61	3-23-61	8-23-61	16.8	17.0	¹⁴ RI60-192
R161-398...	Cities Service Petroleum Co. (Operator), et al. Cities Service Building, Bartlesville, Okla.	94	4	Panhandle Eastern Pipe Line Co. (Taloga Field, Morton County, Kans.).	4,444	2-27-61	4- 1-61	9- 1-61	15.0	16.0	
R161-399...	United Carbon Co., Inc., P.O. Box 1503, Houston 1, Tex.	1	15	Colorado Interstate Gas Co. (Panhandle Field, Hutchinson County, Tex.).	25,586	2-27-61	4- 1-61	9- 1-61	16.0512	17.0544	G-17614
R161-400...	Henderson Trusts, c/o Ray W. Richards, Attorney, P.O. Box 189, Amarillo, Tex.	1	8	do.	71,090	2-27-61	4- 1-61	9- 1-61	16.0512	17.0544	G-17615
R161-401...	Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa, 2, Okla.	173	14	United Fuel Gas Co. (S. Pecan Lake, Little Pecan Lake, and Lake Sand Fields, Cameron Parish, La.).	168,998	2-27-61	4- 1-61	9- 1-61	20.4	20.8	¹⁵ RI60-126

¹ The stated effective dates are the first day after the required thirty days' notice or, if later, the date proposed by respondent.
² Also subject to orders in Docket Nos. G-17990, G-14667, and G-12208.
³ Also subject to orders in Docket No. G-18090.
⁴ Also subject to orders in Docket No. G-18325.
⁵ Also subject to orders in Docket Nos. G-17990 and G-14666.
⁶ Also subject to orders in Docket Nos. G-18463 and G-15176.

⁷ Also subject to orders in Docket No. G-11752.
⁸ Also subject to orders in Docket Nos. G-17996, G-14620, and G-12207.
⁹ Also subject to orders in Docket Nos. G-18103 and G-14497.
¹⁰ Also subject to orders in Docket No. G-18104.
¹¹ Also subject to orders in Docket Nos. G-18106, G-14730, G-12285, G-10144, and G-8614.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 17, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2538; Filed, Mar. 23, 1961;
8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
CALIFORNIA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MARCH 17, 1961.

Plat of survey of the following described land accepted December 9, 1960, will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a.m., on April 21, 1961:

MOUNT DIABLO MERIDIAN

T. 11 S., R. 26 E.

This plat represents a retracement and reestablishment of the west boundary (T. 11 S., R. 27 E.) and the south boundary (T. 10 S., R. 26 E.), designed to restore the corners

in their true original location according to the best available evidence and the survey of a portion of the subdivisions of T. 11 S., R. 26 E.

Sec. 36.

The area described aggregates 656.40 acres of public land in the Sierra National Forest.

The area may be generally described as rough, broken, and mountainous. Elevations vary from 2,400 feet to 7,500 feet. Paterson Bluffs trend northwest from the southeast corner of T. 11 S., R. 26 E. There are numerous live streams and deep ravines in the area. The land is forested by yellow pine, sugar pine, red cedar, and white fir with black and live oak. The vegetation found on the brushy and undergrowth sites consists of manzanita, oak brush, tar bush, willow, dogwood, and wild cherry. Soil consists of rocky clay loam with bedrock frequently exposed. There are a few mountain meadows. The area has no agricultural potential and is valuable primarily for timber production, watershed, and big game habitat.

Subject to any valid existing rights and the requirements of applicable law the land is hereby opened to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a.m., on April 21, 1961.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 61-2582; Filed, Mar. 23, 1961;
8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-123]

OCEANIC STEAMSHIP CO.

Notice of Application and of Hearing

Notice is hereby given of the application of the Oceanic Steamship Company for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit this Company's parent organization, Matson Navigation Company, to charter its owned C2-type ship, the "SS Hawaiian Banker", to Pope & Talbot, Inc., for operation in the Intercoastal Service for a period of from two to four months, such charter period to commence on or about April 1, 1961. This application may be inspected by interested parties in the Office of the Hearing Examiners, Federal Maritime Board/Maritime Administration, Washington, D.C.

A hearing on the application has been set for March 30, 1961, at 9:30 a.m., e.s.t., in Room 4519, General Accounting Office Building, 441 "G" Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on March 29, 1961, notify the Secretary, Federal Maritime Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which petition

shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board/Maritime Administration, petitions for leave to intervene received after the close of business on March 29, 1961, will not be granted in this proceeding.

Dated: March 22, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-2623; Filed, Mar. 23, 1961;
8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK & WILCOX CO.

Notice of Issuance of Amendment to Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Office of the Federal Register on March 2, 1961, the Atomic Energy Commission has issued Amendment No. 1 to Facility License No. CX-12. The amendment authorizes The Babcock & Wilcox Company, as requested in its applications for license amendment dated December 5, 1960, and January 11, 1961, to modify its split-table critical facility located in Bay No. 2 in its Critical Experiment Laboratory located near Lynchburg, Virginia, for the conduct of exponential experiments using heavy water systems and to conduct such experiments at power levels not exceeding one kilowatt (thermal). The amendment also authorizes the possession and use of byproduct, special nuclear, and source material in connection with the facility.

Notice of the proposed action was published in the FEDERAL REGISTER on March 3, 1961, 26 F.R. 1881.

Dated at Germantown, Md., this 20th day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 61-2578; Filed, Mar. 23, 1961;
8:45 a.m.]

BYPRODUCT, SOURCE AND SPECIAL NUCLEAR MATERIALS IN QUANTITIES NOT SUFFICIENT TO FORM A CRITICAL MASS

Criteria for Guidance of States and AEC in Discontinuance of AEC Regulatory Authority and Assumption Thereof by States Through Agreement

INTRODUCTION

1. Please take notice that the criteria set out herein were developed to implement a program, authorized by Public Law 86-373 (73 Stat. 688) which was en-

acted in the form of a new section to the Atomic Energy Act of 1954, as amended (section 274) and approved by the President on September 23, 1959. Under the provisions of this Amendment, when an agreement between a state and the AEC is effected, the Commission will discontinue its regulatory authority within that state over one or more of the following materials: Byproduct material (radioisotopes), source material (uranium and thorium) and special nuclear material (Uranium 233, Uranium 235 and plutonium) in quantities not sufficient to form a critical mass.¹

2. An agreement may be effected between a state and AEC: (1) Upon certification by the governor that the state has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the state covered by the proposed agreement and the state desires to assume regulatory responsibility for such materials; and (2) the AEC makes a finding that the state program is compatible with the Commission's program for the regulation of such materials, and is adequate to protect the health and safety with respect to the materials covered by the proposed agreement.

3. After discussions with various state officials and other state representatives, the Atomic Energy Commission drafted proposed criteria to provide guidance and assistance to the states and the AEC in developing a regulatory program which would be compatible with that of the AEC. The criteria were circulated among states, Federal agencies, labor and industry, and other interested groups for comment.

4. On August 22 and 23, 1960, the Commission's Advisory Committee of State Officials met in Washington, D.C., at which time the members expressed their views with respect to the proposed criteria and evaluated the comments which had been received as of that date. The proposed criteria were rewritten after full consideration of the Committee's recommendations and comments received subsequent to the meeting.

5. The criteria require that the state authority consider the total accumulated occupational radiation exposure of individuals. To facilitate such an approach, it is the view of the AEC that an overall radiation protection program is desirable. The maximum scope of each state's radiation protection program is not, however, a necessary or appropriate subject for coverage in the criteria. Consequently, the criteria are silent on the question of whether a state should have a total regulatory program covering all sources of radiation, including those not subject to control by the AEC under the Atomic Energy Act, such as X-rays, radium, accelerators, etc.

6. Inquiries about details of the criteria or other aspects of the AEC's Federal-State Relations Program should be addressed to the State-AEC Relations Branch of the Office of Health and

Safety, U.S. Atomic Energy Commission, Washington 25, D.C.

OBJECTIVES

1. *Protection, development.* A state regulatory program shall be designed to protect the health and safety of the people against radiation hazards thereby encouraging the constructive uses of radiation.

RADIATION PROTECTION STANDARDS²

2. *Standards.* The state regulatory program shall adopt a set of standards for protection against radiation, which shall apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.

3. *Uniformity in radiation standards.* It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by Part 20 of the AEC regulations based on officially approved radiation protection guides.

For the past 30 years, the National Committee on Radiation Protection and Measurements (NCRP) has been studying the entire area of permissible radiation dose, and during that time has made recommendations on the permissible radiation exposure. It has been the policy of the Atomic Energy Commission to follow recommendations of the NCRP. Since the establishment of the Federal Radiation Council in 1959, the AEC follows the recommendations of the Council, as approved by the President. The basic radiation exposure standards in 10 CFR Part 20, represent the legal adaption of these recommendations.

4. *Total occupational radiation exposure.* The regulatory authority shall consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.

5. *Surveys, monitoring.* Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

6. *Labels, signs, symbols.* It is desirable to achieve uniformity in labels, signs and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

7. *Instruction.* Persons working in or frequenting controlled areas³ shall be instructed with respect to the hazards of excessive exposure to radioactive mate-

² Suggested state regulations and state legislation will give content to all criteria enunciated.

³ "Controlled area" means any area access to which is controlled by the licensee for the purpose of radiation protection. "Controlled areas" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a controlled area.

rials and in precautions to minimize exposure.

8. *Storage.* Licensed radioactive material in storage shall be secured against unauthorized removal.

9. *Waste disposal.* The standards for the disposal of radioactive materials into the air, water, and sewers, and burial in the soil shall be in accordance with Part 20. Holders of radioactive material desiring to release or dispose of quantities in excess of the prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

10. *Regulations governing shipment of radioactive materials.* The state shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the Federal Government (AEC, Interstate Commerce Commission, Federal Aviation Agency, Treasury Department (Coast Guard), and Post Office) whose jurisdiction over interstate shipment of such materials necessarily continues.

11. *Records and reports.* The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disposals of materials; (b) keep records of the receipt and transfers of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of his exposure to radiation; (e) at request of an employee advise him of his annual radiation exposure; and (f) inform each employee in writing when he has received radiation exposure in excess of the prescribed limits.

12. *Additional requirements and exemptions.* Consistent with the overall criteria here enumerated and to accommodate special cases or circumstances, the regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

PRIOR EVALUATION OF USES OF RADIOACTIVE MATERIALS

13. *Prior evaluation of hazards and uses, exceptions.* In the present state of knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing re-appraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—

¹ A summary of the Commission's regulatory program covering these materials is available upon request.

those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

14. *Evaluation criteria.* In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls.

15. *Human use.* The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally, licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.

INSPECTION

16. *Purpose, frequency.* The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine, and to assist in obtaining, compliance with regulatory requirements.

Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

17. *Inspections compulsory.* Licensees shall be under obligation by law to provide access to inspectors.

18. *Notification of results of inspection.* Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

ENFORCEMENT

19. *Enforcement.* Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

PERSONNEL

20. *Qualifications of regulatory and inspection personnel.* The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the

proposed use to be evaluated and inspected. This requires competency to evaluate various potential radiological hazards associated with the many uses of radioactive material and includes concentrations of radioactive materials in air and water, conditions of shielding, the making of radiation measurements, knowledge of radiation instruments—their selection, use and calibration—laboratory design, contamination control, other general principles and practices of radiation protection, and use of management controls in assuring adherence to safety procedures.

To perform these functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. For example, the person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection. It is desirable that such a person have a bachelor's degree or equivalent in the physical or life sciences, and specific training in radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These people should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and

inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, the trainee could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

SPECIAL NUCLEAR MATERIAL

21. *Conditions applicable to special nuclear material.* Nothing in the state's regulatory program shall interfere with the duties imposed on the holder of the materials owned by the AEC, for example, the duty to report to the AEC, on AEC prescribed forms (1) transfers of special nuclear material, and (2) periodic inventory data.

22. *Special nuclear material defined.* Special nuclear material, in quantities not sufficient to form a critical mass, for present purposes means uranium enriched in the isotope U 235 in quantities not exceeding 350 grams of contained U 235 uranium 233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination should not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and is within the formula, as follows:

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

(This definition is subject to change by future Commission rule or regulation.)

ADMINISTRATION

23. State practices for assuring the fair and impartial administration of regulatory law, including provision for public participation where appropriate, should be incorporated in procedures for:

a. Formulation of rules of general applicability;

b. Approving or denying applications for licenses or authorizations to possess and use radioactive materials; and

c. Taking disciplinary actions against licensees.

ARRANGEMENTS FOR DISCONTINUING AEC JURISDICTION

24. *State agency designation.* The state should indicate which agency or agencies will have authority for carrying on the program and a summary of the

legal authority. There should be assurances against duplicate regulation and licensing by state and local authorities, and it may be desirable that there be a single or central regulatory authority.

25. *Existing AEC licenses and pending applications.* In effecting the discontinuance of jurisdiction, appropriate arrangements will be made by AEC and the state to ensure that there will be no interference with or interruption of licensed activities or the processing of license applications, by reason of the transfer. For example, one approach might be that the state, in assuming jurisdiction, could recognize and continue in effect, for an appropriate period of time under state law, existing AEC licenses, including licenses for which timely applications for renewal have been filed, except where good cause warrants the earlier re-examination or termination of the license.

26. *Relations with federal government and other states.* There should be an interchange of Federal and state information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

27. *Coverage, amendments, reciprocity.* An agreement providing for discontinuance of AEC regulatory authority and the assumption thereof by the state may relate to any one or more of the following categories of materials within the state, as contemplated by Public Law 86-373:

- a. Byproduct materials,
- b. Source materials,
- c. Special nuclear materials in quantities not sufficient to form a critical mass;

but must relate to the whole of such category or categories and not to a part of any category. If less than the three categories are included in any discontinuance of jurisdiction, discontinuance of AEC regulatory authority and the assumption thereof by the state of the others may be accomplished subsequently by an amendment or by a later agreement.

The agreement may incorporate by reference provisions of other documents, including these criteria, and the agreement shall be deemed to incorporate without specific reference the provisions of Public Law 86-373 and the related provisions of the Atomic Energy Act.

Arrangements should be made for the reciprocal recognition of state licenses and Federal licenses in connection with out-of-the-jurisdiction operations by a state or Federal licensee.

For the Atomic Energy Commission.

Dated at Germantown, Md., this 21st day of March 1961.

WOODFORD B. McCool,
Secretary.

[F.R. Doc. 61-2587; Filed, Mar. 23, 1961; 8:46 a.m.]

No. 56—6

CIVIL AERONAUTICS BOARD

[Docket 12231]

PAKISTAN INTERNATIONAL AIRLINES CORP.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference is assigned to be held on the above-entitled application on March 28, 1961, at 10:00 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., March 21, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-2606; Filed, Mar. 23, 1961; 8:48 a.m.]

[Docket 12229]

RIDDLE AIRLINES, INC., AND AEROVIAS SUD AMERICANA, INC.

Notice of Prehearing Conference

In the matter of the application of Riddle Airlines, Inc. and Aerovias Sud Americana, Inc. under section 408 and such other sections of the Federal Aviation Act of 1958, as amended, as may be applicable, for approval of the merger of Aerovias Sud Americana, Inc. into Riddle Airlines, Inc.

Notice is hereby given that a prehearing conference is assigned to be held on the above-entitled matter at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., on March 30, 1961, before Examiner James S. Keith.

Dated at Washington, D.C., March 21, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-2607; Filed, Mar. 23, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13667-13672; FCC 61M-463]

ALTUS BROADCASTING CO. (KWHW) ET AL.

Order Scheduling Hearing

In re applications of The Altus Broadcasting Company (KWHW), Altus, Oklahoma, Docket No. 13667, File No. BP-12520; Charles L. Cain, El Reno, Oklahoma, Docket No. 13668, File No. BP-12546; KGFF Broadcasting Company, Incorporated (KGFF), Shawnee, Oklahoma, Docket No. 13669, File No. BP-12588; Plains Broadcast Company, Inc. (KWNM), Portales, New Mexico, Docket No. 13670, File No. BP-13236; Woodward Broadcasting Company (KS-IW), Woodward, Oklahoma, Docket No.

13671, File No. BP-13330; Snyder Broadcasting Company (KSNY), Snyder, Texas, Docket No. 13672, File No. BP-13446; for construction permits.

The Hearing Examiner having under consideration his order released January 23, 1961, postponing indefinitely the then scheduled date of January 23, 1961, for commencement of hearing to allow the applicants, as requested, time to prepare a joint petition for reconsideration and grant of all applications addressed to the Commission, grant of which would eliminate the necessity for hearing; and

It appearing that counsel for the applicants in this proceeding have advised the Hearing Examiner that in view of the Commission's recent Memorandum Opinion and Order released February 17, 1961, in re Martinsburg Broadcasting Company (WEPM), 21 R.R. 219, hearing in the instant case will be required, and that the Hearing Examiner finds it appropriate so to proceed with the hearing;

It is ordered, This 20th day of March 1961, on the Hearing Examiner's own motion, that the hearing in this proceeding shall be commenced at 10:00 a.m., March 27, 1961.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2599; Filed, Mar. 23, 1961; 8:47 a.m.]

[Docket No. 13771; FCC 61M-461]

COLUMBIA RIVER BROADCASTERS, INC.

Order Continuing Hearing

In re application of Columbia River Broadcasters, Inc., Mount Vernon, Washington, Docket No. 13771, File No. BP-11933; for construction permits.

The Hearing Examiner having under consideration a "Petition for Continuance" filed March 16, 1961, by Columbia River Broadcasters, Inc., in the above-entitled matter, and

It appearing, that the Petition requests that the hearing now scheduled for March 23, 1961, be continued until April 27, 1961, and

It further appearing, that a continuance until April 27, 1961, would conflict with the Hearing Examiner's schedule, and

It further appearing, that good cause for a continuance of the hearing has nevertheless been shown, and

It further appearing, that all parties to the proceeding have agreed to a continuance.

It is ordered, This 17th day of March 1961, that the aforesaid Petition for Continuance is granted insofar as it requests a continuance of the now scheduled hearing but is denied insofar as it requests a hearing until the specific date, April 27, 1961, and

It is further ordered, That, accordingly, the hearing in this matter be and it hereby is continued until 10:00 a.m.,

May 9, 1961, in the Commission's offices in Washington, D.C.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2600; Filed, Mar. 23, 1961;
8:47 a.m.]

[Docket No. 13949; FCC 61M-455]

JEFFERSON COUNTY BROADCASTING CO.

Order Continuing Hearing

In re application of Paul Metcalfe, Kenneth Dearstone, and Ray Smith, d/b as the Jefferson County Broadcasting Company, Jefferson City, Tennessee, Docket No. 13949, File No. BP-12824; for construction permit.

On the Examiner's own motion: *It is ordered*, This 16th day of March 1961, that hearing in the above-entitled proceeding now scheduled for April 12, 1961, is continued to a date to be determined at a pre-hearing conference to be held at 10:00 a.m., on April 12, 1961.

Released: March 17, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2601; Filed, Mar. 23, 1961;
8:47 a.m.]

[Docket Nos. 13985, 13986; FCC 61-344]

PALMETTO BROADCASTING CO. (WDKD)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of E. G. Robinson, Jr., tr/as Palmetto Broadcasting Company (WDKD), Kingstree, South Carolina, Docket No. 13985, File No. BR-2320; Docket No. 13986, File No. BL-7852; for renewal of license and for license to cover CP.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

The Commission having under consideration (1) the above captioned applications; (2) the Commission's letter of May 11, 1960, to said licensee; (3) the replies and affidavits dated June 10, 13, and 22, 1960, filed by said licensee; and (4) the Commission's field inquiry with respect to the operations of Station WDKD; and

It appearing, that in the Commission's letter of May 11, 1960, it was brought to said licensee's attention that the Commission had information, including tape recordings, concerning certain program material broadcast by said station, with particular reference to the Charlie Walker programs, and that said broadcast material was allegedly vulgar, sug-

gestive and susceptible of double meanings with possible indecent connotations; and

It further appearing, that in the licensee's replies and affidavits, said licensee disclaimed knowledge of the nature of the statements broadcast by said Charlie Walker over said radio station and stated further that immediately upon learning of the nature of the statements, said licensee discharged said Charlie Walker; and

It further appearing, that written and oral statements submitted to the Commission by the licensee with respect to the above matters contained misrepresentations and/or were lacking in candor; and

It further appearing, that the licensee failed to exercise a reasonable degree of control over programming material broadcast over said station consistent with operation in the public interest; and that program material was broadcast over his station which was coarse, vulgar, suggestive, and susceptible of indecent double meanings; and

It further appearing, that, after consideration of the foregoing, the Commission is unable to find that a grant of the subject applications would serve the public interest, convenience or necessity; and that said applications must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing at or near Kingstree, South Carolina, at a time to be specified in a subsequent Order, upon the following issues:

(1) To determine whether in its written or oral statements to the Commission with respect to the above matters, the licensee misrepresented facts to the Commission and/or was lacking in candor;

(2) To determine whether the licensee maintained adequate control or supervision of programming material broadcast over his station;

(3) To determine whether the licensee permitted program material to be broadcast over Station WDKD on the Charlie Walker show, particularly during the period between January 1, 1960, and April 30, 1960, which program material was coarse, vulgar, suggestive and susceptible of indecent, double meaning.

(4) To determine whether, in light of the evidence adduced with respect to the foregoing issues, the licensee possesses the requisite qualifications to be a licensee of the Commission;

(5) To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned applications would serve the public interest, convenience or necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and pre-

sent evidence on the issues specified in this order.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2602; Filed, Mar. 23, 1961;
8:48 a.m.]

[Docket No. 13993; FCC 61-352]

GEORGE SHANE

Order Designating Application for Hearing on Stated Issues

In re applications of George Shane, Victorville, California, Docket No. 13993, File No. BP-13276; Requests: 1450 kc, 250 w, U, IV, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, in a pre-hearing letter dated December 5, 1960, and incorporated herein by reference, the Commission notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues herein-after specified; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant applicant and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Stations KPRO, Riverside,

California, and KPAL, Palm Springs, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Imperial Broadcasting System, Incorporated, and KPAL Broadcasting Corporation, licensees of Stations KPRO and KPAL, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2603; Filed, Mar. 23, 1961;
8:48 a.m.]

[Docket Nos. 11081, 11083; FCC 61M-464]

**WORZ, INC., AND MID-FLORIDA
TELEVISION CORP.**

**Order Scheduling Prehearing
Conference**

In re applications of WORZ, Inc., Orlando, Florida, Docket No. 11081, File No. BPCT-1153; Mid-Florida Television Corporation, Orlando, Florida, Docket No. 11083, File No. BPCT-1801; for construction permits for new television stations (Channel 9).

It is ordered, This 20th day of March 1961, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., commencing at 9:30 a.m., Friday, March 24, 1961.

Released: March 20, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2604; Filed, Mar. 23, 1961;
8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-14]

**CONSTRUCTION OF AN ARRAY OF
NINE RADIO TOWERS**

No Airspace Objection; Correction

On March 2, 1961, there was published in the FEDERAL REGISTER (26 F.R. 1844)

OE Docket No. 61-FW-14, a Notice of No Airspace Objection. This notice indicated that the longitude of the proposed tower was 95°28'33" west. This was in error. Therefore, action is taken herein to correct the error.

In Paragraph No. 2, line 5, longitude 95°28'33" west is changed to read longitude 95°28'23" West.

This action is effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 17, 1961.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 61-2581; Filed, Mar. 23, 1961;
8:45 a.m.]

**SECURITIES AND EXCHANGE
COMMISSION**

[File No. 70-3946]

GULF POWER CO.

**Notice of Proposed Issuance of First
Mortgage Bonds for Sinking Fund
Purposes**

MARCH 17, 1961.

Notice is hereby given that Gulf Power Company ("Gulf"), a public-utility subsidiary company of The Southern Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rule 50(a) (5) thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows:

Gulf proposes to issue, on or prior to June 1, 1961, \$486,000 principal amount of its First Mortgage Bonds, 3¼ percent Series due 1984, and to surrender such bonds to the Trustee under the Indenture dated as of September 1, 1941, between Gulf and The Chase Manhattan Bank and The Citizens & Peoples National Bank of Pensacola, as Trustees, as amended and supplemented, in accordance with the sinking fund provisions thereof. The bonds are to be identical with those authorized by the Commission on June 14, 1954 (File No. 70-3252) and are to be issued on the basis of unfunded net property additions, thus making available for construction purposes cash which would otherwise be required to satisfy the sinking fund requirements.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$1,000.

The proposed transactions have been authorized by the Florida Railroad and Public Utilities Commission, the State commission of the State in which Gulf operates. The declaration states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 5, 1961, at 5:30 p.m., request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-2583; Filed, Mar. 23, 1961;
8:46 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

**FOURTH SECTION APPLICATIONS
FOR RELIEF**

MARCH 21, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36975: *Substituted service—Monon, et al., for Allied Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 30), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Hammond, Ind., or Chicago, Ill., on the one hand, and Indianapolis, Ind., Louisville, Ky., Atlanta, Ga., Birmingham, Mobile and Montgomery, Ala., Chattanooga, Memphis and Nashville, Tenn., New Orleans, La., and Pensacola, Fla., on the other, and between Norfolk, Va., and Chicago, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36976: *Substituted service—D&H, et al., for North American Van Lines, Inc., and United Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 31), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between specified points in official territory, on the one hand, and specified points in official, southern and western trunk line territories, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36977: *Liquefied petroleum gas—Utah and Wyoming to WTL territory*. Filed by Western Trunk Line Committee, Agent (No. A-2177), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, as described in the application, from Salt Lake City, Utah and specified points in Wyoming, to points in western trunk line territory.

Grounds for relief: Market competition, pipeline-truck competition, and grouping.

Tariffs: Supplement 159 to Western Trunk Line Committee's tariff I.C.C. A-4123, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-2584; Filed, Mar. 23, 1961;
8:46 a.m.]

[Notice 469]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 21, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the

order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63913. By order of March 17, 1961, the Transfer Board approved the transfer to Glen W. Cole, New Richmond, Wis., of the operating rights issued by the Commission, May 5, 1958 and October 31, 1960, to Merrill D. Roberts, Beach W. Roberts, and Robert A. Roberts, a partnership, doing business as Roberts Truck Lines, Sleepy Eye, Minn., under Certificates Nos. MC 116817 and MC 116817 Sub 1, respectively, authorizing the transportation, over irregular routes, of animal and poultry feeds, from New Richmond, Wis., to points in fifteen specified counties in Minnesota, manufactured feed ingredients, in bulk, from points in six specified counties in Minnesota, to New Richmond, Wis., manufactured feed ingredients, in bags, from points in five specified counties in Minnesota, to New Richmond, Wis., alfalfa meal and pellets, from points in Renville County, Minn., to New Richmond, Wis., and animal and poultry feeds, from New Richmond, Wis., to points in Dickinson and Emmet Counties, Iowa. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., attorney for applicants.

No. MC-FC 63964. By order of March 17, 1961, the Transfer Board approved the transfer to George Little, doing business as Bama Brokers, Montgomery, Ala., of the operating rights issued by the Commission, December 16, 1959, and November 3, 1960, to Jordan Enterprises, Inc., Montgomery, Ala., under Certificates Nos. MC 105726 and MC 105726 Sub 7, respectively, authorizing the transportation, over irregular routes, of agricultural machinery, cotton, cottonseed hulls, cottonseed meal, cottonseed, ordinary livestock, lumber, logs, poles,

nuts, pecans, peanuts, corn, hay, bananas, frozen fruits, frozen berries, and frozen vegetables, from, to, and between points in Georgia, Alabama, Florida, Missouri, Texas, Illinois, Louisiana, Kentucky, and Michigan. Hugh R. Williams, P.O. Box 869, Montgomery, Ala., attorney for applicants.

No. MC-FC 64009. By order of March 17, 1961, the Transfer Board approved the transfer to William P. Bursch, doing business as Bursch Trucking, Albuquerque, N. Mex., of the operating rights issued by the Commission, December 5, 1950, to Louis W. Oliver, doing business as L. W. Oliver, Mosquero, N. Mex., under Permit No. MC 29504, authorizing the transportation, over irregular routes, of livestock, feed, farm implements, and supplies and equipment incidental to the raising of livestock, between points in New Mexico, on the one hand, and, on the other, points in Texas, Oklahoma, Colorado, and Kansas. William J. Torrington, 1003 Maryland Trust Building, Baltimore 2, Md., attorney for applicants.

No. MC-FC 64030. By order of March 17, 1961, the Transfer Board approved the transfer to Crawford's Express, Inc., Millerton, N.Y., of the operating rights issued by the Commission August 14, 1953, to Francis A. Crawford, doing business as Crawford's Express, Millerton, N.Y. under Certificate No. MC 789, authorizing the transportation, over a regular route, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Millerton, N.Y., and Poughkeepsie, N.Y. John J. Brady, Jr., 75 State Street, Albany 7, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-2585; Filed, Mar. 23, 1961;
8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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